

# HIGH COURT OF KERALA

KERALA STATE HIGHER JUDICIAL SERVICE (PRELIMINARY) EXAMINATION, 2023

## QUESTION BOOKLET

Date of Examination: 02.07.2023

Roll Number:

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Maximum Marks: 150

Duration: 2 Hours (10 a.m. to 12.00 noon)

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### INSTRUCTIONS TO THE CANDIDATES

1. Candidates should write their Roll Number in their Question Booklets at the space provided for the purpose.
2. This Question Booklet contains 75 Objective Type Multiple Choice questions carrying two marks each. **One mark will be deducted for each incorrect answer.**
3. Candidates **should not open** their Question Booklets before 10 a.m. After opening the Question Booklet at 10 a.m., ensure that it contains 75 questions in serial order from 1 to 75. If there is any missing or illegibly printed questions, the matter should be brought to the notice of the Invigilator immediately and the Question Booklet should be got replaced.
4. In each questions, four options are given as (A), (B), (C) and (D). Answers to the questions should be marked in the separate OMR Answer Sheet by darkening the appropriate bubble(s) against the question number in the OMR Answer Sheet. Generally one answer will be correct. In such cases, if more options are marked as correct, it will be treated as incorrect answer. Some questions have multiple correct answers. For such questions, all the correct answers should be marked/indicated by darkening the appropriate bubbles. If any candidate darkens any of the wrong answer options or darkens only a part of the correct answer options, it will be treated as incorrect answer.
5. The candidates should use only **BLACK/BLUE Ballpoint** pen for filling the various entries and marking answers in the OMR Answer Sheet. Use of pencil, Gel pen or sketch pen and use of any ink other than black/blue is not permitted.
6. No candidate will be allowed to leave the examination hall without handing over the OMR Answer Sheet to the Invigilator. Candidates can take the Question Booklet with them.
7. Answer Key will be published in the wesbsite [www.hckrecruitment.nic.in](http://www.hckrecruitment.nic.in) after the examination.
8. Strict compliance of the instructions is essential. Any malpractice or attempt to commit any kind of malpractice in the examination will result in summary disqualification of the candidate.

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**PART- I**

1. An application seeking leave to amend the plaint is objected to on the ground that the dates based on which the proposed claim is pleaded are incorrect and if correct dates are reckoned, the claim will be barred by the law of limitation. Pleadings alone are available on record. What shall be the correct order?
  - A. Dismiss the application for amendment since the claim proposed to be added is alleged to be barred by the law of limitation.
  - B. Parties will be asked to produce evidence and postpone the decision till the trial in the suit is over.
  - C. Enquire into the question whether the claim proposed to be added is barred by the law of limitation or not and then take a decision on the application.
  - D. Allow the application since, the question whether the claim proposed to be added is barred by the law of limitation is not required to be enquired into and decided at that stage.
  
2. The Supreme Court of India, in Mohammad Ahmad v. Atma Ram Chouhan [(2011) 7 SCC 755] explained the law relating to fixation of fair rent and held that if present and prevalent market rent assessed and fixed between the parties is paid by the tenant, then the landlord shall not be entitled to bring any action for eviction against such a tenant at least for a period of 5 years. That decision was explained by a Full Bench of the High Court of Kerala in Rahul and others v. Sudheesh. K and another [2023(2) KLT 771] as follows:
  - A. Tenant is not precluded from filing an application under Section 5(1) of the Kerala Buildings (Lease and Rent Control) Act, 1965 within the period of five years.
  - B. Landlord is not precluded from filing an application under Section 5(1) of the Kerala Buildings (Lease and Rent Control) Act, 1965 within the period of five years.
  - C. Landlord is not precluded from filing an application under Section 11 of the Kerala Buildings (Lease and Rent Control) Act, 1965 within the period of five years.
  - D. Landlord and tenant are precluded from filing an application under Section 5(1) of the Kerala Buildings (Lease and Rent Control) Act, 1965.

