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JKPSC Prosecuting Officer (Mains)

**Previous Year Paper
Legal drafting & Pleading
Paper-I 15 Feb 2022**



PAPER - I

LEGAL DRAFTING AND PLEADING

Time Allotted - 3 Hours

Maximum Marks-250

INSTRUCTIONS

- i) Question paper contains Two parts A and B.
- ii) Any Five questions in all selecting minimum Two questions from each part.
- iii) All questions shall carry equal marks.
- iv) The part/parts of the same question must be answered together and should not be interposed between answers to other questions.
- v) If you encounter any typographical error, please read it as it appears in the text book.
- vi) Candidates are, in their own interest, advised to go through the General Instructions on the back side of the title page of the Answer Script for strict adherence.
- vii) No continuation sheets shall be provided to any candidate under any circumstances.
- viii) Candidates shall put a cross (x) on blank pages of Answer Script.
- ix) No blank page be left in between answer to various questions.

PART - A

1. "The function of a pleading is not simply for the benefit of the parties and perhaps primarily for the assistance of a Court by defining with precision the area beyond which without the leave of the court, and consequential amendment of pleading, conflict must not be allowed to extend." In light of the above statement:

- (a) Elucidate the function and object of pleadings. (15)
- (b) Write a note on fundamental rules of pleadings. (15)
- (c) Explain in detail the importance of signatures and attestations on a deed. (20)

2. Illustrate the Following with in the light of statutory provision-

- (a) Who is allowed to sue as an indigent person? (15)
- (b) What are the grounds for rejection of such an application to sue as an indigent person? (15)
- (c) Draft an application for Ms. RajniNath, d/o. Mr. Kamal Kishore, aged 29 Years, resident of C-14, Rohini- West, New Delhi under relevant sections of law requesting the court to allow to sue as an indigent person. (20)

3. Mr. Rajat Lall is the owner of Savarkar Villa, Rajendra Place, New Delhi and had let out the said property to M/s. Malik Mudra Exchange Ltd. for a period of three years vide an unregistered Lease deed date 16th Sep 2018, and the period of three years came to an end on 15th September 2021, after which, M/s. Malik Mudra Exchange Ltd. became a month-to-month tenant. On 16th September 2021, Mr. Lall approached the management of Malik Mudra Exchange Ltd. for vacation of the house. However, they did not vacate the premises. Meanwhile, it also came to the knowledge of Mr. Lall that the property was being used to operate a currency exchange for trading in some virtual currencies banned by the Central Bank.

- (a) Draft a legal notice to be served by Mr. Rajat Lall to vacate the premises by 15 October, 2021. (15)
- (b) Draft a response by M/s. Malik Mudra Exchange Ltd. seeking 6 months to vacate the premises on account of COVID-19 Pandemic. (15)
- (c) Draft a suit for ejectment and damages for wrongful use and occupation to be file by Mr. Rajat Lall. (20)

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(2)

4. Mr. Amir Khan agreed to supply 100 Air Conditioners to Mr. Ankit Kumar by or on 10-08-21 and they were supplied as per contract. In lieu of this contract Mr. Ankit Kumar issued 4 cheques each of Rs.1,00,000/- dated 01-07-21, 15-07-21, 30-07-21 and 10-08-21 respectively to Mr. Amir Khan. The cheques were dishonored when presented to the bank for payment on the date they became due. Four different notice under s 138 of Negotiable Instruments Act, 1881 were issued on account of said dishonor of cheques and the drawer failed to make the payment within 15 days of the receipt of notice as required under section 138, Negotiable Instruments Act. Four different complaints have been filed before the court for dishonor of cheques and institution of proceedings under section 138.

(a) Draft the criminal complaint for the said case. (15)

(b) Frame charge for each case. (15)

(c) Whether these charges can be joined together. If so, state the law. (20)

PART - B

5. The State of East Pradesh situated in the Federal Republic of Indicus had recently conducted elections to the Legislative Assembly. Following the declaration of results, leaders of the victorious Common People Party of Indicus gave a call for punishing those who had voted against them. This led to a pogrom across the state, with murders, rampages and rapes committed in broad daylight, and human rights violations took place at massive levels. This lead to a reign of terror and mass-exodus took place to the neighbouring states. The state machinery remained mute spectators to this. The Federal Republic of Indicus has provisions analogous to the Constitution of India. In light of the above-mentioned fact-

(a) As a public-spirited citizen, draft a writ petition under Article 226 of the Constitution for issuance of writ and to ensure justice is served to the victims of post-poll violence in the state. (25)

(b) In the above problem file a response on behalf of State of East Pradesh denying that post poll violence happened on large scale and specifically denying any responsibility for violence, if at all. (25)

6. (a) What is a power of attorney? Discuss in detail, the law on execution of power of attorney. (25)

(b) Draft a power of attorney for Ms. Asha Bachhan, w/o. Mr. Kumar Bachhan, aged 68 years, resident of C-12, Model Town, Patiala in favour of Mr. Sujit Sarkar to lease Ist floor of her above said house in Patiala and to receive rent in her stead in view of her plans to stay out of India for next three years. (25)

7. Ms. Bhagyawati, W/o. Late Shri Kunal Kapoor aged 35 years is a Hindu widow. She is keen to adopt a girl named Baby Sonia aged 1 year from neighbouring Arya Kanya Niketan, an orphanage.

(a) Guide her on the procedure she must follow to legally adopt the girl and state the law of adoption in detail. (25)

(b) Draft a general deed of adoption to be executed by her given the above facts. (25)

8. A bank manager working in a Public Sector Bank at Allahabad was dismissed from service because of his conviction for involvement in an illegal e-gambling contest. The conviction was based on his confession in the trial court. The Trial Court did not record the confession statement in toto and thus committed an incurable defect.

(a) Draft a Criminal Appeal to be presented to High Court of Allahabad against the decision of trial court. (25)

(b) Draft a Special Leave Petition (SLP) to be filed claiming setting aside of trial since the confession recorded is inadmissible in law for not being in the form prescribed under Section 281(2) of Code of Criminal Procedure, 1973. (25)