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HPJS (Prelims)

**Previous Year Paper
(Criminal Law) Paper-III
2018**



DO NOT OPEN THIS TEST BOOKLET UNTIL YOU ARE ASKED TO DO SO
HPJS/2018

TEST BOOKLET SERIES

**TEST BOOKLET
 PAPER III
 CRIMINAL LAW**



Time Allowed : 1 Hour

[Maximum Marks : 100]

All questions carry equal marks.

INSTRUCTIONS

1. Write your Roll Number only in the box provided alongside. Do not write anything else on the Test Booklet.
2. This Test Booklet contains 50 items (questions). Each item comprises four responses (answers). Choose only one response for each item, which you consider the best/correct.
3. After the candidate has read each item in the Test Booklet and decided which of the given responses is correct or the best, he has to mark the circle containing the letter of the selected response by blackening it completely with ball point pen as shown below. In the following example, response "C" is so marked :



4. Do the encoding carefully as given in the illustrations. While encoding your particulars or marking the answers on answer sheet, you should blacken the circle corresponding to the choice in full and no part of the circle should be left unfilled. In the test ball point pen of black or blue ink is to be used as such you should be very careful while marking the responses. Double marking in the answer sheet will fetch zero mark. You may clearly note that since the answer sheets are to be scored/evaluated on O.M.R., any violation of the instructions may result in reduction of your marks for which you would yourself be responsible.
5. You have to mark all your responses ONLY on the ANSWER SHEET separately given to you. No erasing/correction fluid is allowed.
6. All items carry equal marks. Attempt all items. Your total marks will depend only on the number of correct responses marked by you in the Answer Sheet. There will be no negative marking.
7. Before you proceed to mark responses in the Answer Sheet, fill in the particulars in the front portion of the Answer Sheet as per the instructions sent to you.
8. After you have completed the test, hand over the Answer Sheet only to the Invigilator. You are permitted to take away with you the Test Booklet.

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CRIMINAL LAW

Time Allowed : 1 Hour

[Maximum Marks : 100

1. In which of the following cases, the offence of an 'Attempt' is *not* committed ?
 - (A) 'A' intending to kill 'Z' fires at 'B's coat hanging in his room mistaking it for 'Z'.
 - (B) 'A' thrusts his hand into the pocket of 'Z' and fails to get anything because having nothing in Z's pocket.
 - (C) 'A' administers to woman 'Z', a drug with the intent to producing abortion and fails, since the woman was not actually pregnant.
 - (D) 'A' carries paddy, in violation of law without having a license, with the intent to supply and was stopped before delivery of paddy 10 miles away from destination.
2. In which one of the following cases, the House of Lords has given the answers to the questions relating to the defence of insanity ?
 - (A) *R. Vs. Dudley and Stephen*
 - (B) *R. Vs. Prince*
 - (C) *R. Vs. Mc Naughten*
 - (D) None of these

3. The judgment in case of *Mahboob Shah Vs. Emperor* was given by which one of the following Judges ?

(A) Atkinson, J. (B) Sir Madhavan Nair, J.

(C) Lord Sumner (D) Sir B. Peacock, J.

4. Which one of the following Sections of the *Indian Penal Code*, 1860, may apply against woman also ?

(A) Section 354 (B) Section 354-A

(C) Section 354-B (D) Section 354-C

5. Which one of the following cases is *not* associated with the Section 497 of the Indian Penal Code ?

(A) *Sowmithri Vishnu Vs. Union of India*

(B) *Yusuf Abdul Aziz Vs. State of Bombay*

(C) *Joseph Shine Vs. Union of India*

(D) *Ranjit D. Udeshi Vs. State of Maharashtra*

6. Find out an *incorrect* statement :

- (A) A Collector exercising jurisdiction in a suit under Act 10 of 1859 is a Judge.
- (B) A Magistrate exercising jurisdiction in respect of a charge on which he has power to fine or imprisonment with or without appeal is a judge.
- (C) A member of a Panchayat which has power under Regulation VII, 1816 of the Madras Code to try and determine suits is a Judge.
- (D) A Magistrate exercising jurisdiction in respect of charge on which he has power only to commit for trial to another court is a Judge.

7. Who amongst the following was *not* Judge of the Bench of the Supreme Court in deciding the case of '*Navtej Singh Johar & Ors. Vs. Union of India through the Society, Ministry of Law and Justice*' ?

- (A) Justice Rohinton F. Nariman
- (B) Justice A.M. Khanwilkar
- (C) Justice R. Banumati
- (D) Justice D.Y. Chandrachud

8. In which one of the following offences, exception to the rule u/s 34 of IPC does *not* apply that all the accused persons must be physically present at the scene of the offence ?