3. The principles of law laid down in *Surya Dev Rai v. Ram Chander Rai and others*, [(2003) 6 SCC 675] were reconsidered by a larger bench of the Supreme Court of India in *Radhey Shyam and another v. Chhabi Nath and others* [(2015) 5 SCC 423] and held,-
- A. All interim orders of civil courts are amenable to revision under Section 115 of the Code of Civil Procedure, 1908
  - B. Judicial orders of Civil Courts are not amenable to writ jurisdiction under Art. 226 of the Constitution Of India.
  - C. Jurisdiction under Art. 227 is distinct from jurisdiction under Art. 226 of the Constitution of India.
  - D. All interim orders of civil courts are amenable to jurisdiction under Art. 226 and Art. 227 of the Constitution of India
4. An application for restitution under Section 144 of the Code of Civil Procedure, 1908 is filed to get back possession of the property sold in auction in execution of a decree for realisation of money following reversal of the decree. What distinction does it make if the decree-holder purchases and if a stranger purchases that property? Choose the most probable answer/s.
- A. Such an application is not maintainable
  - B. Where the purchaser is the decree-holder, he shall ordinarily be bound to restore the property to the judgment debtor
  - C. Where the purchaser is a stranger, he shall not ordinarily be bound to restore the property to the judgment debtor
  - D. Where the purchaser is the decree-holder or a stranger, both are not bound to restore the property to the judgment debtor
5. A scheme is framed in respect of a religious trust of public nature in a suit filed under Section 92 of the Code of Civil Procedure, 1908. A person who has an interest in the trust, but was not a party to the earlier suit, filed another suit under Section 92 to amend the scheme saying that the existing scheme does not bind him since he was not an *eo-nominee* party to the earlier suit. Choose from below the correct answer/s.
- A. An *eo-nominee* party alone is precluded from filing another suit to amend the scheme
  - B. Only remedy available in that situation is to file a new suit

- C. Proper remedy is to file an application in the earlier suit since such a suit is one in the representative capacity
  - D. Amendment of a scheme is not contemplated under the provisions of Section 92 of the Code of Civil Procedure.
6. Read the following assertions and choose the correct option/s.
- 1. A plea of res judicata can always be decided as a preliminary issue.
  - 2. A plea of res judicata based on a mixed issue of law and fact can always be decided as a preliminary issue
  - 3. A plea of res judicata may be determined as a preliminary issue when it raises neither a disputed question of fact nor a mixed question of law and fact.
- A. Statement No. 1 is correct.
  - B. Statement No. 2 is correct.
  - C. Statement No. 3 is correct.
  - D. Statements No. 1 to 3 are correct.
7. The Court fixed a time and date for inspection by the commissioner and gave notice to the parties to the suit requiring them to be present at the time of inspection of the property by the commission. When the Commissioner files his report, .....  
(Choose the correct option/s)
- A. the report shall be evidence in the suit and shall form part of the record only if the Commissioner is examined as a witness
  - B. the report shall be evidence in the suit and shall form part of the record even if the Commissioner is not examined as a witness
  - C. the report shall be evidence and shall form part of the record in any suit litigating between the same parties even if the Commissioner is not examined as a witness.
  - D. the report shall be evidence in the suit and shall form part of the record only if the Commissioner himself has given notice regarding the inspection of the property.
8. Munsiff decreed a suit for realisation of money on merits. The defendant filed an appeal. There was no stay. The appeal was

dismissed for default. Thereafter the plaintiff filed an execution petition. The execution petition is filed after 12 years from the date of the trial court decree, but immediately after the dismissal of the appeal. The execution petition .....

- A. is barred by the law of limitation
  - B. can be entertained if the court is satisfied that there is sufficient reason to exclude the period of pendency of the appeal from the period of limitation under the provisions of Section 14 of the Limitation Act, 1963
  - C. is not barred by the law of limitation since there is merger
  - D. can be entertained if there is sufficient cause for condoning the delay under Section 5 of the Limitation Act.
9. An application filed under Order IX, Rule 13 of the Code of Civil Procedure, 1908 is dismissed for default. An application for restoring that application is also dismissed for default. The applicant wants to get that application restored on file. Which among the following is/are the correct remark/s?
- A. An application under the provisions of Section 151 of the Code alone is possible.
  - B. An appeal under Section 104 of the Code is the only remedy
  - C. An application for review is the only remedy
  - D. An application for restoration is possible in the light of the provisions under Section 141 of the Code.
10. An appeal filed under Section 96 of the Code of Civil Procedure, 1908 was listed for hearing. The appellant or his counsel did not appear on that day. The District Judge has considered the grounds in the appeal memorandum and heard the counsel for the respondent, and on satisfying that there are no valid grounds to interfere with the impugned judgement, dismissed the appeal on merits giving sufficient reasons. Comment.
- A. The appellate court is obliged to decide the appeal on merits.
  - B. The appellate court is not empowered to decide the appeal on merits.



decree or order. The period for filing an appeal prescribed under Section 19(3) of the Family Courts Act, 1984 is 30 days from the date of the decree or order. As per Article 116 of the Limitation Act, 1963 the period of limitation for filing an appeal before the High Court against a decree or order of a civil court is 90 days. What is the period of limitation, if any, for filing an appeal before the High Court against a decree passed by a Family Court under the Hindu Marriage Act?

