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Assam JS Grade - I
Previous Year Paper
(Mains) Paper-II
24 Nov, 2018



THE GAUHATI HIGH COURT AT GUWAHATI

(The High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

Main Written Examination in connection with direct recruitment to Grade-I of Assam Judicial Service, 2018

PAPER-II

Total Marks: 100

Date: 24.11.2018 (Saturday)

Duration: 3 hours

Time: 1.00 pm to 4.00 pm

GROUP - A

(Transfer of Property Act)

1. As per Transfer of Property Act, Mango Tree, if bounded by bamboo boundary, falls within the definition of immovable property:
 - a. Yes.
 - b. No.
 - c. Only if it can be shown that the tree is more than 12 years old.
 - d. None of above.
2. A lets out a farm to B on condition that he shall walk 50 kms an hour:
 - a. The lease is void.
 - b. The lease is valid.
 - c. If lease is written and registered, it is enforceable.
 - d. None of above.
3. 'A' has let out a house to 'B' at a rent of Rs.5,000/-. Thereafter, he transfers the house to 'C'. 'B' has no notice of transfer, in good faith he pays rent to 'A':
 - a. 'C' cannot charge 'B' for rent so paid.
 - b. 'C' can charge 'B' for rent so paid.
 - c. 'A' continues to be entitled to rent.
 - d. None of above.
4. A sells a plot of land to B. C who is the father of A signs the deed as an attesting witness. Later on, C wants to get the sale deed declared void because C was the owner of the land and then A had no title to sell it:
 - a. Sale is not void.
 - b. The sale is void.
 - c. C can do nothing about it as the dispute is now between A and B.
 - d. None of above.

5. A sells the land to B on condition that the sale consideration would be paid after one year. B does not pay after the stipulated period of one year:
- Such sale is void.
 - The sale is not void.
 - There is no civil remedy, but B can be prosecuted for cheating.
 - None of above.
6. Rights and liabilities of the lessor and lessee is defined under which section of the Transfer of Property Act, 1882:
- Section 105.
 - Section 107.
 - Section 108.
 - Section 109.
7. A lease may be determined by efflux of time:
- Yes.
 - No.
 - One a lease, always a lease.
 - None of above.
8. The right of the owner of land not to have trespassed upon it is:
- Ordinary right.
 - Antecedent right.
 - Remedial right.
 - Proprietary right.
9. Possession acquired through an agent or servant is an example of:
- Corporeal possession.
 - Mediate possession.
 - Incorporeal possession.
 - Immediate possession.
10. Law does not confer ownership on an:
- Unborn child.
 - Insane person.
 - Both (a) and (b).
 - None of above.
11. Transfer of property pending suit relating thereto:
- The transfer confers absolute right on the purchaser.

- b. The transfer extinguishes all the rights and liabilities of the vendor.
 - c. The transfer is void ab initio.
 - d. The transfer does not affect the right of a person under the decree or order which may be made therein.
12. Under Section 106 of Transfer of Property Act, duration of lease in the absence of written contract or local usage:
- a. A lease of immovable property for agricultural purpose shall be deemed to be a lease from year to year.
 - b. A lease of immovable property for manufacturing purpose shall be deemed to be a lease from year to year.
 - c. A lease of immovable property for all other purpose shall be deemed to be a lease from month to month.
 - d. All of (a), (b) and (c).
13. Under the principles of election under Section 35 of the Evidence Act, which of the proposition is not correct:
- a. A person taking no benefit directly under the transaction, but deriving a benefit under it, need not elect.
 - b. A plot of land in 'X' is the property of 'C' and is worth Rs.1,00,000/-. 'A' by an instrument of gift profess to transfer it to 'B', giving by the same instrument Rs.1,50,000/- to 'C'. 'C' elects to retain the property. He forfeits the gift of Rs.1,50,000/-.
 - c. Where transfer is gratuitous, and the transferor has, before the election, died or otherwise became incapable of making a fresh transfer, the transfer is valid.
 - d. A person who in his one capacity takes the benefit under the transaction may in another dissent therefrom.
14. A lessee accepts from his lessor a new lease of the property leased, to take effect during the continuance of the existing lease. This is:
- a. An implied surrender of lease.
 - b. There is no implied surrender of lease.
 - c. It constitutes extension of lease.
 - d. It does not constitute extension of lease.
15. 'A' knows that he is to pay his creditors money. He transfers his property to his son.
- a. The transfer is valid.
 - b. The transfer is void.

