

HIGH COURT OF KERALA

KERALA STATE HIGHER JUDICIAL SERVICE (PRELIMINARY) EXAMINATION, 2025

QUESTION BOOKLET

Date of Examination: 03.08.2025

Roll Number:

Maximum Marks: 150

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

INSTRUCTIONS TO THE CANDIDATES

1. Candidates should write their Roll Number in the space provided at the top of this facing sheet of the question booklet.
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. To each question, four answer options are given as (A), (B), (C) and (D). Answers to the questions should be marked in the separate **O.M.R. answer sheet** by darkening the appropriate bubble(s) against the question number in the O.M.R. answer sheet. Most of the questions have only one correct answer. However, some questions may have multiple correct answers. In case of 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. Candidates should use only **BLACK/BLUE Ballpoint** pen for filling various entries and marking answers in the O.M.R. 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 O.M.R. answer sheet to the Invigilator. Candidates can take the question booklet with them.
7. Answer Key will be published in the Recruitment Portal of the High Court (<https://hckrecruitment.keralacourts.in>) after the examination.
8. Strict compliance with 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.

10. A privileged Will cannot be executed by.....
- (A) a medical officer attached to a regiment, actually employed in an expedition
 - (B) a mariner of a ship who is temporarily on shore in the course of a voyage
 - (C) a commander of a naval force, who occasionally goes on board his ship
 - (D) a mariner who is part of a military expedition, but not at sea
11. Under the Transfer of Property Act, 1882, which of the following statement is correct?
- (A) An interest in a property, capable of being enjoyed only by the owner, cannot be transferred by him
 - (B) There can be no transfer for the benefit of a child in the womb
 - (C) There can be no oral transfer
 - (D) 'A' can transfer his mere right to sue 'B' to 'C'
12. Which of the following is not true ?
- (A) A mortgage can be created by the delivery of documents of title to an immovable property, intended to be mortgaged
 - (B) Delivery of possession is a condition precedent for a simple mortgage
 - (C) An usufructuary mortgagee can receive the rents and profits accruing from the mortgaged property
 - (D) An English mortgage necessarily involves an agreement to retransfer the property on the payment of the mortgage money
13. Choose the correct proposition:
- (A) The mortgagee can sue for the mortgage-money, in case the entire mortgage property is wholly destroyed due to force majeure, after giving reasonable opportunity to the mortgagor to provide further security to secure the debt
 - (B) The mortgagee can sue for the mortgage-money even if the mortgagor has not bound himself to repay the same
 - (C) The mortgagee can sue for the mortgage-money if he is deprived of a part of his security because of a wrongful act of his agent
 - (D) In case of destruction of part of the mortgaged property, by any cause other than the wrongful act of the mortgagor or mortgagee, the mortgagee can sue for the mortgage-money, even without giving reasonable opportunity to the mortgagor to provide further security to secure the debt
14. If several items of properties are gifted by a single instrument of transfer in which one item is burdened by an obligation, then.....
- (A) the donee has the option not to accept the item which is burdened with obligation
 - (B) the donee is obliged to accept the entire gift and satisfy the obligation

- (C) the donee has the option to refuse to accept the entire gift
 - (D) the donee has the option to accept the entire gift on condition that the donor satisfies the obligation
15. In which situation under the Hindu Succession Act, 1956, the Cognates of the deceased Hindu male will succeed to the estate of the deceased?
- (A) In the absence of a widow and daughters
 - (B) In the absence of relatives specified in Class II of the Schedule
 - (C) In the absence of Class I heirs and Class II heirs
 - (D) None of the above
16. When can a Court excuse a petitioner in a petition for dissolution of marriage under The Divorce Act, 1869 on the ground of adultery, from making the alleged adulterer or adulteress as a co-respondent?
- (A) If the adulterer is a friend of the petitioner-husband
 - (B) If the respondent-wife is leading the life of a prostitute and the petitioner knows of no person with whom the adultery has been committed
 - (C) If the Court is of the opinion that the adulterer's presence is likely to cause embarrassment to the respondent-wife
 - (D) If the adulteress is a close relative of the petitioner-wife
17. Which of the following is a condition specified in s.5 of The Hindu Marriage Act, 1955 to be fulfilled for solemnizing a marriage between any two Hindus?
- (A) The bridegroom and the bride should have completed the age of twenty and eighteen, respectively, at the time of marriage
 - (B) Either of the party should have a spouse living at the time of marriage
 - (C) The parties are sapindas and the custom or usage governing each of them permits a marriage between the two
 - (D) One of the parties should be capable of giving valid consent to the marriage, at the time of the marriage
18. Which of the following event is of no significance in computing the period of limitation?
- (A) A written acknowledgment of a debt before the expiration of the period prescribed for a suit
 - (B) Date of discovery of the fraud, where the suit is based upon a fraud of the defendant
 - (C) Proceedings initiated in a Court without jurisdiction in bad faith
 - (D) The day from which the period of limitation is to be reckoned