- A. Reasonable period since there is conflict between the provisions      B. 30 days  
C. No limitation      D. 90 days

15. A suit for realisation of money based on a dishonoured cheque is filed by a partnership firm, which was not registered at the time of receiving the cheque, but registered before filing of the suit. The defendant challenges maintainability of the suit on the ground that it is barred under Section 69(2) of the Indian Partnership Act, 1932. Which among the following statement/s is/are correct in the above context?

- A. If the partnership firm is registered at the time of institution of the suit, it can institute any kind of suit  
B. A partnership firm need not have a registration to institute any kind of suit  
C. An unregistered partnership firm can file a suit, if it is a suit for enforcing a contractual right  
D. An unregistered partnership firm can file a suit if it is a suit for enforcing a statutory right.

16. Trial of a suit for specific performance has begun. Evidence of the plaintiff is recorded. At that stage, the plaintiff filed a petition seeking leave to amend the plaint by including a relief of refund of the advance sale consideration as an alternative prayer. Can the petition be allowed in view of the bar in the proviso to Order VI Rule 17 of the Code of Civil Procedure, 1908?

- A. Bar in the proviso to Order VI Rule 17 of the Code of Civil Procedure attracts  
B. Bar in the proviso to Order VI Rule 17 of the Code of Civil Procedure attracts only if the entire evidence is recorded.

- C. Such an amendment is always a matter of discretion of the court
- D. Bar in the proviso to Order VI Rule 17 of the Code of Civil Procedure does not attract in a suit for specific performance.
17. In a suit for the recovery of possession of immovable property and mesne profits, the Court while passing the decree directed an inquiry as to the mesne profits to be held in the execution proceedings. The decree is ....
- A. correct since an inquiry as to mesne profits in such a suit can be had at any stage
- B. correct since an inquiry as to mesne profits in such a suit can be had only at the execution stage.
- C. incorrect since an inquiry as to mesne profits in such a suit shall be done at least at the final decree stage
- D. incorrect since an inquiry as to mesne profits in such a suit can be done at the preliminary decree stage alone.
18. In a suit for specific performance of an agreement for sale for a consideration of Rs. 50 lakhs, a decree for specific performance is denied, but a decree for return of advance sale consideration of Rs. 20 lakhs is granted. If the plaintiff files an appeal challenging the denial of the decree of specific performance, what would be the value for which court fees has to be paid?
- A. Rs. 50 lakhs                      B. Rs. 30 lakhs
- C. Rs. 20 lakhs                      D. Fixed court fee of Rs. 300/-
19. In a suit for injunction, the plaintiff produced a lease agreement. The defendant filed a written statement in which he contended that the lease agreement was insufficiently stamped. The Court then asked the plaintiff to pay the amount of deficit stamp duty in the lease agreement and a penalty of its ten times. The decision of the Court is .....
- A. correct in the light of the provision of Order XIII Rule 8 of the Code of Civil Procedure, 1908.
- B. correct since the Court has the power to impound insufficiently stamped instruments and to impose penalty at any stage of the proceedings.
- C. incorrect since the Rent Control Court alone has jurisdiction to impound insufficiently stamped lease agreements and to impose penalty.
- D. incorrect since the Court has the power to impound a lease agreement and to impose a penalty only if the document is tendered in evidence.

20. In an appeal filed under Section 96 of the Code of Civil Procedure, 1908 one of the grounds is that had the trial court allowed the application for appointment of a commission (which the trial court had dismissed) the decree would have been in his favour. Is that ground liable to be considered by the appellate court?
- A. No, since in an appeal against a decree, legality error, defect or irregularity of the decree alone can be considered.
  - B. Yes, since in an appeal against a decree, error, defect or irregularity in any order, affecting the decision of the case, can be considered.
  - C. No, since in an appeal against a decree, the executability of the decree alone can be considered.
  - D. Yes, if an appeal under Section 104 of the Code of Civil Procedure is also filed simultaneously.
21. In a rent control appeal filed by the tenant against an order of eviction, the landlord filed a petition under Section 12 of the Kerala Buildings (Lease and Rent Control) Act, 1965. After hearing both sides, the tenant was ordered to pay the amount of admitted arrears of rent which was quantified by the appellate authority. The tenant failed to make payment on or before the time fixed for the payment. What is the correct procedure the appellate authority shall take?
- A. Give an opportunity to show cause only if the tenant files an application seeking time.
  - B. Ask the landlord to file the appropriate application under Section 12(3) of the Kerala Buildings (Lease and Rent Control) Act, if he intends to get an order of eviction.
  - C. Stop the proceedings forthwith and order eviction.
  - D. Give an opportunity to the tenant to show cause and if he fails to show sufficient cause stop the proceedings and order eviction.
22. Construction of a tile factory is midway. A neighbour filed a suit for an injunction restraining further construction. The only contention of the defendant who is the owner of the tile factory is that in the light of the provisions of Section 41(ha) of the Specific Relief Act, 1963 such an order of injunction cannot be granted. That contention .....
- A. can be accepted, only in a case where the construction of the factory is yet to be commenced
  - B. cannot be accepted, since the plaintiff did not exhaust the other remedies.

