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Test Booklet Series

T. B. C. : APP – 17/18



TEST BOOKLET
ASSISTANT PUBLIC PROSECUTOR

Serial No. 3409

Time Allowed : 2½ Hours

Maximum Marks : 130

: INSTRUCTIONS TO CANDIDATES :

1. IMMEDIATELY AFTER THE COMMENCEMENT OF THE EXAMINATION, YOU SHOULD CHECK THAT THIS TEST BOOKLET DOES NOT HAVE ANY UNPRINTED OR TORN OR MISSING PAGES OR ITEMS ETC. IF SO, GET IT REPLACED BY A COMPLETE TEST BOOKLET OF THE SAME SERIES ISSUED TO YOU.
2. ENCODE CLEARLY THE TEST BOOKLET SERIES A, B, C OR D, AS THE CASE MAY BE, IN THE APPROPRIATE PLACE IN THE ANSWER SHEET USING BALL POINT PEN (BLUE OR BLACK).
3. You have to enter your Roll No. on the Test Booklet in the Box provided alongside. DO NOT write anything else on the Test Booklet.
4. YOU ARE REQUIRED TO FILL UP & DARKEN ROLL NO., TEST BOOKLET / QUESTION BOOKLET SERIES IN THE ANSWER SHEET AS WELL AS FILL UP TEST BOOKLET / QUESTION BOOKLET SERIES AND SERIAL NO. AND ANSWER SHEET SERIAL NO. IN THE ATTENDANCE SHEET CAREFULLY. WRONGLY FILLED UP ANSWER SHEETS ARE LIABLE FOR REJECTION AT THE RISK OF THE CANDIDATE.
5. This Test Booklet contains 130 items (questions). Each item (question) comprises four responses (answers). You have to select the correct response (answer) which you want to mark (darken) on the Answer Sheet. In case, you feel that there is more than one correct response (answer), you should mark (darken) the response (answer) which you consider the best. In any case, choose ONLY ONE response (answer) for each item (question).
6. You have to mark (darken) all your responses (answers) ONLY on the separate Answer Sheet provided by using BALL POINT PEN (BLUE OR BLACK). See instructions in the Answer Sheet.
7. All items (questions) carry equal marks. All items (questions) are compulsory. Your total marks will depend only on the number of correct responses (answers) marked by you in the Answer Sheet. There will be no negative markings for wrong answers.
8. Before you proceed to mark (darken) in the Answer Sheet the responses to various items (questions) in the Test Booklet, you have to fill in some particulars in the Answer Sheet as per the instructions sent to you with your Admission Certificate.
9. After you have completed filling in all your responses (answers) on the Answer Sheet and after conclusion of the examination, you should hand over to the Invigilator the Answer Sheet issued to you. You are allowed to take with you the candidate's copy / second page of the Answer Sheet along with the Test Booklet, after completion of the examination, for your reference.
10. Sheets for rough work are appended in the Test Booklet at the end.

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SEAL

1. In addition to High Court in every state there shall be the following classes of Criminal Courts, namely :
 - (A) Court of Session
 - (B) Judicial Magistrate First Class or Metropolitan Magistrate
 - (C) Executive Magistrate
 - (D) All of the above
2. Which Section of Cr. P. C. deals with the establishment of Directorate of Prosecution ?
 - (A) Section 24
 - (B) Section 25
 - (C) Section 25A
 - (D) Section 23
3. The Court of a Magistrate of the First Class may pass a sentence of imprisonment for a term :
 - (A) Not exceeding one year, or of fine not exceeding five thousand rupees, or of both
 - (B) Any sentence authorised by law
 - (C) Any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding seven years
 - (D) Not exceeding three years, or of fine not exceeding ten thousand rupees, or of both
4. Cases where a police officer may arrest a person without warrant are :
 - (A) Specified in Schedule I and enumerated in Section 41 of the Cr. P. C.
 - (B) Specified in Schedule II and enumerated in Section 41 of the Cr. P. C.
 - (C) Specified in Schedule I and enumerated in Section 42 of the Cr. P. C.
 - (D) Specified in Schedule II and enumerated in Section 42 of the Cr. P. C.
5. A private person may arrest a person only if :
 - (A) The person is a proclaimed offender or if a person commits a non-bailable and cognizable offence in his suspicion
 - (B) The person is a proclaimed offender or if a person commits a non-bailable and cognizable offence in his presence
 - (C) The person is a proclaimed offender or if a person commits a non-bailable and cognizable offence in his opinion
 - (D) The person is a proclaimed offender or if a person commits a non-bailable and cognizable offence in his information

6. Where a person is arrested on a charge of committing an offence and his identification by any other person is necessary for the purpose of investigation of such offence, the court may direct the person so arrested to subject himself to identification. Such provisions are enumerated :

(A) Under Section 53A of Cr. P. C.
(B) Under Section 50A of Cr. P. C.
(C) Section 54A of Cr. P. C.
(D) Section 54 of Cr. P. C.