- c. As a debtor has no right to transfer, the transfer is voidable.
- d. None of above.

GROUP - B
(Civil Procedure Code)

1. Mesne profit means:
 - a. Average profit in a business in a year.
 - b. Profit from letting out property.
 - c. Those profits which a person in wrongful possession of a particular property actually received or might with ordinary diligence have received therefrom, including interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession.
 - d. Payment of compensation to a person adjudged upon being illegally evicted.
2. One of the examples of a deemed decree is:
 - a. Order for restitution.
 - b. Decree within the meaning of Section 2(2) of the Code of Civil Procedure.
 - c. Order for eviction passed under Assam Temporary Settled Areas Tenancy Act, 1971.
 - d. Order for eviction passed under Public Premises (Eviction of Unauthorized Occupants) Act, 1971.
3. For the purpose of Explanation-I to Section 11 CPC "former suit" would mean:
 - a. The pendency of any previous suit instituted by any person in respect of the property in issue.
 - b. A suit which must be formerly instituted and finally decided.
 - c. A suit which has been decided prior to the suit in question whether or not it has been instituted prior thereto.
 - d. A suit which has been previously instituted and previously decided to the subsequent suit.
4. Amongst others, an appealable order, within the meaning of Section 104 CPC would be:
 - a. Any order passed by any other lawful authority like the Deputy Commissioner, Circle Officer, Sub- Divisional Officer, in land revenue matters.

- b. Appeals filed against orders passed under Special Acts, like Assam Urban Areas Rent Control Act, Succession Act, Guardianship & Wards Act, Hindu Marriage Act, Family Courts Act.
 - c. Appeals instituted under Section 96 and 100 CPC.
 - d. Appeals against orders as provided under the provisions of Order XLIII Rule 1 CPC.
- 5. In a given case, the suit is triable by the Court of Munsiff. The decree passed by Court of Munsiff is appealable before Civil Judge. However, as the Presiding Officer of Court of Munsiff is on leave. Hence, the suit is taken up by the District Judge and decided on merit. Under the aforesaid circumstances, the appeal against the decree would be before:
 - a. High Court.
 - b. Court of District Judge.
 - c. Court of Civil Judge.
 - d. Court of Munsiff.
- 6. In this examination, one of the candidates is selected for appointment. Another candidate desires to challenge his/ her selection. Such candidate can institute the suit before:
 - a. Supreme Court.
 - b. High Court.
 - c. Court of District Judge.
 - d. No suit will lie.
- 7. 'C', the agent of 'A', under a bona fide mistake files a suit against 'B' in his own name.
 - a. The mistake is fatal and the suit is liable to be dismissed.
 - b. The suit can be withdrawn by 'C' with liberty to file a fresh suit and then only a fresh suit can be filed by 'A'.
 - c. The Court can substitute the name of 'A' for that of original plaintiff 'C'.
 - d. None of above.
- 8. A minor apprehends threat to his property, as such, he has instituted a suit.
 - a. The suit is liable to be taken off the file, with cost to be paid by the pleader or other person by whom it was presented.
 - b. The suit is maintainable.
 - c. The Court has the power to appoint "guardian ad litem".
 - d. None of above.

9. The provisions in Civil Procedure Code dealing with suits relating to matters concerning the family is contained in:
- Order XXIX CPC
 - Order XXXII CPC
 - Order XXXIIA CPC.
 - There is no provision exclusively dealing with suits concerning family matters.
10. "A", the plaintiff, has filed a suit concerning family matter. He prays that the proceedings be held *in camera*.
- The Court has the power to order proceedings to be held *in camera*.
 - Trial must be in open Court.
 - For taking up trial *in camera*, the concerned Court must get prior approval from the High Court.
 - For taking up trial *in camera*, the concerned Court must get prior approval from the District Judge and/or the Deputy Commissioner of the concerned District.
11. 'A' was allowed to sue as an indigent person. On an application of the defendant or by the Government Pleader, the Court has power to withdraw such permission:
- If his conduct in course of suit is found to be vexatious, or improper.
 - If it appears that his means are such that he ought not to continue to sue as an indigent person.
 - Both (a) and (b).
 - After allowing 'A' to sue as indigent person, such permission cannot be withdrawn.
12. As per the Civil Procedure Code, the essentials of a judgment of Courts, other than a Small Causes Court are:
- A thorough discussion of evidence and decision.
 - Concise statement of the case, the points of determination, the decision thereon, and the reasons for such decision.
 - Points of determination and the decision thereon.
 - None of above are essential elements. The contents of the judgment would depend on the wisdom of the Court, delivering the decision.
13. A defendant is unrepresented by any advocate or pleader. Upon delivering judgment, in such a case:

- a. The Court is morally required to inform such party where an appeal would lie.
 - b. The Code of Civil Procedure contains a provision requiring the Court to inform such a party where appeal would lie and place on record the information so given.
 - c. The Court, in its discretion, may inform such a party where appeal would lie, but it is not mandatory.
 - d. The Court owes no duty to inform such party where an appeal will lie.
14. A Presiding Officer of the Court had written a judgment, but before he could pronounce, the judgment, he was transferred.
- a. The new Presiding Officer has the power to pronounce the judgment written, but not pronounced by his predecessor in office.
 - b. The new Presiding Officer may pronounce the same judgment written by his predecessor, but he must show as if he had heard the matter himself.
 - c. The new Presiding Officer cannot pronounce the same judgment. The said judgment becomes non est. He shall have to hear the matter afresh and pronounce the judgment.
 - d. None of above.
15. Under the provisions of Order XXI Rule 65 CPC, while sale is made in execution:
- a. Such sale must be made in public auction in manner prescribed.
 - b. Court, upon its discretion, permit sale by private treatise by judgment debtor, decree holder and proposed purchaser without conducting public auction.
 - c. Court, for reasons to be recorded, utilize the property under sale for use of Court and give government value thereof as sale consideration.
 - d. Court, for reasons to be recorded, allow Court staff to bid in an auction to be conducted amongst court staff.
16. On an application under various Rules of Order XXXIX CPC:
- a. The Court has power to arrest a person, pending trial for breach of order for injunction.
 - b. The Court has no power to arrest a person under Order XXXIX CPC.
 - c. The Court has power to arrest a person so as to enforce injunction.
 - d. The Court may order civil imprisonment as a consequence of breach of injunction.
17. In appellate stage, if additional evidence is permitted:

- a. The appellate court must allow additional evidence to be led in any matter raised in the suit.
 - b. The appellate court must specify the points to which the evidence is to be confined, and record in its proceedings the points so specified.
 - c. The evidence can generally be led on any matter, but the appellate court shall consider only those portions of evidence which it later on deems to be relevant.
 - d. Appellate Court has no power to allow additional evidence.
18. Under Order XLVII CPC, Review can be filed by any person considering himself aggrieved –
- a. By a decree or order from which an appeal is allowed, but from which no appeal has been preferred.
 - b. By a decree or order from which no appeal is allowed.
 - c. By a decision on a reference from a Court of Small Causes.
 - d. All the three above.
19. A suit where an urgent relief is prayed, plaintiff makes a prayer to serve notice by newspaper publication so that on the matter can be expeditiously heard:
- a. It is permissible for Court to issue newspaper publication of summons immediately without waiting for service to be made by usual process.
 - b. The question of whether Court has power or not does not arise as the manner of service of summons are within the discretionary power of Court.
 - c. It is not permissible for Court to order newspaper publication of summons without recording its satisfaction that the defendant is avoiding service.
 - d. Court has no power to serve notice by newspaper publication of summons.
20. Power to limit adjournments are governed by:
- a. Section 148 CPC
 - b. Order V CPC
 - c. Order IX CPC
 - d. Order XVII Rule 1 CPC

GROUP - C
(Cr.P.C.)