19. Which of the following is correct, regarding a suit u/s.6 of The Specific Relief Act, 1963?
- (A) A suit for possession u/s.6 if filed, will bar a later suit to establish title over the same property
 - (B) A suit u/s.6 should be instituted within one year from the date of dispossession
 - (C) The period of limitation in a suit u/s.6 against the Government is 3 years
 - (D) A decree in a suit u/s.6 is not appealable
20. Which of the following is incorrect?
- (A) MACT can entertain an application filed by a person who has sustained the injury in a motor accident
 - (B) MACT can only entertain an application filed within one year of the occurrence of the accident
 - (C) MACT can entertain an application filed by a duly authorized agent of the injured person
 - (D) MACT should treat any report of accident forwarded to it u/s.159 as an application for compensation.
21. Complete the following sentence with the correct option:
- In a suit for partition and separate possession of a share of joint family property by a plaintiff who has been excluded from possession, the fee shall be computed on
- (A) the market value of the share of the plaintiff
 - (B) the market value of the entire property
 - (C) the market value of the property excluding the plaintiff's share
 - (D) one half of the market value of the plaintiff's share
22. Which among the following is not a form of oath/solemn affirmation under Rule 142 of the Civil Rules of Practice, Kerala?
- (A) I affirm that what I state shall be the truth, the whole truth and nothing but the truth
 - (B) I swear that the evidence which I shall give touching the matter now before the Court shall be the truth and nothing but the truth; So help me God
 - (C) I swear that the evidence which I shall give touching the matter now before the Court shall be the truth and nothing but the truth
 - (D) I solemnly affirm in the presence of the Almighty God that what I state shall be the truth, the whole truth and nothing but the truth

23. Which of the following can be done by the executing Court?
- (A) Detain the judgment debtor in the civil prison for a period not exceeding 3 months, if the decree is for payment of a sum exceeding Rs.5000/-
 - (B) Detain the judgment debtor in the civil prison for a period not exceeding 3 months, if the decree is for payment of a sum not exceeding Rs.5000/-
 - (C) release the judgment debtor from detention before the expiry of the period of detention, on an undertaking to satisfy the decree, before the completion of the term of detention
 - (D) If, even after the expiry of the period of detention, the decree remains not satisfied, order rearrest and detention for further periods as the situation warrants
24. Exercise of revisional jurisdiction u/s.20 of the Kerala Buildings (Lease and Rent Control) Act, 1965 would be possible only if there is
- (A) Illegality, impropriety and irregularity in the proceedings of the appellate authority under the Act
 - (B) An application by an aggrieved party
 - (C) (A) or (B)
 - (D) (A) and (B)
25. If 'A' contracts to pay 'B' Rs.2 lakh when 'B' marries 'C' and 'C' dies on the day prior to the marriage, which of the following statement is legally correct?
- (A) 'B' is entitled to enforce the contract since the marriage did not take place, not on account of any fault on the part of 'B'
 - (B) The contract becomes voidable at the instance of 'A'
 - (C) The contract becomes void
 - (D) The contract is separable and can be enforced whenever 'B' gets married
26. 'A' promises to deliver goods to 'B' on a certain day on payment of Rs.1 lakh. 'A' dies before the day fixed for effecting delivery. Which of the following is legally possible in the above circumstance?
- (A) 'B' can refuse to go ahead with the contract since the promisor is no more
 - (B) Legal representatives of 'A' are not bound by the promise since it is a personal contract between 'A' and 'B'
 - (C) 'B' can sue the legal representatives of 'A' for damages
 - (D) 'B' is bound to pay the agreed amount on the legal representatives of 'A' effecting delivery of the goods