7. Warrant of arrest shall be in :

(A) Form No. 2 of the Second Schedule
(B) Form No. 2 of the First Schedule
(C) Form No. 3 of the Second Schedule
(D) Form No. 3 of the First Schedule

8. Ordinarily a warrant of arrest is directed to Police Officer but Section 72 of the Cr. P. C. provides that it may be directed even to persons other than Police Officer if :

(A) There is a necessity for immediate arrest
(B) No Police Officer is immediately available
(C) There is a necessity for immediate arrest as well as not Police Officer is immediately available
(D) None of the above

9. The Court issuing a proclamation may order the attachment of any property of person absconding. The above provisions are contained in which Section of the Cr. P. C.

(A) Section 84 of the Cr. P. C.
(B) Section 83 of the Cr. P. C.
(C) Section 87 of the Cr. P. C.
(D) Section 90 of the Cr. P. C.

10. Persons who may be charged jointly :

(A) Persons accused of same offence committed in the course of same transaction
(B) Persons accused of offences under Sections 411 and 414 of I. P. C.
(C) Persons accused of different offences committed in the course of same transaction
(D) All of the above

11. According to Section 93 of Cr. P. C., search warrants may be issued under the following circumstances :

- (A) Where a Court has reason to believe that a person to whom summons, order or a requisition has been addressed but not produce the documents or things as required
- (B) Where a Court consider that the purposes of any inquiry, trial or other proceeding under the code would be served by such search or inspection
- (C) Where documents or things are necessary or desirable for any investigation, inquiry, trial or other proceedings under the code
- (D) All of the above

12. Name the case in which Justice V. R. Krishna Iyer observed that "in cases under Section 110 of Cr. P. C. the exercise is often an idle ritual deprived of reality although a man's liberty is at stake...." ?

- (A) Gopalanachari V. State of Kerala 1981 Cr. L. J. 337 (SC)
- (B) Madhu Limaye V. Ved Murti AIR 1971 SC 2481
- (C) Govinder Singh V. Bachubai AIR 1972 SC 528
- (D) Ram Narain Singh V. State of Bihar AIR 1972 SC 2225

13. When Section 144 of Cr. P. C. is in operation and if violater is female, can she be arrested after 5.00 P. M. ?

- (A) She cannot be arrested
- (B) She can be arrested as male
- (C) She can be arrested only when Magistrate thinks situation is acute and urgent and her arrest is must under such circumstances but only by female Police Officer
- (D) None of the above

14. If no unlawful assembly and no Section 144 is in operation can Magistrate pass an order to arrest in cases of public nuisance. If so, under which Section ?

- (A) Section 133 of Cr. P. C.
- (B) Section 145 of Cr. P. C.
- (C) Section 131 of Cr. P. C.
- (D) Section 132 of Cr. P. C.

15. All other information after the commencement of the investigation be a Second FIR. In respect of same cognizable offence, same accident or occurrence can there be Second FIR ?

- (A) There can be Second FIR
- (B) There can not be Second FIR
- (C) There can be no Second FIR but counter FIR can be filed by rival party
- (D) None of the above

16. 'A' is accused of a theft on one occasion, and of causing grievous hurt on another occasion. 'A' must be :
(A) Jointly charged and may tried together
(B) Separately charged and separately tried for theft only
(C) Separately charged and separately tried for the theft and causing grievous hurt
(D) None of the above

17. Under which Section a Magistrate may dismiss a complaint, if after considering the statement on oath of the complainant and of witnesses and the result of inquiry or investigation under Section 202, there is sufficient ground for proceeding ?
(A) Section 201 of Cr. P. C.
(B) Section 203 of Cr. P. C.
(C) Section 204 of Cr. P. C.
(D) Section 205 of Cr. P. C.