- C. can be accepted, since a tile factory is an infrastructure project for the purpose of Section 41(ha) of the Specific Relief Act.
  - D. cannot be accepted, since a tile factory is not an infrastructure project for the purpose of Section 41(ha) of the Specific Relief Act.
23. Which among the following cannot be used as secondary evidence even if conditions stipulated in Section 65 of the Evidence Act, 1872 are satisfied?
- A. Copies made from or compared with the original.
  - B. Oral account by a person who saw a copy of the document.
  - C. Counterparts of documents as against the parties who did not execute them.
  - D. Oral accounts of the contents of a document given by some person who has himself seen it.
24. Which among the following agreement/s is/are void?
- A. An agreement not to raise the plea of limitation.
  - B. An agreement entered into by a party by mistake.
  - C. An agreement in restraint of trade.
  - D. An agreement choosing one of the places having jurisdiction as the place of suing
25. In a petition under Section 34 of the Arbitration and Conciliation Act, 1996 the request of the petitioner is to remand the matter to the Arbitrator for a fresh disposal. The respondent objects to it. What shall be the correct view to be taken by the District Judge?
- A. The District Judge exercises appellate powers, and hence the matter can be remanded to the Arbitrator.
  - B. The District Judge in the exercise of the powers under Section 34(2) of the Arbitration and Conciliation Act, can remand the matter to the Arbitrator.
  - C. The District Judge in the exercise of the powers under Section 34(2) of the Arbitration and Conciliation Act, cannot remand the matter to the Arbitrator.
  - D. It is the discretion of the District Judge whether or not to remand the matter to the Arbitrator.
26. Respondent No. 2 in an appeal (who is the second plaintiff in the suit) died during the pendency of the appeal. Without noticing that fact, the appeal was heard and dismissed by the appellate court. When the decree is put in execution, the judgement debtors contend that the decree was passed with a dead person in the

party array and hence the decree is a nullity. Which among the following is/are correct remark/s?

- A. Yes. Contention is valid
  - B. No. Contention is invalid
  - C. Execution court is not empowered to consider whether a decree is a nullity.
  - D. The remedy is to file a suit to set aside the decree
27. An appeal memorandum is returned for curing defects. What is the maximum period fixed in Rule 32 of the Civil Rules of Practice, Kerala, 1971 for its representation after curing the defects?
- A. 1 week
  - B. 2 weeks
  - C. 15 days
  - D. 30 days
28. A Hindu male expired. He was a bachelor. He left behind his father, a brother and a sister. What shall be his order of succession?
- A. Father, brother and sister take his property in equal shares
  - B. Father excludes others
  - C. Brother excludes others
  - D. Sister excludes others
29. In a petition for grant of probate the respondent filed an objection denying the execution and genuineness of the Will relating to a property worth Rs. 20 Lakhs. The District Judge, therefore, returned the petition directing the petitioner to file it in the form of a suit before the jurisdictional Sub Court. Choose the correct option/s.
- A. The procedure is correct.
  - B. Should have been directed to submit in the form of a suit before the jurisdictional Munsiff Court.
  - C. Could only dismiss the petition.
  - D. The procedure is wrong.
30. The defendant in a suit can claim an injunction against the plaintiff if he attempts to .....the property in dispute.
- A. dispossess the defendant of
  - B. commit waste in
  - C. trespass upon
  - D. remove beyond the court's jurisdiction

**PART- II**

31. At what stage of the trial of a sessions case, the court shall hear both sides as provided under Section 232 of the Code of Criminal Procedure, 1973?
- A. After examination of the principal witnesses
  - B. After completion of the prosecution evidence
  - C. After examination of the accused under Section 313 of the Code of Criminal Procedure
  - D. After completion of defence evidence
32. Read the following and choose the correct assertion/s.
- A. An accomplice is unworthy of credit unless he is corroborated in material particulars.
  - B. A conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.
  - C. An accomplice shall not be a competent witness if he is given pardon by the Court.
  - D. An accomplice shall not be a competent witness against an accused person.
33. Choose the incorrect statements:
- A. In case of uncertainty about the place in which, among the several local areas, an offence was committed, the Court having jurisdiction over any of such local areas may inquire into or try such an offence.
  - B. In cases where an act is an offence, by reason of its relation to any other act which is also an offence, then the first mentioned offence may be inquired into or tried only by a Court within whose local jurisdiction the first mentioned offence was committed.
  - C. An offence of criminal misappropriation or criminal breach of trust may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or any part of the property was received or retained or was required to be returned or accounted for by the accused person.
  - D. Offences which include the possession of stolen property, may be inquired into or tried by a Court within whose local jurisdiction the offence was committed or the stolen property was possessed by any person, having knowledge that it is stolen property.