27. Complete the following sentence with the correct option:

If a composite contract, where there are reciprocal promises, contains certain acts which are not legal, then:

- (A) the entire contract is void
- (B) the contract is voidable at the instance of the party who is to perform the illegal part
- (C) the legal part is separable and is capable of enforcement
- (D) the legal part is not separable unless so declared by a Court of law in a suit for specific performance

28. Choose the most appropriate answer:

Under Section 2 of Dissolution of the Muslim Marriages Act, 1939, a woman married under Muslim law is entitled to seek a decree for dissolution of her marriage when.....

- (a) husband's whereabouts are not known for a period of five years
- (b) husband was impotent at the time of the marriage and continues to be so
- (c) husband associates with women of evil repute or leads an infamous life
- (d) any one of the above

- (A) (a) and (c)
- (B) (b) and (c)
- (C) None of the above
- (D) (d)

29. When comparing s.30 of the Arbitration Act, 1940 ('1940 Act' for short) and s.34 of the Arbitration and Conciliation Act, 1996 ('1996 Act' for short), which of the following is correct ?

- (A) Section 34 of the 1996 Act gives wider power to the Court to remit, modify or set aside the Award
- (B) Section 34 of the 1996 Act is comparable to s.115 of the Civil Procedure Code and the Court can pass such orders as it thinks fit
- (C) Section 30 of the 1940 Act contained broader grounds to challenge an Award and the Court was empowered to modify an award
- (D) Both s.30 of the 1940 Act and s.34 of the 1996 Act only permit setting aside of an Award of the respective grounds and the Court cannot modify an Award

30. Which of the following is correct?

- (A) Failure of parties to produce stamp papers for engrossing the final decree, will require the Court to consign the records of the case to the record room without drawing up the final decree
- (B) The Court has a duty to draw up the final decree, whether or not the parties to a partition suit produce non-judicial stamp papers for engrossing the final decree
- (C) The Court can issue a certified copy of the final decree even without engrossing the same

(D) On failure to produce stamp papers as directed, the records of the case shall be consigned to the record room and no final decree can be drawn up thereafter

31. In a trial for offence u/s.302 IPC, while adducing evidence, the prosecution established 3 circumstances to prove the guilt of the accused, viz. (i) victim was last seen together with the accused, (ii) extrajudicial confession made by the accused and (iii) recovery of dead body following the confessional statement of the accused. The trial Court disbelieved extrajudicial confession on the ground that confession was hit by s.25 of the Indian Evidence Act, 1872 and convicted and sentenced the accused for the offence punishable u/s.302 IPC. Which of the following statement/s in the said circumstances is/are correct?

- (A) When one of the 3 circumstances was disbelieved by the trial Court, chain of circumstantial evidence was not proved. Therefore, the conviction and sentence are unsustainable
- (B) Since the other two circumstances including recovery of the dead body based on the confessional statement of the accused would show the involvement of accused in this crime, the trial Court is right in convicting and sentencing accused ignoring the extra judicial confession which is hit by s.25 of the Evidence Act
- (C) Even based on the recovery of the dead body alone, conviction and sentence can be imposed, since the same would show that the accused committed the offence
- (D) In cases of circumstantial evidence, the chain of circumstances must be complete to hold that the accused committed the crime excluding all other hypothesis. Hence conviction and sentence are unsustainable

32. An accused, who alleged to have committed offence u/s.118(1) BNS, 2023, filed an application before the Sessions Court seeking anticipatory bail. Similarly, another accused who allegedly committed offence u/s.324 IPC on 30.06.2023 also filed a petition seeking anticipatory bail before the Sessions Court. Which of the following situation is/are correct in the said circumstances?