18. A charge has been framed against the accused on a *prima facie* case having been made out by the prosecution then :
(A) The accused can be discharged
(B) The accused can be acquitted
(C) The accused can not be acquitted
(D) The accused can not be discharged

19. In a case no formal framing of charge is necessary. It is known as :
(A) Warrant Case
(B) Summons Case
(C) Summary Case
(D) None of the above

20. When the Court has signed its judgement or final order disposing of the case, can court alter the judgement or final order ?
(A) Court can alter the final order or judgement without any cause
(B) Court cannot alter the judgement or final order
(C) Court can alter the judgement or final order but only to correct a clerical or arithmetical error
(D) All of the above

21. Persons who may be charged jointly :
(A) Persons accused of same offence committed in the course of same transaction
(B) Persons accused of different offence committed in the course of same transaction
(C) Persons accused of offences under Sections 411 and 414 of I. P. C.
(D) All of the above

22. When the Court of Session passes a sentence of death, the proceeding shall be submitted to the High Court and sentence shall not be executed unless the High Court :
(A) May confirm the sentence or may pass any other sentence
(B) May acquit the person
(C) May annul the convict or order a new trial
(D) All of the above

23. In a revision :
(A) Party can insist upon being heard by the Court
(B) Accused can insist upon being heard by the Court
(C) Complainant can insist upon being heard by the Court
(D) Court may, if it thinks fit, hear any party either personally or by pleader

24. Every warrant for the execution of a sentence may be issued either by :
(A) The Judge who passed the sentence
(B) The Magistrate who passed the sentence
(C) By his successor in office
(D) Any of the above

25. No Court shall take cognizance of an offence after the expiry of the period of limitation. The period of limitation is three years :
(A) If offence is punishable with fine only

(B) If offence is punishable with imprisonment for a term exceeding one year but not exceeding three years
(C) If offence is punishable with imprisonment for a term not exceeding one year
(D) If offence is punishable with imprisonment for a term exceeding three years

26. Which Section makes provisions so as to enable the Court to make such order as it thinks fit for the destruction, confiscation or delivery to any person claiming to be entitled to the property ?
(A) Section 452 of Cr. P. C.
(B) Section 451 of Cr. P. C.
(C) Section 453 of Cr. P. C.
(D) Section 454 of Cr. P. C.

27. A new Section 441A has been inserted in Cr. P. C. which seeks to provide that a person standing surety for an accused person shall disclose before the Court as to the number of persons to whom he has stood surety including the accused. It was inserted by :
(A) Cr. P. C. Amendment Act, 2004
(B) Cr. P. C. Amendment Act, 2005
(C) Cr. P. C. Amendment Act, 2016
(D) Cr. P. C. Amendment Act, 2000

28. Section 433 of Cr. P. C. empowered the appropriate government to commute, without the consent of the person sentenced in the following circumstances :

(A) A sentence of death for any other punishment provided by the I. P. C.

(B) A sentence of imprisonment for life for imprisonment for a term not exceeding 14 years or fine

(C) A sentence of rigorous imprisonment for simple imprisonment or of fine

(D) All of the above

29. Which Section of Cr. P. C. deals with the Legal Aid to accused at state expense ?

(A) 304

(B) 303

(C) 305

(D) 306

30. Section 320 of Cr. P. C. deals with compounding of offences which Sub-section of Section 320 of Cr. P. C. imposes a ban on compounding except as provided by this Section ?

(A) Sub-section (3)

(B) Sub-section (9)

(C) Sub-section (8)

(D) Sub-section (5)

31. When a person shall be released on bail ?

(A) He has been arrested or detained without warrant by an Officer in charge of a Police Station

(B) He appears or brought before a Court for bail

(C) He must be prepared at any time while in the custody of such officer or at any stage of the proceeding before Court to give bail

(D) All of the above

32. What are the grounds on which bail may be cancelled ?

(A) When person on bail commits similar offence or any heinous offence during bail period

(B) If the life of accused itself in danger

(C) If the High Court finds that the accused has misused the privilege of bail

(D) All of the above

33. Every warrant of arrest issued by a Court shall remain in force :

(A) Until it is cancelled by the issuing court

(B) Until it is executed

(C) Both (A) & (B)

(D) None of the above

34. What are the rights of the arrested person ?

(A) Person arrested to be taken before Magistrate or Officer in charge of Police Station

(B) Person arrested not to be detained for more than 24 hours

(C) Person be discharged

(D) All of the above

35. When an accused person has pleaded guilty and has been convicted on such plea, there shall be no appeal on the following grounds :