34. A Magistrate after trial for an offence punishable under Sections 341 and 323 of the Indian Penal Code, 1860 in a case that arose on a police report, convicted and sentenced the accused for the offence punishable under Section 323 alone. In the appeal, the only contention is that the conviction is illegal since no permission of the Magistrate for investigation as provided under Section 155(2) of the Code of Criminal Procedure, 1973 was obtained. What shall the Sessions Judge do?
- A. Acquit the appellant since the offence under Section 323 of the Indian Penal Code is non-cognizable.
  - B. Remand the case for fresh trial for the offence under Section 323 of the Indian Penal Code
  - C. Confirm the conviction since the permission of the Magistrate for investigation under Section 155(2) of the Code of Criminal Procedure was not required in the given case.
  - D. Send the case to the Chief Judicial Magistrate for appropriate action.
35. A Sessions Judge framed the charge and scheduled the case for trial. The remand period of the accused is extended for 30 days. The defense counsel objected by contending that the period of remand shall not be exceeding 15 days. Choose the correct statement.
- A. Period of remand shall on no occasion be for a period of more than 15 days.
  - B. Period of remand is restricted to 15 days if a Magistrate remands under Section 309 of the Code of Criminal Procedure, 1973
  - C. Period of remand is restricted to 15 days only if the remand is under Section 167 of the Code of Criminal Procedure, 1973
  - D. Period of remand is restricted to 15 days if the remand is by a Sessions Judge under Section 309 of the Code of Criminal Procedure, 1973
36. If the first information is given by the accused himself, the fact of his giving the information is admissible against him as evidence of

his conduct under Section 8 of the Evidence Act, 1872. Choose the correct option.

- A. This statement is wrong
  - B. This statement is correct
  - C. Such a situation seldom occurs
  - D. If such a situation occurs, the trial is vitiated
37. During questioning under Section 313 of the Code of Criminal Procedure, 1973 the accused raised the question of want of sanction under Section 197 of the Code of Criminal Procedure for the first time. Which among the following statements is correct concerning that aspect?
- A. That contention can be raised before framing of the charge alone.
  - B. That contention can be raised at any time.
  - C. If that contention is raised after closing the prosecution evidence, the bar of waiver attracts.
  - D. Whether or not to consider that contention is a matter of discretion of the Court.
38. A sub-Inspector of Police while in the police station got information that a person travelling in his private car along the National Highway is carrying psychotropic substance. The Sub Inspector, intercepted the car in the National Highway, and seized a large quantity of psychotropic substance from the car. At trial, the accused contended that the seizure was illegal since provisions of Section 42(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985 were not complied with. The prosecution argues that the search and seizure were in a public place and hence Section 42(2) need not be complied with. Choose the correct answer.
- A. Personal search is not involved and hence Section 42(2) need not be complied with.
  - B. Search was at a public road, and hence Section 42(2) need not be complied with.
  - C. A private car was searched and hence Section 42(2) should have been complied with.
  - D. Personal search is involved and hence Section 42(2) should have been complied with.
39. A person accused of an offence under Section 22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 filed an application for bail. The Public Prosecutor opposed the grant of bail. The court dismissed that application holding that bar under Section 37 of

the Narcotic Drugs and Psychotropic Substances Act applies. Choose the appropriate comment.

- A. Bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act applies to the case.
  - B. Even in a case where the bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act is applicable, grant of bail is purely a discretion of the court.
  - C. Section 37 of the Narcotic Drugs and Psychotropic Substances Act is declared unconstitutional.
  - D. Bar under Section 37 of the Narcotic Drugs and Psychotropic Substances Act does not apply to the case.
40. When any fact is discovered in consequence of information received from a person accused of any offence, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved. Two more requirements have to be satisfied in order for the evidence to be relevant under Section 27 of the Evidence Act, 1872. What are they?
- A. The accused must have been in the custody of the police officer
  - B. The police officer must be the officer in charge of the police station concerned
  - C. The police officer should state the information in court as a witness.
  - D. The object recovered should be identified in court by its owner
41. In which among the following, the Supreme Court of India, in the context of Section 397(2) of the Code of Criminal Procedure, 1973, held that an order which does not terminate the proceedings or finally decide the rights of the parties is only an interlocutory order?
- A. V. C. Shukla v. State Through C.B.I [AIR 1980 SC 962]
  - B. Dalip Singh and Others v. State of Punjab [AIR 1986 SC 316]
  - C. Lalji Singh v. State of U. P AIR [1985 SC 1266]
  - D. Bhagwan Bax Singh v. State of U. P. [1984 (1) SCC 278]
42. A marriage certificate is produced by the plaintiff in a suit and gets it admitted in evidence. Later, on finding that the marriage certificate was a forged one, the court asked the police to take action. The police investigated into the offence and filed a final

report. The court tried the accused for an offence punishable under Section 471 of the Indian Penal Code, 1860. He claims acquittal stating that the very taking cognizance is invalid. Decide.