- (A) Anticipatory bail plea at the instance of the accused who committed offence u/s.324 IPC is not maintainable since offence u/s.324 IPC is bailable
- (B) The Sessions Court allowed both the applications holding that both the offences are non-bailable
- (C) Sessions Judge allowed the application of the accused who alleged to have committed the offence u/s.118(1) BNS, 2023 while dismissing anticipatory application filed by the accused who alleged to have committed offence u/s.324 IPC holding that offence u/s.324 IPC is bailable
- (D) Sessions Judge dismissed the bail application of the accused who involved in the offence u/s.324 IPC as not maintainable since the offence is bailable and dismissed the anticipatory bail application of the accused who committed offence u/s.118(1) BNS, 2023, on merits

33. Is it correct to say that by introduction of s.104 BNS, 2023, the legislature brought back Section 303 IPC? Which judgment of the Apex Court nullified s.303 IPC?
- (A) Yes; Mithu v. State of Assam [AIR 1983 SC 473]
 (B) No; Mithu v. State of Punjab [AIR 1982 SC 473]
 (C) No; Mithu v. State of Punjab [AIR 1983 SC 473]
 (D) Yes; Mithu v. State of Uttar Pradesh [AIR 1984 SC 473]
34. A petition alleging commission of offence punishable u/s.83 BNS, 2023 was filed before the S.H.O of a Police Station. The S.H.O registered an FIR and started investigation. After investigation, the S.H.O filed final report before the jurisdictional Magistrate alleging commission of offences u/ss. 83 and 89 BNS, 2023. The Magistrate took cognizance of the said offences. In this circumstances, which of the following statement/s is/are correct ?
- (A) The police officer should not have registered a crime for the offence u/s.83 BNS, 2023 which is non cognizable in view of the bar u/s.174(2) BNSS, 2023
 (B) The Court should not have taken cognizance of the offences u/ss.83 and 89 BNS, 2023 because the investigation at the instance of the police officer started after registering an FIR for a non cognizable offence and the entire investigation is without authority
 (C) Although the police officer registered an FIR initially for a non cognizable offence, when filed final report, a cognizable offence also was incorporated. Therefore, the investigation is not illegal and cognizance taken by the Court also is legal
 (D) The cognizance taken by the Court for the non-cognizable offence is wrong, but the cognizance taken by the Court for cognizable offence is correct
35. Can High Court quash the case of an accused who allegedly committed offences u/ss. 7 and 11(ii), (iii) and (iv) of the POCSO Act, 2012, in a petition filed u/s.482 Cr.PC or u/s.528 BNSS, 2023, raising a contention that he had no culpable mental state at the time of the alleged commission of crime?
- (A) Culpable mental state of the accused shall be presumed by the Court and it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that trial. On finding so, the High Court cannot quash the proceedings
 (B) Culpable mental state of the accused shall be presumed by the Court and the accused can very well show, based on the materials before the High Court that he had no such mental state with respect to the offences committed, as alleged by the prosecution, so that the proceedings can be quashed, as the continuance of the proceedings is an abuse of process of Court

- (C) Culpable mental state of the accused shall be presumed by the Court and the accused can prove the same during trial as well as in a challenge u/s.482 Cr.PC or u/s.528 BNSS, 2023, so that the proceedings can be quashed
- (D) Culpable mental state is a matter of evidence during trial. Hence High Court cannot quash the proceedings at the pre-trial stage

36. In a prosecution alleging commission of offences u/ss.9(1)(i) to 9(1)(iv) of POCSO Act, 2012, the accused who is a police officer, raised contentions that he being a public servant, could not be prosecuted without obtaining sanction mandated u/s.197 Cr.PC or u/s.218 BNSS, 2023 and that the offences were allegedly committed while he was discharging his official duty. Whether the contention is sustainable?

- (A) Sustainable and the accused could not be prosecuted without sanction u/s. 197 Cr.PC or u/s. 218 BNSS, 2023
- (B) Not sustainable. In order to prosecute the police officer for the offences u/s.9(1)(i) to 9(1)(iv) of the POCSO Act, 2012, sanction u/s.197 Cr.PC or u/s. 218 BNSS, 2023 is not required
- (C) Sustainable; even though sanction is not required for the investigation against the police officer, sanction u/s.197 Cr.PC or u/s. 218 BNSS, 2023 is required for prosecuting him
- (D) None of the above

37. In a prosecution alleging commission of offences u/ss.326 and 307 IPC, the accused filed a petition u/s.227 Cr.PC with vital documents in his possession to negate the prosecution case so as to convince the Court that the entire allegations are false. On perusal of the documents produced by the accused, the trial Court found that there is merit in the contention. Accordingly, based on the said documents, the learned Sessions Judge discharged the accused. If so, which of the following statement/s is/are correct ?