1. Under Criminal Procedure Code, the Magistrate has the power to direct the police to investigate into:
 - a. A non- cognizable offence.
 - b. A cognizable offence.
 - c. Only a non- cognizable offence, as in a cognizable offence the police is under a duty to investigate.
 - d. Both (a) and (b).
2. A proclaimed person whose property has been attached can claim the property or the sale proceeds, on appearance:
 - a. Within 6 months of attachment.
 - b. Within 12 months of attachment.
 - c. Within 18 months of attachment.
 - d. Within 24 months of attachment.
3. Section 463 Cr.P.C. permits:
 - a. Oral evidence by the Magistrate of the confession made to him.
 - b. Oral evidence to prove that the procedure laid down under section 164 Cr.P.C. had actually been followed, where the record which ought to show that, does not do so.
 - c. Both (a) and (b).
 - d. Proceedings to be valid irrespective of any error, omission or irregularity in the charge or mis-joinder of charges.
4. Which section in the Cr.P.C. bars the trial of cases in which Judge or Magistrate is personally interested:
 - a. Sec. 468.
 - b. Sec. 469.
 - c. Sec. 479.
 - d. Sec. 482.
5. 'A', 'B' and 'C' are charged for robbery and after trial they are convicted by a Magistrate of First Class. Can they be charged and tried thereafter for dacoity:
 - a. Yes.
 - b. No.
 - c. Barred under Section 300 Cr.P.C.
 - d. Only with the permission from the High Court.

6. During inquiry or trial, the accused is remanded to police custody under which Section:
- Section 167(1).
 - Section 167(2).
 - Section 309(1).
 - Section 309(2).
7. Which Section of Cr.P.C. lays down that if a Sessions Court takes cognizance of an offence under Section 199(2), it must try the case in accordance with the procedure for trial of warrant cases instituted before a Magistrate's Court otherwise than on a police report:
- Section 227.
 - Section 229.
 - Section 232.
 - Section 237.
8. The judgment delivered by a Court in cases of plea bargaining is:
- Final.
 - Appealable and appeal lies to High Court.
 - Final and no appeal except SLP under Article 136 and Writ Petition under Article 226 and 227 lies.
 - Appeal lies directly to the Supreme Court.
9. Section 2(wa) Cr.P.C. defining 'victim' as a person who has suffered any loss or injury caused by reason of the act or omission for which accused person has been charged includes:
- Victim's guardian only.
 - Victim's guardian and legal heir.
 - Victim's neighbour.
 - Victim's close friend.
10. When examined under Section 313 Cr.P.C., a circumstances incriminating the accused is not put to the accused for his explanation. The said circumstances cannot be used against the accused because:
- It is inadmissible in evidence.
 - It becomes irrelevant for purposes of evidence.
 - Law mandates that it cannot be taken into consideration.
 - All of above.

11. 'Z' is accused of offence of rape. He can be subject to the following test for investigation:
- Polygraph Test.
 - Narco Analysis Test.
 - Brain Electrical Activation Profile (BEAP) Test.
 - None.
12. Application for interim monthly allowance and expenses of the proceeding:
- Is to be decided within 30 days of the service of notice of the application to such person.
 - Is to be decided within 60 days of the service of notice of the application to such person.
 - Is to be decided within 90 days of the service of notice of the application to such person.
 - Is to be decided within 6 months of the service of notice of the application to such person.
13. Mark the incorrect statement:
- A married daughter is not liable to maintain her parents.
 - A wife is not entitled to receive maintenance from her husband if she is living in adultery, or if, without sufficient reason, she refuses to live with her husband, or if they are living separately by mutual consent.
 - Sections 18 and 20 of the Hindu Adoptions and Maintenance Act, 1956 have not affected the right of the wife or the child under Section 125 Cr.P.C.
 - None of the above.
14. A person who is granted bail under Section 436 Cr.P.C. fails to comply with the conditions of the time and place of attendance, on a subsequent occasion:
- Again he is entitled to bail as a matter of right.
 - He is not entitled to bail as a matter of right.
 - The Court may refuse to release him on bail.
 - Both (b) and (c).
15. Inherent powers under Section 482 Cr.P.C. can be exercised by:
- Any criminal Court.
 - Supreme Court.
 - The Sessions Court and the High Court.
 - High Court.