(A) If the conviction is by High Court

(B) If the conviction is by Session Court or Metropolitan Court

(C) If the conviction is by Magistrate of Second Class

(D) All of the above

36. Section 395 of Cr. P. C. requires every Court subordinate to the High Court to make a reference if :

(A) The Court is satisfied that a case pending before it involves a question of the constitutional validity of any Act

(B) The Court is satisfied that the determination of question of validity of the Act is necessary for the disposal of the case before it

(C) The Court is of the opinion that the Act is invalid or inoperative but has not so declared by the High Court to which the Court is subordinate or by the Supreme Court

(D) All of the above

37. No order of confirmation of judgement by the High Court shall be made under Section 368 until :

(A) The period allowed for preferring and appeal has expired

(B) If the appeal is presented within such period and appeal is pending

(C) If the appeal is presented within such period until such appeal is disposed of

(D) Both (A) & (C) only

38. Under what circumstances Magistrate can take cognizance of an offence ?

(A) Upon receiving a complaint of facts which constitute such offence

(B) Upon a police report of such facts

(C) Upon his own knowledge

(D) All of the above

39. Section 416 of Cr. P. C. provides that where a woman sentenced to death is found to be pregnant, the High Court shall order the :

- (A) Execution of the sentence to be postponed
- (B) Commute the sentence to life imprisonment
- (C) Both (A) & (B)
- (D) None of the above

40. When evidence is deficient, then the report submitted by investigating agency to the Magistrate is known as :

- (A) Charge Sheet
- (B) Challan
- (C) Final Report
- (D) Police Report

41. Section 240 of the Cr. P. C. provides for the framing of charge and states that if upon such consideration, examination and hearing the Magistrate is of opinion that then he shall frame in writing a charge against the accused if :

- (A) There is ground for presuming that the accused has committed an offence
- (B) The Magistrate is competent to try
- (C) Which could be adequately punished
- (D) All of the above

42. The maxim 'nemo debet bis vexari pro eadem causa' i.e. no one should be put to peril twice for the same offence. Which Section of Chapter XXIV dealing with general provisions as to inquiries and trials consisting Sections 300 to 327 based on this maxim :

- (A) Section 300
- (B) Section 327
- (C) Section 324
- (D) Section 314

43. Under which Section the Magistrate is empowered to convert summons cases into warrant cases ?

- (A) Section 259 of Cr. P. C.
- (B) Section 258 of Cr. P. C.
- (C) Section 260 of Cr. P. C.
- (D) Section 261 of Cr. P. C.

44. Section 160 provides that any Police Officer making investigation can by order require the attendance before himself of any person. However, the following persons cannot be required to attend any place other than the place in which such person resides :

- (A) A person below the age of fifteen years
- (B) A woman
- (C) Both (A) & (B)
- (D) None of the above

45. Who are empowered to try summarily?

- (A) Any Chief Judicial Magistrate
- (B) Any Metropolitan Magistrate
- (C) Any Magistrate of First Class
- (D) All of the above

46. What is a fact?

- (A) That a man heard or saw something
- (B) That a man has a certain reputation
- (C) That a man acts in good or fraudulently
- (D) All of the above

47. After considering the matters before it, the Court considers its non-existence so possible that a prudent man ought under the circumstances of the particular case, to act upon the supposition that it does not exist. It is:

- (A) Not proved
- (B) Proved
- (C) Disproved
- (D) None of the above

48. When hawkers and venders gives evidence, they are known as:

- (A) False witness
- (B) Chance witness
- (C) Interested witness
- (D) Relative witness

49. The doctrine of Estoppel applicable to:

- (A) Only in Civil matters
- (B) Only in Criminal matters
- (C) Civil and Criminal matters both
- (D) None of the above

50. When one fact is declared by Evidence Act to be conclusive proof of another, the Court shall on proof of one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

- (A) It may presume
- (B) It shall presume
- (C) It is conclusive proof
- (D) None of the above

51. Section 11 of the Evidence Act enables a person charged with a crime to take the:

- (A) Plea of res gestae
- (B) Plea of alibi
- (C) Plea of hearsay
- (D) Plea of common design

52. The 'Hall Mark' doctrine under the Law of Evidence was recognised in the case of:

- (A) R. V. Straffer (1952)2 Q. B. 911
- (B) Ram Lakhan Singh V. State of U. P. (1977)3 SCC 274
- (C) Harries V. Director of Public Prosecutor (1952)1 All E. R. 1044
- (D) R. V. Lillyman (1896)2 Q. B. 167