- (A) The order is illegal since, at the stage of proceedings u/s.227 Cr.PC, the trial Court doesn't have the power to look into any materials other than the prosecution records to form an opinion as to whether the trial is to be proceeded or the accused is to be discharged
- (B) Since the trial Court found that the allegations of the prosecution are false, from the documents placed by the accused, the trial Court is justified in discharging the accused
- (C) The trial Court could discharge the accused only when the prosecution records by itself would not show a *prima facie* case or a strong suspicion that the offences alleged against the accused are not made out
- (D) The trial Court cannot discharge the accused when the prosecution materials would make a suspicion that trial is necessary

38. An accused raised plea of private defence but he did not adduce defence evidence. But, relying on the prosecution evidence, the accused established the said plea. Is it permissible? What is the standard of proof to prove the right of private defence?

- (A) Accused cannot rely on prosecution evidence to prove the plea of private defence. The standard of proof is preponderance of probabilities
- (B) An accused can rely on prosecution evidence to prove right of private defence without adducing defence evidence. The standard of proof is beyond reasonable doubt
- (C) An accused can rely on prosecution evidence to prove right of private defence without adducing defence evidence. The standard of proof is preponderance of probabilities
- (D) The accused can rely on the available evidence either that of prosecution or defence. The standard of proof is preponderance of probabilities

39. During patrol duty a police officer who is empowered to investigate offences under the NDPS Act, 1985 found a person attempting to escape. On suspicion he was intercepted and a bag possessed by him in his right hand was searched. On search, it was found that he carried 100 grams of MDMA. Accordingly, a crime was registered alleging commission of offence punishable u/s.22(c) of the NDPS Act, 1985. When he was tried for the said offence, he raised a contention that while searching him the Investigating Officer failed to comply the mandate of s.50 of the NDPS Act, 1985. Is this contention sustainable?

- (A) Sustainable because s.50 mandates search of any person under the provisions of the NDPS Act, 1985 shall be in the presence of a gazetted officer or a Magistrate
- (B) The contention is not sustainable since no search of the person was done in the instant case and search of a bag carried by a person in his hand doesn't come within the purview of body search dealt u/s.50 of the NDPS Act, 1985
- (C) Since a bag carried by a person in his hand is also akin to search of the body, non compliance of s.50 is fatal to the prosecution
- (D) Since the search itself is not without any prior information, compliance of s.50 is not mandatory

40. Section 35 of the NDPS Act, 1985 deals with 'presumption of culpable mental state' of the accused. It has been provided that:

"In any prosecution for an offence under this Act which requires a culpable mental state of the accused, the Court shall presume the existence of such mental state but it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged as an offence in that prosecution.

Explanation: In this section 'culpable mental state' includes intention, motive, knowledge of a fact and belief in, or reason to believe, a fact."

Thus it shall be a defence for the accused to prove the fact that he had no such mental state with respect to the act charged. In order to prove that the accused had no such culpable mental state, what is the standard of proof and which is the leading decision on this point?

- (A) Beyond reasonable doubt; *Noor Aga v. State of Punjab* [(2008) 16 SCC 417]
- (B) Preponderance of probabilities; *Noor Aga v. State of Punjab* [(2008) 16 SCC 417]
- (C) Something in between preponderance of probabilities and beyond reasonable doubt; *Noor Aga v. State of Maharashtra* [(2008) 15 SCC 417]
- (D) The proof must be of higher standard than preponderance of probabilities and lower than beyond reasonable doubts; *Noor Aga v. State of Punjab* [(2008) 18 SCC 417]

41. The ratio laid down by the Supreme Court in *Madhu Limaye v. State of Maharashtra* (1977 KHC 221 : AIR 1978 SC 47) :

- (A) an interlocutory order or intermediate order passed in any appeal, enquiry, trial or other criminal proceedings is revisable
- (B) only final order is revisable
- (C) an intermediate order alone is revisable
- (D) inter-mediate and final orders are revisable

42. Can proceedings u/s.12(1) of the Protection of Women from Domestic Violence Act, 2005 be quashed by the High Court exercising power u/s.482 Cr.PC or u/s.528 BNSS, 2023, if efficacious remedy is otherwise available?