GROUP - D
(EVIDENCE)

1. Secondary evidence is admissible:
 - a. where the non- production of primary evidence has not been accounted for.
 - b. where the non- production of primary evidence has been accounted for.
 - c. irrespective of whether the non- production of primary evidence has been accounted for or not.
 - d. both (a) and (c) are correct.
2. Period of 30 years under Section 90 of Evidence Act is to be reckoned from:
 - a. the date on which the document is relied upon.
 - b. the date on which the document is filed in Court.
 - c. the date on which the document is tendered in evidence, when its genuineness becomes a subject matter of proof.
 - d. all of (a), (b) and (c).
3. Burden of introducing evidence under Section 102 of the Evidence Act:
 - a. never shifts.
 - b. occasionally shifts.
 - c. constantly shifts.
 - d. shifts only once.
4. An accomplice is:
 - a. not a competent witness against an accused.
 - b. a competent witness against an accused.
 - c. cannot be a competent witness against an accused.
 - d. competent witness only after the Court accepts him as approver.
5. A legal advisor:
 - a. can disclose the communication after death of his client.
 - b. can disclose the communication after the relation with his client has ended.
 - c. can disclose the communication after the client has died.
 - d. cannot disclose the communication even when the relation is ended or the client has died.

6. Leading questions can be asked during:
- examination in chief.
 - cross examination.
 - re-examination.
 - All of (a), (b) and (c).
7. A dying declaration is admissible:
- only in a criminal proceeding.
 - only in civil proceeding.
 - in civil as well as criminal proceeding.
 - not admissible at all.
8. Section 27 of Evidence Act applies to:
- discovery of some fact which the police had not previously learnt from other sources and was first derived from the information given by the accused.
 - discovery of some fact which the police had previously learnt from other sources.
 - discovery of some fact which the police had previously learnt from other sources and the accused had also given information regarding the same.
 - all of (a), (b) and (c).
9. 'A' is accused of fraudulently delivering counterfeit currency to 'C'. Which of the propositions is not correct:
- The question is, whether the delivery of counterfeit currency was accidental.
 - The fact that before delivery of counterfeit currency, 'A' had shown the counterfeit currency to one 'Z'.
 - The fact that soon after the delivery of counterfeit currency, 'A' had delivered counterfeit currency to 'B'.
 - That 'A' had counterfeited the currency is also a relevant fact.
10. 'A' had entered into an agreement to purchase a plot of land from 'B'. In a suit involving 'A' in respect of the said land, the statement of 'B' in a suit:
- Is not relevant.
 - Is relevant.
 - Is admission.
 - Is not admission.

11. Which is not an example of public documents:
- United Nation declaration on rights of people.
 - Copy of sale Deed.
 - Judgment of Court of law.
 - Record of Panchayat Election.
12. Whenever any document is produced before the Court, purporting to be a record or memorandum of evidence in a judicial proceeding:
- The document must be proved by the same witness.
 - There is a presumption that the document is genuine.
 - It must be proved that the evidence was duly recorded.
 - None of above.
13. 'A' produces a certified copy of a document from Bangladesh in Court in India.
- The certified copy is presumed to be genuine.
 - The certified copy cannot be presumed to be genuine.
 - The certified copy is presumed to be genuine only if any representative of the Central Govt. in or for such Country certifies it.
 - The certified copy is presumed to be genuine if any Magistrate, Judge of Notary Public certifies it.
14. If a contract be contained in several letters:
- Any one of the various letters in which contract is contained may be proved.
 - All the letters in which contract is contained may be proved.
 - If contract is contained in several letters, it is no contract in the eye of law.
 - It will suffice if the existence of contract is proved only by oral evidence.
15. 'A' is called upon to give evidence. He is asked a question which has the potential to criminate him. Under the circumstances, which option below is incorrect:
- The witness is not excused from answering such question.
 - The witness is excused from answering such question.
 - No such answer which a witness is compelled to give, shall subject him to any arrest or prosecution, or be proved against him in a criminal proceeding.

- d. The witness can be prosecuted for giving false evidence by such answer.