53. Section 17 of the Evidence Act :

- Defines admission only
- Says that an admission will be relevant only if it is made by any person specified in the Act
- Says that it will be relevant only in the circumstances mentioned in the Act
- All of the above

54. A statement oral or documentary, which suggest any inference as to any fact in issue or relevant fact, if such a statement is made by a party charged with a crime. It will be called :

- Admission
- Confession
- Both (A) & (B)
- None of the above

55. Pakla Narayan Swami V. Emperor AIR 1939 P. C. 47 is a leading case of :

- Estoppel
- Dying declaration
- Minor discrepancies
- Res judicata

56. The ruling of Pakla Narayan Swami V. Emperor AIR 1939 P. C. 47 was accepted by the Supreme Court in :

- Kaushal Rao V. State of Bombay AIR 1958 SC 22
- Sharad Birdichand Sharda V. State of Maharashtra AIR 1984 SC 1622
- Wazir Chand V. State of Haryana AIR 1989 SC 378

57. In case of dying declaration, statement made by signs is equally admissible. This was laid down by the Full Bench of the Allahabad High Court in :

- Mahendra Nath Rao V. Emperor AIR 1933 All 498 (F. B.)
- S. S. Jhabawala V. Emperor AIR 1933 All 690 (F. B.)
- Queen – Empress V. Abdullah I. L. R. (1885) 7 All 385 (F. B.)
- Thakur V. State AIR 1955 All 189 (F. B.)

58. The provisions relating to dying declaration as to pedigree are enumerated :

- Under Section 32(1) and 32(2)
- Under Section 32(3) and 32(4)
- Under Section 32(5) and 32(6)
- Under Section 32(7) and 32(8)

59. A sues B for Rs. 10,000 and shows entries in his Account Books showing B to be indebted to him to this amount. The entries in his account books are :

- Relevant
- Not relevant
- Relevant but are not sufficient without other evidence to prove the debt
- Relevant and sufficient without other evidence to prove the debt

60. A Judgement of a Court of competent jurisdiction determining the status of a person or thing is called :

- (A) Judgement in rem
- (B) Judgement in personam
- (C) Both of the above
- (D) None of the above

61. A Judgement which has the effect of *res judicata* is relevant in every case in which it has that effect. This principle is incorporated in :

- (A) Section 42 of the Evidence Act
- (B) Section 40 of the Evidence Act
- (C) Section 41 of the Evidence Act
- (D) Section 39 of the Evidence Act

62. Sections 45 and 47 of the Evidence Act put together recognise the following modes of proving handwriting :

- (A) By the evidence of the writer himself
- (B) By the opinion of an expert
- (C) By the evidence of a person who is acquainted with the handwriting of the person in question
- (D) All of the above

63. The subjects on which an expert is competent to testify are mentioned in Section 45 of the Evidence Act itself. They are :

- (A) Foreign law
- (B) Matters of science and foreign law
- (C) Matters of science, questions of Arts, identity of finger impressions or handwriting and foreign law
- (D) Identity of finger impressions, handwriting and foreign law

64. In criminal proceedings :

- (A) The fact that the accused person had a bad character is relevant
- (B) The fact that the accused person is of a good character is not relevant
- (C) The fact that the accused person had a bad character is relevant and the fact that the accused person is of a good character is irrelevant
- (D) The fact that the accused person had a bad character is irrelevant and the fact that the accused person is of a good character is relevant

65. All statements which the Court permits or requires to be made before it by witnesses in relation to the matters of fact under inquiry. Such statements are known as :

- (A) Oral evidence
- (B) Documentary evidence
- (C) Primary evidence
- (D) Secondary evidence

66. Documents must be proved by primary evidence except in the cases hereinafter mentioned :

- (A) When the original is in the possession of a person against whom document is to be proved or of any person out of reach
- (B) When the existence, condition or contents of the original have been proved to be admitted in writing by the party against whom the document is to be proved
- (C) When the original has been destroyed, lost or not to be easily movable
- (D) All of the above

67. A document by which an agent is given the power to act for his principal, which are duly executed before and authenticated by a notary public or any Judge, Court or Magistrate, Indian Consul or Vice Consul or representative of the Central Government is known as :

- (A) Maps and Charts
- (B) Foreign Judicial Records
- (C) Power of Attorney
- (D) Gazettes

68. When a document is ambiguous, how far oral evidence can be allowed to clarify the language or to remove the defect ? Which Section(s) of the Evidence Act lay down the above principles ?