- (A) Yes; even if other efficacious remedy is available, the inherent power of the High Court can be invoked to quash the proceedings in an appropriate case to meet the ends of justice and to arrest abuse of the process of Court
- (B) Yes; in fact, no efficacious remedy is otherwise available
- (C) No; since easy and efficacious remedy is available otherwise
- (D) Yes; such power is to be exercised sparingly, not as a routine procedure

43. Which of the following statement/s pertaining to the claim of a divorced woman over shared household of the divorced husband is/are correct ?

- (A) A divorced woman cannot claim right of residence over a shared household of the divorced husband
- (B) A divorced woman can claim right of residence over a shared household of the divorced husband

- (C) When the divorced woman has no other dwelling house of her own, she can claim right of residence in the shared household of the divorced husband
- (D) A divorced woman, who continues to reside at the shared household even after divorce, can only be evicted through the process of Court

44. In a Sessions Case, the accused demanded issuance of statements, documents and material objects which are not relied upon by the Investigating Officer. But the learned Sessions Judge dismissed the petition on finding that the accused was supplied with the list of documents, statements of witnesses and the list of material objects which are relied on by the Investigating Officer. In this circumstance, which of the following statement/s is/are correct?

- (A) The decision is wrong since the accused is entitled to get statements, documents and material objects which are not relied upon by the Investigating Officer collected during investigation
- (B) Section 19(4) of the Kerala Criminal Rules of Practice is not followed by the learned Sessions Judge
- (C) The accused is not entitled to get statements of the witnesses, documents and material objects which are not relied upon by the Investigating Officer
- (D) The Court must ensure compliance of s.19(4) of Kerala Criminal Rules of Practice

45. The victim in a sessions trial filed a petition before the State Government to appoint a Special Public Prosecutor to safeguard her interest, on the assertion that she has a right to demand so. The Government did not consider the petition. With regard to the action of the Government, which of the following statement/s is/are correct?

- (A) As per s.24(8) Cr.PC and u/s.18(8) BNSS, 2023, the Central Government or the State Government may appoint, for the purposes of any case or class of cases a person, who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor. But the victim has no vested right to ask for appointment of a particular advocate as Special Public Prosecutor. Therefore, the action of the Government is justifiable
- (B) The Government should have considered the request and appointed an advocate from the panel submitted by the victim since, ultimately, the victim's interest should have to be protected
- (C) Even though the Government has the prerogative u/s.24(8) Cr.PC and u/s.18(8) BNSS, 2023, the Government need not consider the request while exercising its power since such an exercise is not mandatory
- (D) The victim has no option to seek appointment of a Special Public Prosecutor either before the Government or before the Court of law since no such right is vested upon the victim

46. When a complaint alleging commission of offence u/s.138 of the Negotiable Instruments Act was lodged before the Magistrate, a petition u/s.143A of the Negotiable Instruments (Amendment) Act, 2018 was also filed claiming interim compensation. The trial Court directed the accused to pay interim compensation. The accused challenged the order before the High Court contending that grant of interim compensation is not mandatory and the same is the discretion of Court. If so, which of the following statement/s is/are correct?
- (A) The contention is sustainable since grant of interim compensation is not mandatory but directory in nature
 - (B) The contention is unsustainable because grant of interim compensation is mandatory in nature
 - (C) The order is perfectly justifiable though the same is not mandatory
 - (D) The order is illegal
47. Is approval u/s.17A of Prevention of Corruption Act, 1988 mandatory for the conduct of preliminary inquiry, enquiry or investigation, alleging commission of offences under the Prevention of Corruption Act, by a public servant?
- (A) Since s.17A provides that no police officer shall conduct enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant where the alleged offence is relatable to any recommendation made or decision taken by the public servant in discharge of his official duty without the previous approval. Therefore, preliminary enquiry without previous approval u/s.17A is not legally permissible as the same is mandatory
 - (B) Section 17A is not mandatory in nature. Therefore, preliminary enquiry can be conducted without prior approval and prior approval is necessary only for taking cognizance
 - (C) This question is pending consideration of a larger Bench of the Hon'ble Apex Court
 - (D) Section 17A is intended to protect the interest of the officials from vexatious prosecution. Hence, the compliance of s.17A is mandatory
48. What is the time limit provided for filing discharge petition before the Special Court under The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ?
- (A) No time frame is prescribed by any statute
 - (B) Following the mandate of s.250 BNSS, 2023, within 60 days from the date of appearance of accused
 - (C) Following the mandate of s.250 BNSS, 2023, within 60 days from the date of executing bail bond
 - (D) Within 60 days from the date of committal