- A. Prosecution is bad since cognizance was taken on police report.
  - B. Only course open for the Munsiff was to direct the defendant in the suit to initiate prosecution against the plaintiff.
  - C. Prosecution is valid and the contention is untenable.
  - D. Only if sanction under Section 155(2) of the Code of Criminal Procedure is obtained from the Munsiff, the prosecution will be valid.
43. Can a report issued by an Assistant Director of the State Forensic Science Laboratory be received in evidence at a sessions trial without formally proving it by examining him as a witness?
- A. No.
  - B. Yes.
  - C. If the defence does not object alone, it can be received in evidence.
  - D. If an affidavit of the Assistant Director is also submitted, the report can be received in evidence.
44. In a case of infanticide, mother is convicted and sentenced. The Sessions Judge thereafter referred the matter to the Government for considering a reduction of sentence. Is the decision correct?
- A. Correct, in the light of Rule 131 of Criminal Rules of Practice, 1982, Kerala.
  - B. Wrong, in the light of Rule 131 of Criminal Rules of Practice, 1982, Kerala.
  - C. The convicted person alone can apply for a reduction of sentence.
  - D. Jail authorities alone can apply for a reduction of sentence.
45. Choose the correct statements
- A. If there are serious or grievous injuries on the body of the accused, the prosecution owes a duty to explain such injuries and the failure on the part of the prosecution to explain may point towards the innocence of the accused.
  - B. If there are injuries on the body of the accused, be it serious or minor, the prosecution owes a duty to explain

such injuries and the failure on the part of the prosecution to explain may point towards the innocence of the accused.

- C. If the injuries on the body of the accused are trivial in nature, the prosecution owes no duty to explain such injuries.
  - D. If there are injuries on the body of the accused, be it serious or minor, the prosecution does not owe a duty to explain such injuries so long as the accused substantiates prima facie that the prosecution evidence points towards the innocence of the accused.
46. A person accused of an offence punishable under Section 302 of the Indian Penal Code was arrested and produced before Magistrate on 1.6.2023. He was remanded to judicial custody. Immediately he fell ill and was admitted to hospital. He was discharged from the hospital on 17.6.2023. Immediately the investigating officer filed an application to get him in his custody for 5 days. What shall the Magistrate do?
- A. Can give custody.
  - B. Cannot give custody.
  - C. Can give custody, if the Magistrate is convinced from the medical certificate that his custody could not be given earlier.
  - D. Give custody if the Public Prosecutor does not object.
47. In a complaint filed before a Magistrate the offence complained of is triable exclusively by a Court of Session. If so, which among the following are correct statements?
- A. Magistrate cannot direct an investigation to be made by a police officer under Section 202 of the Code of Criminal Procedure
  - B. Sessions Court alone can take cognizance.
  - C. Magistrate cannot order investigation under Section 156(3) of the Code of Criminal Procedure.
  - D. Magistrate shall call upon the complainant to produce all his witnesses and examine them on oath
48. In an appeal against conviction the Sessions Court found that the conviction is correct, but the sentence is grossly inadequate and violative of Section 354(4) of the Code of Criminal Procedure, 1973. What is the proper decision to be taken by the Sessions Court?
- A. Award enhanced sentence.
  - B. Refer under Section 395 of the Code of Criminal Procedure to the High Court.

- C. Initiate a *suo motu* revision and decide the question of sentence.
- D. Remit the matter to the trial court.
49. The accused in a crime alleging offence punishable under Section 302 of the Indian Penal Code, 1860 was remanded to judicial custody on 1.3.2023. He filed an application on 2.6.2023 claiming bail under Section 167(2) of the Code of Criminal Procedure, 1973. Pending consideration of that application a final report under Section 173(2) of the Code of Criminal Procedure was submitted on 3.6.2023. What decision shall the Magistrate take?
- A. Dismiss the application holding that the final report has been submitted.
- B. Allow the application if sufficient explanation for the delay in filing the final report is not furnished.
- C. Grant bail despite the filing of the final report
- D. Application for statutory bail should have been filed within 60 days of the date of remand.
50. In a case involving an offence punishable under Section 6 of the Protection of Children from Sexual Offences Act, 2012, the Special Court shall record evidence of the victim within ....; and shall complete the trial within ... from the date of taking cognizance.
- A. 60 days; 6 months                      B. 30 days; one year
- C. 60 days; 9 months                      D. 30 days; 6 months
51. A pickpocket apprehending his body search tried to run away. His body was soon searched by fellow passengers who found the stolen purse in his possession. Its owner identified it and handed it over to the police. The owner, as a prosecution witness, deposed such facts and identified the purse in court at the trial of that offence. How is that evidence relevant?
- A. As an admission under Section 18 of the Evidence Act.
- B. As a former statement under Section 33 of the Evidence Act.
- C. As a subsequent conduct under Section 8 of the Evidence Act.
- D. As a recovery evidence under Section 27 of the Evidence Act.
52. Evidence given by a witness in a judicial proceeding is relevant for the purpose of proving, in a subsequent judicial proceeding, the truth of the facts which it states, when the witness is dead, provided a few conditions are satisfied. Which among the following are such conditions?