- (A) Sections 93 to 100
- (B) Section 91
- (C) Sections 101 to 109
- (D) Section 92

69. When any fact is specially within the knowledge of any person, the burden of proving that fact is upon him. It is based on the principle of :

- (A) Res judicata
- (B) Res gestae
- (C) Res ipsa loquitur
- (D) Estoppel

70. A conclusive presumption of law which deals with the presumption of the legitimacy of a child is given under :

- (A) Section 111 of the Evidence Act
- (B) Section 112 of the Evidence Act
- (C) Section 113 of the Evidence Act
- (D) Section 114 of the Evidence Act

71. Presumption as to dowry death are given :

- (A) Under Section 113B of the Evidence Act
- (B) Under Section 113A of the Evidence Act
- (C) Under Section 114 of the Evidence Act
- (D) Under Section 114A of the Evidence Act

72. When one person has, by his declaration, act or omission, intentionally caused another person to believe a thing to be true and to act upon belief, he shall not be allowed in any suit between himself and such person to deny the truth of that thing. It is :

(A) Admission
(B) Waiver
(C) Estoppel
(D) Res gestae

73. A witness who by reason of dumbness or otherwise is unable to speak, may give evidence by any means by which he can make himself intelligible, such as, by writing or by signs. Evidence so recorded shall be deemed to be :

(A) Oral evidence
(B) No evidence
(C) Primary evidence
(D) Secondary evidence

74. No judge or magistrate can be questioned as to his judicial conduct. This judicial privilege admits of the following exception :

(A) A judge can be questioned even as to judicial matters with the order of the Court to which he is subordinate

(B) A judge can be questioned as to the matters which accrued in his presence while he was acting in his judicial capacity
(C) A judge can waive his privilege and voluntarily offer to explain his conduct as such judge or magistrate
(D) All of the above

75. Which Section of Evidence Act prevents communications between a man and his wife from being disclosed ?

(A) Section 120
(B) Section 121
(C) Section 122
(D) Section 123

76. Under Section 133 of the Evidence Act can an accomplice be a :

(A) Witness in a case
(B) Competent witness against an accused person
(C) No witness against an accused person
(D) None of the above

77. How many witnesses are necessary for the proof of a fact ?

(A) At least two
(B) At least four
(C) No particular number
(D) At least three

78. The examination of a witness by the adverse party is known as :
(A) Examination in Chief
(B) Cross examination
(C) Re-examination
(D) Non-examination

79. Any question suggesting the answer which the person putting it wishes or expects to receive is called :
(A) Leading questions
(B) Simple questions
(C) Unique questions
(D) Ordinary questions

80. Leading questions may be asked while :
(A) Re-examination
(B) Cross-examination
(C) Examination in Chief
(D) None of the above

81. The court may, in its discretion, permit a person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party. Such a witness is known as :
(A) Hostile witness
(B) Trap witness
(C) Partisan witness
(D) Expert witness

82. In civil proceedings the order in which witnesses are produced and examined is to be regulated by the :
(A) Civil Procedure Code
(B) In absence of any such law by the discretion of the Court
(C) It is left largely to the option of the party calling witnesses to examine them in any order he chooses
(D) Any of the above

83. The credit of a witness may be impeached in the following ways by the adverse party, or, with the consent of the Court, by the party who calls him :
(A) Witness unworthy of credit
(B) Bribe or corrupt inducement
(C) Former inconsistent statement
(D) All of the above

84. Where a person making a dying declaration is alive, his statement cannot be admitted in evidence as a dying declaration under Section 32 of the Evidence Act but it admissible :
(A) Under Section 158 of the Evidence Act
(B) Under Section 148 of the Evidence Act
(C) Under Section 137 of the Evidence Act
(D) Under Section 187 of the Evidence Act

85. Section 167 of the Evidence Act deals with :

- (A) Power of jury to put questions
- (B) No new trial for improper admission or rejection of evidence
- (C) Judge's power to put questions
- (D) Production of documents

86. In order to be illegal a thing has to fall under the following categories :

- (A) A thing which is an offence
- (B) A thing which is prohibited by law
- (C) A thing which furnishes ground for civil law
- (D) Any of the above

87. 'X', an Officer of a Court of Justice, being ordered by that Court to arrest 'Y' and after due enquiry believing 'Z' to be 'Y', arrests 'Z' :

- (A) 'X' has committed an offence
- (B) 'X' has committed no offence
- (C) None of the above
- (D) Both (A) & (B)

88. Where on a sudden and extreme emergency, one or other of two evils is inevitable, it is lawful so to direct events that smaller only shall occur. This principle is incorporated in :

- (A) Section 80 of I. P. C.