49. A private complaint filed before the Magistrate alleging commission of offence u/s.138 of the Negotiable Instruments Act was dismissed, recording that the accused was acquitted u/s.256(1) Cr.PC or u/s.279 BNS, 2023. What is the proper remedy to the complainant?
- (A) The complainant can file an appeal before the Sessions Court invoking the proviso to s.372 Cr.PC or s.413 BNSS, 2023
 (B) An appeal to the Sessions Court would not lie and the complainant shall file an appeal before the High Court with the leave of the Court
 (C) The order is not appealable, but revisable. Hence revision alone would lie
 (D) Since the acquittal is one for default, the complainant can file application to restore the complaint before the trial Court
50. Is there any difference in the phraseology used in s.144 BNSS, 2023 from the phraseology used in s.125 Cr.PC? If so, what is the subtle difference?
- (A) No; difference in the phraseology and both the provisions are analogous
 (B) Yes; the word 'minor' is absent in s.144 BNSS, 2023
 (C) Yes; the word 'minor' is absent in s.144 BNSS, 2023 and the words 'not being a married daughter' to be found in s.144 BNSS, 2023
 (D) The phraseology used in s.144 BNSS, 2023 is totally different from the phraseology used in s.125 Cr.PC
51. Section 438(4) Cr.PC provides that nothing in s.438 Cr.PC shall be applied in any case involving arrest of any person when the offences alleged are ss.376(3), 376AB, 376 DA or 376DB IPC. Is there any clause similar to s.438(4) Cr.PC in BNSS, 2023?
- (A) No (B) Yes; s.482(4) BNSS, 2023
 (C) Yes; s.482(3) BNSS, 2023 (D) Yes; proviso to s.482 BNSS, 2023
52. Would the principles of *res judicata* apply in criminal proceedings?
- (A) *Res judicata* has no application in criminal proceedings
 (B) Though *res judicata* has no application in criminal proceedings, the principles of *res judicata* can be considered, but not as a rule, but as an exception
 (C) Principles of *res judicata* would apply to criminal proceedings as well
 (D) Principles of *res judicata* will have application in part in criminal proceedings
53. Does Juvenile Justice (Care and Protection of Children) Act, 2015 confer power upon the High Court to consider grant of anticipatory bail to a child in conflict with law?
- (A) Yes, s.12 read with s.82 of the Juvenile Justice (Care and Protection of Children) Act, 2015 confers the power
 (B) No such power is available to the High Court

- (C) The Appellate Court has the power to cancel the bail acting on an application filed by the Public Prosecutor and the High Court may also exercise the said power in the case of an appeal by a convicted person to a Court subordinate thereto; and appropriate provisions are there in the Cr.PC and in BNSS, 2023
- (D) Such power is available only to the High Court
59. Is there any provision in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 to take action against frivolous complaint?
- (A) Yes; s.5 (B) Yes; s.9 (C) Yes; s.11 (D) No provision
60. Conditional order for removal of nuisance was passed by a District Magistrate invoking the power u/s.152 BNSS, 2023 with a direction to the person causing such nuisance to appear before the Magistrate. On appearance, the person objected the conditional order. The District Magistrate summarily adjudicated the matter and overruling the objection, passed a final order. With regard to the procedure followed by the Magistrate, which of the following statement/s is/are correct?
- (A) The procedure is perfectly correct since such power is available to the District Magistrate
- (B) Even though the procedure is improper, the same is not illegal
- (C) The procedure is not correct. Under s.157(1) BNSS, 2023, when the person against whom the conditional order u/s.152 is passed, appears and shows cause against the order, the Magistrate shall take evidence in this matter as in a summons case
- (D) The procedure is correct. Under s.157(1) BNSS, 2023, when the person against whom the conditional order u/s.152 is passed, appears and shows cause against the order, the Magistrate shall take evidence in this matter as in a summary trial case
61. Can a foreign citizen claim the protection of fundamental rights in the Constitution of India?
- (A) Yes - Part III applies to all natural persons
- (B) Yes - Part III applies to all juristic and natural persons
- (C) No - Part III applies only to Indian citizens
- (D) Some fundamental rights can be claimed by non-citizens while other fundamental rights cannot be claimed
62. Can a law placed in the Schedule 9 of the Constitution of India be struck down?
- (A) Can be struck down only if it violates any of the provisions of Part-III of the Constitution of India
- (B) Can be struck down if the law violates the basic structure of the Constitution