GROUP - E

(IPC)

1. In India, an act is a crime:
 - a. If it is so declared by the public.
 - b. If it is so dictated by morality.
 - c. If statute makes it.
 - d. If common law has declared it.
2. Consider the below statement –
To claim the benefit of provocation in reducing liability for murder, the offender must prove that:
 - i. The provocation was sufficient in ordinary course of nature to cause a person of ordinary temper to loose his self control.
 - ii. The provocation was grave and sudden to justify the killing.
 - iii. The provocation was so grave that it would stir a desire for revenge.
 - iv. That sufficient time did not elapse so as to cool down the passion.Of these statements:
 - a. 1 alone is correct.
 - b. 2 and 3 are correct.
 - c. 1, 3 and 4 are correct.
 - d. 1, 2 and 4 are correct.
3. 'A' tries to pick-pocket 'B'. 'B' has a loaded pistol in his pocket. 'A's hand touches the pistol and triggers it, resulting in death of 'B'. 'B' is guilty of:
 - a. 'A' is guilty of murder of 'B'.
 - b. 'A' is guilty of culpable homicide by negligence.
 - c. 'A' is guilty of only pick-pocketing.
 - d. 'A' is guilty of grievous hurt.
4. A bullock cart carrying a box of treasure is intercepted by 'A'. The offence of theft is committed by 'A' if and as soon as
 - (a) he seizes the bullock
 - (b) he takes the box of treasure
 - (c) he appropriates the contents of the box
 - (d) the bullock is made to move by him in his direction.

5. In which of the following case(s) a dishonest misappropriation has not been committed
1. 'A' takes a book from his friend 'B's library for reading it overnight. 'B' was not present when 'A' took the book. The next day while coming to return the book 'A' was tempted to see a movie but had no money, so he sold the book.
 2. 'A' and 'B' were joint owners of a horse. 'A' took the horse to another station for his exclusive use without informing 'B'. 'A' did not return the horse and when it grew old sold it and pocketed the money
 3. 'A' found a purse on the road, he picked it up and kept it in his pocket. Immediately, he was arrested and the purse recovered.
- Codes.
- (a) 1 and 2
 - (b) 2 and 3
 - (c) 3 alone
 - (d) 1, 2 and 3.
6. For extortion to become robbery the presence of offender before the person but in fear of injury is
- (a) not necessary
 - (b) necessary
 - (c) not always necessary
 - (d) none of the above.
7. 'Good Faith' within the meaning of Indian Penal Code means
- (a) an act done under bona fide belief
 - (b) an act done with due care and attention
 - (c) an act, in fact done honestly
 - (d) all the above.
8. 'X', a doctor, informs his patient 'Y' that he was suffering from cancer. Hearing this 'Y' dies of heart failure. 'X' has not committed any offence because
- (a) X was under an obligation to tell the patient about the disease
 - (b) X did not know that Y had any heart disease
 - (c) X communicated in good faith
 - (d) both (a) and (c).
9. Against which of the following offences, does the right of private defence of property extends to the voluntary causing of death
- (a) criminal trespass
 - (b) robbery

- (c) house-breaking
(d) both (b) and (c).
10. 'P' was picked up by a gang of robbers in a car from the street. He was given a revolver and asked to shoot at 'M', when 'P' resisted, a revolver was put on his head and he was told that if he did not shoot he would be shot dead. Then 'P' shot 'M' dead. On a charge of murder, 'P' argued that his act was not voluntary nor there was mens rea. 'P' is guilty of
(a) culpable homicide not amounting to murder
(b) no offence
(c) attempt to commit murder
(d) murder.
11. Use of violence by an unlawful assembly or by any member thereof, in prosecution of the common object of such assembly will constitute
(a) affray
(b) assault
(c) unlawful assembly
(d) rioting.
12. Which one of the following is associated with common intention as requisite under Section 34 of the IPC
(a) similar intention
(b) pre-mediated concert
(c) same intention
(d) unanimous decision in a meeting to do a particular act.
13. Which one of the following statements is not correct
(a) abetment cannot be committed by mere silence
(b) an abettor is liable for abetment even if the abetted act is not committed
(c) if abetted person is not liable for committing the abetted act, the abettor too cannot be held liable
(d) an abettor is liable for all the likely consequences of his abetment.
14. Under criminal conspiracy
(a) mere agreement is made an offence even if no step is taken to carry out the agreement
(b) mere agreement is not made an offence unless a step is taken to carry out that agreement
(c) both (a) & (b) are correct