89. A minor girl aged more than 12 years can be guilty of an offence so long as her case is not covered by :

- (A) Sections 82 & 83 of the I. P. C.
- (B) Sections 80 & 81 of the I. P. C.
- (C) Sections 84 & 85 of the I. P. C.
- (D) Sections 86 & 87 of the I. P. C.

90. There are various degrees of insanity known to medical men but law does not recognise all kinds of insanity. On an analysis of Section 84 the test from exemption from convictions and punishment on the ground of insanity are :

- (A) Person is incapable of knowing that what he is doing is contrary to law
- (B) Person is incapable of knowing the nature of the physical act he is doing
- (C) Person is incapable of knowing that what he is doing is wrong
- (D) All of the above

91. McNaughton rules apply in case of :

- (A) Necessity
- (B) Minor
- (C) Insanity
- (D) Intoxication

92. It is no defence for a Commission of Crime under Sections 85 and 86 of the I. P. C. It is :

- (A) Involuntary drunkenness
- (B) Voluntary and persistent drunkenness
- (C) Drunkenness with knowledge
- (D) All of the above

93. An act done under threat or compulsion, incurs no criminal liability as it is a valid defence under Section 94 of I. P. C. However, the cases of murder or offences against the state committed under compulsion or duress are not covered under the defence available in this Section. The provision of this Section is based on the maxim :

- (A) Delirium tremens
- (B) Furious nulla voluntas est
- (C) Non-compos mentis
- (D) Actus me invito factus est mens

94. Plea of private defence is no defence in the following circumstances :

- (A) In case of an aggressor
- (B) In case of wilful killing or harm
- (C) In case of intentional or voluntary injury caused by the accused
- (D) All of the above

95. The right of private defence is not available to the accused who pleads :

- (A) Innocent
- (B) Alibi
- (C) Abetment
- (D) Conspiracy

96. Which Section contemplates a situation when there is likelihood of an innocent person being harmed or injured due to his presence at the scene of offence, when the accused is exercising his right of private defence against deadly assault on him ? It is :

- (A) Section 100
- (B) Section 103
- (C) Section 104
- (D) Section 106

97. The necessary ingredients for abetment are :

- (A) Instigation to do a thing
- (B) Engaging in conspiracy to do a thing
- (C) Intentionally providing aid in doing a thing
- (D) Any of the above

98. A Zamindar lent house to a Police Officer who was investigating into a crime of theft, with the knowledge that the house will be used torturing for the suspects. The Zamindar is guilty of:

- (A) Abetment by conspiracy
- (B) Abetment by aid
- (C) Abetment by instigation
- (D) Not guilty

99. 'A' instigate 'B' to instigate 'C' to murder 'Z'. In such a case :

- (A) 'A' is only liable for abetment
- (B) 'B' is only liable for abetment
- (C) 'A' and 'B' both liable for abetment
- (D) None is liable

100. 'A' is in India instigates 'B', foreigner in Karachi, to commit a murder in Karachi. 'A' is guilty of abetting murder under such circumstance :

- (A) If abetment is committed in India
- (B) The act so abetted must be an offence under Indian Law
- (C) Commission of any act must be outside India
- (D) All of the above

101. 'A', the wife of 'B', had illicit connection with 'C', who wanted to murder 'B'. 'A' instead of telling 'B' that 'C' wanted to murder him, told 'C' that 'B' would go to a lonely place on a particular day and time. 'C' murdered 'B' at that particular place, date and time. In such a case :

- (A) 'A' is only guilty of criminal conspiracy
- (B) 'C' is only guilty of criminal conspiracy
- (C) 'A' and 'C' both are guilty of criminal conspiracy
- (D) None is guilty

102. A accused must bring or attempt to bring into hatred or contempt or disaffection towards the government by words or by signs or by visible representation or otherwise. It is :

- (A) Overawe
- (B) Waging war
- (C) Sedition
- (D) Riot

103. Name the leading case in which Sinha, CJ delivering the Full Bench decision held that provisions of Section 124A is not unconstitutional and violative of fundamental rule of freedom of speech and expression under Article 19(1)(a) of the Constitution :

- (A) Raghbir Singh V. State of Bihar AIR 1987 SC 149
- (B) Kedar Nath V. State of Bihar AIR 1982 SC 955
- (C) Balwant Singh V. State of Punjab AIR 1995 SC 1785
- (D) Bilal Ahmad V. State of Andhra Pradesh AIR 1997 SC 3483

104. Even a single person can commit the offence of waging war and the minimum number of persons in an affray must be two. How many minimum number of persons are required in riot ?