- (A) Offences affecting the Human Body
- (B) Offences against Property
- (C) Offences relating to Marriage
- (D) Offences relating to Religion

9. Which one of the following is an essential element of 'Criminal breach of trust' ?

- (A) Contractual relationship
- (B) Transfer of Possession
- (C) Taking Possession of the property by fraudulent means
- (D) Property must be movable only

16. If a case is brought before the Magistrate and it appears to him that the offence complained of is triable exclusively by the Court of Session, while postponing the issue of process, he :
(A) may direct an investigation to be made by a Police Officer
(B) shall commit the case to the Court of Session
(C) shall call upon the complainant to produce all his witness and examine them on oath
(D) shall return the complaint for presentation before the Court of Session

17. No sentence of imprisonment shall be passed in case of summary trial for a term exceeding :
(A) Two years (B) One year
(C) Six months (D) Three months

18. Section 482 of the *Code of Criminal Procedure* provides saving of inherent powers of which one of the following Courts ?
(A) Supreme Court (B) Court of Session
(C) High Court (D) Magistrate Court

19. 'A' is accused of an act which may amount to Criminal Breach of Trust or Cheating. He is only charged with cheating but it appears that 'A' has committed the offence of Criminal Breach of Trust. He may be :

(A) Acquitted from the charge of Criminal Breach of Trust
(B) Convicted to Cheating only, not for other
(C) Convicted of Criminal Breach of Trust, also
(D) Discharged from the charge of Criminal Breach of Trust

20. Which one of the following Courts has no power to transfer cases and appeals, if it is expedient for the ends of Justice ?

(A) Supreme Court (B) High Court
(C) Session Judge (D) Chief Judicial Magistrate

21. Which one of the following Sections has not been inserted under the *Code of Criminal Procedure*, 1973 by the *Criminal Law (Amendment) Act* 2013 ?

(A) Section 265-C (B) Section 357-B
(C) Section 357-C (D) Section 198-B

22. An Additional Chief Judicial Magistrate may be appointed by the :

(A) Chief Judicial Magistrate (B) Session Judge
(C) High Court (D) Governor of the State

23. Who among the following is authorised to order to execute a Bond (with or without sureties), if he receives information that any person is likely to commit a breach of the peace or disturb the public tranquility ?

(A) Session Judge
(B) Executive Magistrate
(C) Judicial Magistrate of the first class
(D) Superintendent of Police

24. Who among the following is a competent person by whom offence of 'Theft' may be compounded ?

(A) the owner of property stolen
(B) the possessor of property
(C) the Station House Officer where F.I.R. of stolen property is lodged
(D) the Public Prosecutor

25. Warrant-case does *not* include a case relating to an offence punishable with :

(A) death
(B) imprisonment for life
(C) imprisonment for term exceeding two years
(D) imprisonment for a term not exceeding two years

26. The principle relating to the 'double jeopardy' is embodied under which one of the following Sections of the *Code of Criminal Procedure* ?

(A) Section 300 (B) Section 20(2)

(C) Section 298 (D) Section 301

27. In case of an offence which is punishable with imprisonment for a term exceeding one year but not exceeding three years, the period of limitation for taking cognizance shall be :

(A) six months (B) one year

(C) three years (D) ten years

28. Framing of formal charge shall *not* be necessary in :

(A) trial of warrant-case instituted on a Police report by a Magistrate

(B) trial of summons case by a Magistrate

(C) trial before a Court of Session

(D) trial of warrant-case instituted other than a Police report by a Magistrate

29. Who amongst the following is authorised to record confession under Section 164, the *Code of Criminal Procedure* ?

(A) Any Police Office

(B) Any Judicial Magistrate or Metropolitan Magistrate

(C) Judicial Magistrate who has Jurisdiction exclusively

(D) Executive Magistrate only

30. When may Police arrest any person without an order from a Magistrate and without a warrant ?

(A) if person concerned is in a non-cognizable offence

(B) if person against whom a complaint has been made

(C) if person against whom a credible information has been received or reasonable suspicions exist of his having so concerned (as mentioned in A & B)

(D) if person against whom a credible information has been received or a reasonable suspicion exists that the person has committed a cognizable offence punishable with not less than 07 years

31. Which one of the following punishments may be awarded in case of dishonour of cheque for insufficiency under the *Negotiable Instrument Act, 1881* ?

(A) with fine which may extend to thrice the amount of cheque

(B) with fine which may extend to twice the amount of cheque

(C) with fine which may same as the amount of cheque

(D) with fine which amount may unlimited and decided by the Court

32. Which one the following is *incorrect* to the offence committed u/s 138, the *Negotiable Instrument Act, 1881* ?

- (A) Presentation of the cheque to the Bank and returning the cheque unpaid by the drawee Bank
- (B) Giving notice in writing to the drawer of the cheque demanding payment of the notice
- (C) Drawer must have guilty intent while drawing the cheque
- (D) Failure of the drawer to make payment within 15 days of the receipt of the notice

33. Which one of the following Sections provides "presumption in favour of holder" under the *Negotiable Instrument Act* ?