- (d) none of the above.
15. Whether a weapon is a deadly weapon is a question of:
(a) Law
(b) Fact
(c) Opinion of the expert witness
(d) Opinion of the judge.
16. The section of the Indian Penal Code, 1860 dealing with trafficking of person is
(a) Section 370A
(b) Section 354A
(c) Section 376C
(d) Section 376E.
17. 'A' instigates his six-year old daughter 'B' to take away from 'C', a purse containing Rs.1500. In this case
(a) B commits theft and A abets theft
(b) A commits no offence but B commits theft
(c) Both 'A' and 'B' commit no offence.
(d) 'B' commits no offence but 'A' commits abetment of theft.
18. Which of the following sections of the Indian Penal Code defines the term 'injury'
(a) Section 41
(b) Section 42
(c) Section 44
(d) Section 52A.
19. X, a jail warden failed to supply food to the prisoners in the jail. Y a prisoner died due to starvation. Here:
(a) X is liable
(b) X is not liable
(c) X's act is protected under General Exceptions
(d) None of the above.
20. To establish section 34 of the Indian Penal Code, 1860
(a) common intention has to be proved
(b) overt act has to be proved
(c) common intention and overt act both need to be proved

(d) common intention has to be proved, but no overt act need to be proved.

GROUP - F

(LIMITATION)

1. For claiming possession to be adverse, the adverse possession must be
 - a. Actual, open, hostile, exclusive and continuous.
 - b. Possession by tenant for a continuous possession of more than 12 years without paying rent
 - c. Possession must be actual, but may not be open, hostile, exclusive and continuous.
 - d. Any continuous possession of more than 12 years.
2. A suit for declaration was instituted in the year 2000. In course of hearing it appeared that declaration was required to be made against 'A'. Hence, a petition was filed for adding 'A' as one of the defendants in the year 2017. Which of the following option is incorrect?
 - a. The suit against 'A' is deemed to have been instituted when he was made a party.
 - b. If the Court is satisfied that the omission to include a new defendant was a mistake made in good faith, court may direct that such defendant is deemed to have been instituted on any earlier date.
 - c. The court must be satisfied that there was an omission or a mistake.
 - d. The court has no power to add 'A' as defendant after 17 years of institution of suit.
3. 'A' has encroached a public road on 01.01.2000. He is sought to be evicted on 01.11.2018.
 - a. The cause of action for the suit is barred by limitation.
 - b. The suit is not barred by limitation.
 - c. There is no application of Limitation Act in this case.
 - d. None of above.
4. To enforce payment of money secured by a mortgage or otherwise charged upon immovable property begins to run when the money issued becomes due, limitation is
 - a. One year.
 - b. Three years.
 - c. Twelve years.
 - d. Thirty years.

5. Plaintiff comes to know about registration of a forged sale deed on 01.01.2018. The suit to declare the forgery of an instrument issued or registered should be filed within
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
6. To set aside a transfer of property made by guardian of a ward, the ward must file a suit within:
- One year.
 - Three years.
 - Twelve years.
 - When the ward attains majority.
7. 'A' files a revision against a decree passed by the original court. He realizes his mistake for not filing a first appeal after five years.
- His appeal would be barred by limitation and would be liable to be dismissed.
 - He can seek exclusion of time of proceeding bona fide in court without jurisdiction.
 - He will have to continue his relief in revision which he had filed.
 - None of the above.
8. The limitation for filing a suit for compensation for false imprisonment is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
9. A trustee sold a property bequeathed to a trust for a valuable consideration. The limitation to file suit when the transfer become known to the plaintiff is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.

10. A property sold by a revenue court for realizing Government revenue. The limitation for institution a suit to set aside such sale would be:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
11. Limitation for filing suit for possession of hereditary office is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
12. Limitation to set aside a decree passed ex-parte or to re-hear an appeal decreed or heard ex-parte would be _____ from the date of the decree or where the summons was not duly served, when the applicant had knowledge of the decree.
- Thirty days.
 - Sixty days.
 - Ninety days.
 - One year.
13. The period of limitation for execution of a decree is:
- One year.
 - Three years.
 - Twelve years.
 - Thirty years.
14. Where the prescribed period for suit, appeal or application expires on a day when the court is closed, such suit, appeal or application can be made:
- On the day when court reopens.
 - Within one week from the day when court reopens.
 - Within two weeks from the day when court reopens.
 - Within one month from the day when court reopens.
15. 'A' is a minor. He may file a suit:
- Within the period prescribed for limitation
 - Within the same period of limitation after he has attain majority.
 - He cannot file a suit.
 - None of the above.