(A) Seven
(B) Five
(C) Three
(D) Four

105. Affray is punishable with :

(A) Imprisonment for one month and / or fine
(B) Imprisonment for six months and / or fine
(C) Imprisonment for life
(D) Fine of Rs. 1,000 only

106. The circumstances which reduce the offence of murder into culpable homicide not amounting to murder are :

(A) Grave and sudden provocation
(B) Right of private defence
(C) Sudden fight, consent
(D) All of the above

107. In the leading of Reg. V. Govinda (1876) 1 I. L. R. Bom. 342 the distinction between murder and culpable homicide has been well set out by :

(A) Sutherland J.
(B) Marshall J.
(C) Melvill J.
(D) Blackburn J.

108. It is a matter of common experience that in recent years the monster of dowry death has been raising its ugly head quite often in our country. That is why dowry death has now been made an offence punishable under a new Section of I. P. C. It is :

(A) Section 498A
(B) Section 304B
(C) Section 113B
(D) Section 294A

109. When the accused slapped and kicked a woman on waist after she fell down. Accused was guilty of causing :

(A) Criminal force
(B) Assault
(C) Hurt
(D) Grievous hurt

110. 'A' threatens to set a savage dog at 'Z', if 'Z' goes along a path, on which 'Z' has a right to go. 'Z' is thus prevented from going along that path. So 'A' :

(A) Wrongfully restrains 'Z'
(B) Wrongfully confines 'Z'
(C) Assaults 'Z'
(D) Used criminal force against 'Z'

123. 'A' is in a house which is on fire, with 'Z' a child. People below hold out a blanket. 'A' drop the child from the house top, knowing it to be likely that the fall may kill the child, but not intending to kill the child. Even if 'Z' dies of fall. 'A' has committed no offence :

(A) Under Section 90 of I. P. C.
(B) Under Section 91 of I. P. C.
(C) Under Section 92 of I. P. C.
(D) Under Section 93 of I. P. C.

124. When force or violence is used by unlawful assembly or any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of :

(A) Offence of affray
(B) Offence of rioting
(C) Offence of assault
(D) Offence of sedition

125. 'A' knows 'Z' to be behind a bush. 'B' does not know it. 'A' intending to cause or knowing it to be likely to cause 'Z's death, induces 'B' to fire at the bush. 'B' fire and kills 'Z'. Here :

(A) 'A' has committed the offence of murder
(B) 'A' has committed the offence of culpable homicide
(C) 'B' has committed the offence of murder
(D) 'B' has committed the offence of culpable homicide

126. In which case the Supreme Court observed that the test of grave and sudden provocation is whether a reasonable man, belonging to the same class of society as the accused would be so provoked as to lose his self control ?

(A) K. M. Nanavati V. State of Maharashtra AIR 1962 SC 604
(B) Ajit Singh V. State of Punjab AIR 1991 SC 1738
(C) Francis V. State of Kerala AIR 1974 SC 2281
(D) Rafiq V. State of Maharashtra AIR 1977 SC 1179

127. 'A' makes an attempt to pick the pocket of 'B' by thrusting his hand into 'B's pocket. 'A' fails as 'B' having nothing in his pocket. 'A' is guilty :

(A) Under Section 511 of I. P. C.
(B) Under Section 510 of I. P. C.
(C) Under Section 508 of I. P. C.
(D) Under Section 509 of I. P. C.

128. There is either theft or extortion. It is :

- (A) Robbery
- (B) Criminal breach of trust
- (C) Dacoity
- (D) Receiving stolen property

129. 'A' shoots 'Z' with intention of killing him. 'Z' dies in consequence. 'A' commits :

- (A) Culpable homicide
- (B) Murder
- (C) No offence
- (D) None of the above

130. A plastic surgeon performed the plastic surgery of a patient but the patient died during the operation. The surgeon was charged of gross criminal negligence. Surgeon held :

- (A) Guilty of murder
- (B) Guilty under Section 304A
- (C) Not guilty as it was a case of mere error of judgement
- (D) None of the above

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(24)

Assistant Public Prosecutor