- (C) Cannot be struck down as the law is placed in the Schedule 9 of the Constitution of India
- (D) Can be struck down as any other law
63. Jiddu Krishna Murthy, one of the greatest Indian Philosophers, was once involved in a notable Court case in which Ms. Annie Besant, an Indian freedom fighter and the proponent of Home Rule Movement was a party. What was the subject/dispute involved in the case?
- (A) Will executed by Annie Besant
(B) The custody of Jiddu Krishnamurti, who was a minor then
(C) Disputes related to Leadership of Theosophical Society
(D) Property Dispute of Theosophical Society
64. Who was the first woman lawyer directly elevated to the Supreme Court of India?
- (A) Justice Indu Malhotra (B) Justice Gyan Sudha Misra
(C) Justice Ruma Pal (D) Justice Ranjana Desai
65. In which Sherlock Holmes Novel/Story, the character named Bartholomew Sholto is found murdered at Pondicherry Lodge and Agra treasure was stolen?
- (A) The Final Problem (B) Scandal in Bohemia
(C) The Sign of the Four (D) The Hound of the Baskervilles
66. Who was the longest serving Member of Parliament from the Lok Sabha?
- (A) A.B. Vajpayee-BJP (B) Indrajit Gupta- CPI
(C) P.M Sayed-INC (D) Somnath Chatterjee-CPM
67. In which immortal work of Charles Dickens, do we find the metaphor- 'The law is an ass' ?
- (A) Oliver Twist (B) Great Expectations
(C) Hard Times (D) A Tale of Two Cities
68. One of the following sentences contains a grammatical error. Identify it.
- (A) Neither the teacher nor the students was prepared for the sudden fire drill
(B) If I were you, I would reconsider the offer
(C) The committee has made its decision
(D) I was ready to go, but my wife was not

69. Change the following from direct to indirect speech:
She said, "*I have finished my homework*"
- (A) She said that she would have finished her homework
(B) She said that she might have finished her homework
(C) She said that she has finished her homework
(D) She said that she had finished her homework
70. Complete the sentence, using the correct option:
'If he about the traffic, he would have left earlier'.
- (A) knew (B) had known
(C) could have known (D) has known
71. Identify the usage of correct subjunctive form in the following:
- (A) If I was taller, I could reach the shelf
(B) If I were taller, I could reach the shelf
(C) If I could be taller, I could reach the shelf
(D) If I am taller, I could reach the shelf
72. To determine whether a practice is protected by Art.25(1) of the Constitution of India, the Court has to determine:
- (A) Whether the practice is secular in nature
(B) Whether the practice is an essential religious practice
(C) Whether the practice is permitted by the religion in question
(D) Whether the practice is prohibited by any other law
73. Art.265 of the Constitution of India prohibits:
- (A) The levy of taxes with retrospective effect
(B) Double taxation
(C) Exorbitant taxation
(D) Imposition of tax without the authority of law
74. The right to remain silent flows from.....of the Constitution of India.
- (A) Art. 19 (B) Art. 20 (C) Art.21 (D) Art.14
75. Which of the following provision was struck down in *Joseph Shine v. Union of India*?
- (A) Section 57 of the Aadhaar Act
(B) Section 377 of the Indian Penal Code
(C) Section 33(2) of the Aadhaar Act
(D) Section 497 of the Indian Penal Code