- A. that the court which hear the subsequent proceedings shall be a court competent to hear the former proceedings.
  - B. that the proceeding was between the same parties or their representatives in interest.
  - C. that the adverse party in the first proceeding had the right and opportunity to cross-examine.
  - D. that the questions in issue were substantially the same in the first and the second proceedings.
53. M' Naghten rule is embedded in which Section of the Indian Penal Code, 1860?
- A. 81
  - B. 84
  - C. 85
  - D. 91
54. A sessions case is pending trial. There is a counter case pending before a Magistrate. The principle is that case and counter case shall ordinarily be tried by the same court. What is the proper procedure to bring the case from the court of the Magistrate to the Sessions Court?
- A. As per the order for transfer under Section 408 of the Code of Criminal Procedure.
  - B. As per the order of withdrawal under Section 409 of the Code of Criminal Procedure.
  - C. By the Magistrate committing the case to the Sessions Court
  - D. As per an order for transfer by the High Court
55. When a Sessions Court read out the deposition, the witness denied the correctness of a statement in it. What is the procedure to be followed by the Sessions Court?
- A. Carry out the correction stated by the witness in the appropriate place in the deposition
  - B. Make a memorandum of the objection raised by the witness along with the Judge's remarks at the end of the deposition
  - C. Court cannot take into account such objections
  - D. Examine the witness afresh by giving an opportunity to both sides
56. One of the heads in the charge framed in a sessions case is a charge of a previous conviction under the provisions of sub-section (7) of Section 211 of the Code of Criminal Procedure, 1973. Which among the following statements is incorrect in relation to the above?
- A. Charge shall be read out along with the other charges.

- B. The accused shall not be asked to plead to the charge of previous conviction until the accused has been convicted of the other charges.
  - C. The previous conviction shall not be referred to by the prosecution until the accused has been convicted of the other charges.
  - D. No evidence shall be allowed to be adduced on the charge of previous conviction until the accused is convicted of the other charges.
57. After an inquiry under Section 340 of the Code of Criminal Procedure, 1973 a Munsiff preferred a complaint before a Magistrate. In the appeal under Section 341, the Appellate Court reversed the finding of the Munsiff. What is the procedure for terminating the complaint?
- A. Appellate Court to direct the Magistrate to discharge/acquit the accused
  - B. Appellate Court shall direct the Munsiff to withdraw the complaint
  - C. Magistrate shall stop the proceedings under Section 342 of the Code of Criminal Procedure
  - D. Appellate Court shall discharge/acquit the accused
58. Every appeal against conviction shall finally abate on the death of the appellant. In what all situations such an appeal does not abate?
- A. If the appeal is from a sentence of fine.
  - B. If the appellant is a defence personal.
  - C. If the appeal is against the sentence of imprisonment, and leave to appeal is granted to his near relative.
  - D. If the appellant is a foreign national.
59. Sessions Judge recalled a sessions case that was made over to an Additional Sessions Judge based on a request made by the Public Prosecutor on the ground that after examination of two prosecution witnesses, the case could not be taken up by the Additional Sessions Judge due to pressure of work. Which among the following is then correct?
- A. Sessions Judge may recall a case which he had made over to an Additional Sessions Judge before the trial commences
  - B. Sessions Judge may recall a case which he had made over to an Additional Sessions Judge at any time.
  - C. Sessions Judge can recall a case which he had made over to an Assistant Sessions Judge alone.