- (A) Section 138
- (B) Section 139
- (C) Section 140
- (D) Section 141

34. The word 'Company' explained u/s 141 of the *Negotiable Instrument Act, 1881*, does *not* mean :

- (A) any body corporate
- (B) a firm
- (C) other association of individuals
- (D) any person acting as a Banker

35. Find out the *correct* statement in respect to the provisions of Section 142, the *Negotiable Instrument Act, 1881* :

(A) Judicial Magistrate of the second class only shall try any offence punishable under Section 138, NIA

(B) No Court shall take cognizance of any offence punishable under Section 138, NIA except upon a complaint, in writing made by the payee

(C) Court of competent Jurisdiction can not take cognizance of complaint after expiry of prescribed period provided under the Section ever if finds sufficient cause for delay

(D) Court can take *suo-motu* cognizance of offence u/s 138, NIA

36. The term 'Bear' is defined under which one of the following clauses of Section 2 of the *H.P. Excise Act, 2011* ?

(A) Clause (d) (B) Clause (c)

(C) Clause (b) (D) Clause (a)

37. The term 'permit' as defined under the *H.P. Excise Act, 2011* means :

- (A) an order passed by appropriate authority
- (B) a license granted under this Act
- (C) a judgment given by the Court of Law
- (D) a no objection statement issued by the Collector of the district for import and transport of liquor

38. When the Financial Commissioner may *not* cancel license under Section 30 of the *H.P. Excise Act, 2011* ?

- (A) If license is transferred or sublet by the holder without permission of appropriate authority
- (B) If any excise duty or other duty payable by the holder is not duly paid
- (C) If the holder is elected as member of the Legislative Assembly or Local Bodies
- (D) If the holder is convicted of any offence punishable under the *H.P. Excise Act, 2011* or any Acts, specified under Sub-clause (d) of Section 29

39. The *H.P. Excise Act, 2011* provides provision of punishment not less than three years and the fine not less than one lakh rupees, if the accused commits an offence relating to import, export or transport of :

- (A) country liquor exceeding 45 liters
- (B) foreign liquor exceeding 40 liters but not exceeding 45 liters
- (C) country liquor exceeding 40 liters but not exceeding 45 liters
- (D) other spirits not exceeding 5 liters

40. If any person consumes liquor in any unlicensed public place in contravention of any provisions of the *H.P. Excise Act, 2011*, he shall be punished with which one of the following punishment ?

- (A) with imprisonment for a term which may extend to three months
- (B) with fine which shall not be less than two thousand and which may extend to ten thousand rupees
- (C) with fine which shall not be less than one thousand and which may extend to five thousand rupees
- (D) with imprisonment of one year and with fine of one thousand rupees

41. The term 'Zoo', defined under the *Wild Life (Protection) Act, 1972* (as amended) does *not* include :

- (A) a circus
- (B) a rescue centers
- (C) an establishment of licensed dealer in captive animals
- (D) none of the above

42. Which of the following is *not* a duty of the State Board for Wildlife ?

- (A) selection and management of areas to be declared as protected areas
- (B) formulation of the policy for protection and conservation of the wildlife
- (C) measures to be taken for harmonising the needs of the tribal and other dwellers of the forest with the protection and conservation of wildlife
- (D) selection of the forest guards for protection and conservation of the wildlife

43. Under Chapter VI-A of the *Wildlife (Protection) Act*, the term used 'relative', does *not* mean :

- (A) spouse of the person
- (B) brother and sister of the person
- (C) servant working for spouse of the person
- (D) any lineal ascendant or descendant of the person or spouse of the person

44. What is the amount of reward which may be provided to a person who renders assistance in detection of the offence, if Court imposes a sentence of fine and order thereof under the *Wildlife (Protection) Act*, 1972 (as amended) ?

- (A) upto twenty per cent of fine
- (B) upto ten per cent of fine
- (C) upto fifty per cent of fine
- (D) upto seventy five per cent of fine

45. Who among the following has empowered to order payment of reward under Section 60-B of the *Wildlife (Protection) Act, 1972* (as amended) ?

- (A) the Court
- (B) the Chief Wildlife Warden empowered by the State Govt.
- (C) the Minister of Forest
- (D) the Collector

46. Which one of the following Acts is *not* prohibited Act in relation to reserve forest ?

- (A) sets fire in the forest
- (B) pastures cattle in the forest
- (C) worship of sacred trees in the forest
- (D) quarries stone from the forest

47. Which one of the following punishments is provided u/s 33 of the *Indian Forest Act*, if any person fens, lops or burns any tree reserved under Section 30 ?

- (A) with imprisonment for a term which may extend to six months only not others
- (B) with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both
- (C) with fine which may extend to five hundred rupees only not others
- (D) with imprisonment for a term which may extend to nine months or with fine which may extend to one thousand rupees or with both

48. Which one of the following Sections of the *Indian Forest Act* provides the powers of a Civil Court in trial of suits to the Forest Settlement Officer ?

(A) Section 6 (B) Section 7
(C) Section 8 (D) Section 9

49. What is punishment for wrongful seizure under *Indian Forest Act* ?

(A) imprisonment for a term which may extend to six months or with fine of one thousand rupees or both
(B) imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or both
(C) imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or both
(D) imprisonment for life

50. 'Forest-produce' is explained under which one of the following clauses of Section 2, the *Indian Forest Act* ?

(A) Clause 2 (B) Clause 3
(C) Clause 4 (D) Clause 4-A