- D. Once made over a case to an Additional Sessions Judge, the Sessions Judge can only order transfer and cannot recall the case.
60. A Sessions Judge frames a charge for an offence not exclusively triable by a Court of Session. The procedure to be followed in such a situation has undergone a change in the amendment brought about in 2005 to Section 228 of the Code of Criminal Procedure, 1973. What is it?
- A. Provision to transfer the case to the Chief Judicial Magistrate is taken away.
- B. Case can now be transferred to the Chief Judicial Magistrate alone.
- C. Case can now be transferred to the Chief Judicial Magistrate or the Judicial Magistrate of the first class
- D. None of the above

### **PART – III**

61. What important legal principle was laid down by the Supreme Court of India in *State of Jharkhand v. Shailendra Kumar Rai@Pandav Rai* [AIR 2022 SC 5393]
- A. Six months cooling period under Section 13B(2) of the Hindu Marriage Act, 1955 can be waived.
- B. Person who conducts the "two-finger test" while examining a rape victim shall be guilty of misconduct.
- C. Court can order DNA test to decide paternity of a child.
- D. Parameters for premature release of life convicts.
62. Change the given imperative to indirect form. Ram asked Gopal, "Keep the gate closed".
- A. Ram told Gopal to keep the gate closed
- B. Ram asked Gopal that he has to close the gate
- C. Ram told Gopal that he was to keep the gate closed
- D. Ram told Gopal that he will have to keep the gate closed
63. What does the maxim, '*Leges Posteriores Prioris Contrarias Abrogant*' mean?
- A. The law does not compel a person to do that which he cannot possibly perform.
- B. Later laws repeal earlier laws inconsistent therewith.

- C. No one is to be punished for the crime or wrong of another.
- D. A new law ought to be prospective and not retrospective, in operation.
64. The doctrine, "feeding the grant by estoppel" relates to .....
- A. Losing of title after sale
- B. Acquisition of title after sale
- C. Sale by a co-owner
- D. Sale by an agent
65. Of which High Court was Justice Leila Seth, who authored 'On Balance, an Autobiography', a Chief Justice?
- A. Rajasthan High Court      B. Gujarat High Court
- C. Patna High Court          D. Himachal Pradesh High Court
66. Who is the present Minister for Law and Justice, Union of India?
- A. Shri Narendra Singh Tomar
- B. Shri Dharmendra Pradhan
- C. Shri Arjun Ram Meghwal
- D. Shri Parshottam Rupala
67. Right under Article .... of the Constitution of India is guaranteed to all the citizens of India and right under Article ..... is guaranteed to all persons. (Fill up the blanks)
- A. 14; 19                      B. 19; 14
- C. 14; 21                      D. 21; 14
68. Article 25 of the Constitution of India ensures all persons freedom of conscience and the right to freely to profess, practise and propagate religion, subject to .....
- A. public order, morality and health and other Fundamental Rights
- B. public order and to the other Fundamental Rights
- C. public order and health and to the other Fundamental Rights
- D. public order and morality and to the other Fundamental Rights
69. 'Judicial Service' mentioned in Article 235 of the Constitution of India denotes -
- A. District Judges
- B. District Judges and all persons holding equivalent posts

- C. District Judges and other civil judicial posts inferior to the post of District Judge.
- D. Civil judicial posts inferior to the post of District Judge.
70. What is meant by a 'Demonstrative Legacy'?
- A. A legacy created in favour of a particular person
- B. A general legacy paid out of a specific fund or asset
- C. A legacy of testator's entire assets to one of the heirs
- D. A general legacy in favour of all the heirs
71. Which Common law principle is used to be conveyed by using the maxim, '*expressio unius est exclusio alterius*'
- A. Specific expression takes in general things.
- B. An express reference to one matter excludes other matters.
- C. The provisions of a general statute must yield to those of a special one.
- D. Meaning of an unclear word shall be determined by considering the words with which it is associates.
72. 'A' is an environmentalist. In a public meeting arranged by him, he made a speech about protection of the environment. A Television channel recorded it and telecast it on another day. 'A' sued the television channel for infringement of copyright. Can 'A' claim copyright to his speech?
- A. Cannot claim since it is not a literary, dramatic, musical or artistic work.
- B. Television channel alone has recorded the speech and hence it has copyright.
- C. 'A' is not entitled to claim copyright to the speech.
- D. 'A' is entitled to claim copyright to the speech.
73. A State Legislature enacts a law on a subject indirectly when it has no jurisdiction to legislate on that topic directly. This is an instance of .....
- A. Doctrine of eclipse                      B. Pith and substance
- C. Colourable legislation                D. Rule of severability
74. The provisions of the Kerala Torts (Miscellaneous Provisions) Act, 1976 stand as exception to which of the following maxims?
- A. Volenti non fit injuria
- B. Qui sentit commodum, sentire debet et onus
- C. Actio personalis moritur cum persona
- D. Potior est conditio possidentis

75. Lands of the plaintiff and the defendant are lying contiguous and in the same level. Both lands are barren. The defendant attempted to excavate earth from his land. If the plaintiff files a suit to restrain such an act of the defendant, what is the nature of the right that he can pursue?

- A. Easement by prescription      B. Easement by necessity  
C. Natural right                      D. Customary right

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