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Bombay HC District Judge

**Previous Year Paper
07 Dec, 2014**



Question Booklet

DJ : PW/LC

Booklet Series

A

Date: 7th December, 2014

Total Questions: 100

Time : 90 minutes.

Total Marks : 200

INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately after the commencement of the examination, you should check that this booklet does not have any unprinted or torn or missing pages or items, etc. If so please get it replaced by a complete Booklet. Question booklet will not be replaced after marking answers in answer-sheet.
3. Encode clearly the booklet series A,B,C or D, as the case may be, and indicate the series of question booklet, by completely shadowing the appropriate circle, **by black ink ball pen**, in the appropriate place in the answer-sheet. Any failure to shadow the appropriate circle will result in non evaluation of the answer-sheet.
4. If the candidate shadows the circle in the answer sheet which does not match the series of his/her question booklet, no marks will be allotted to such answer-sheet.
5. You shall enter your Roll number on the Booklet in the box provided alongside.
6. You have to mark your choices **Only** on the separate answer-sheet provided for the same. Please see instructions on last page of the answer-sheet.
7. Penalty for wrong answer:

There will be penalty for wrong answers marked by candidate.

- (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, **one fourth** of the marks assigned to that question (0.50) will be deducted as penalty.
- (ii) If a candidate gives more than one answer, it will be treated as a wrong answer, even if one of the given answers happens to be correct and there will be same penalty as above to that question.
- (iii) If a question is left blank, i.e., no answer is given by the candidate, there will be no penalty for that question.

1. On passing of the decree in appeal _____.
 - a. the decree from which the appeal was preferred gets merged with the judgment in the appeal.
 - b. both the judgment and the decree from which the appeal was preferred get merged with the judgment and the decree passed in the appeal.
 - c. the decree from which appeal was preferred gets merged with the decree passed in the appeal.
 - d. neither the decree nor the judgment appealed against gets merged in the decree passed in the appeal.
2. A dying declaration is admissible _____.
 - a. only in criminal proceedings.
 - b. only in civil proceedings.
 - c. both in civil and criminal proceedings.
 - d. in criminal proceedings alone and not in civil proceedings.
3. Mushaa under Mohammadan Law means _____.
 - a. a distinct and separate share in the movable property.
 - b. a distinct and separate share in the immovable property.
 - c. an undivided share in the property either movable or immovable.
 - d. 'a' and 'b' above.
4. Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person is said to do that thing _____.
 - a. legally.
 - b. dishonestly.
 - c. knowingly.
 - d. fraudulently.
5. A transfer made directly to an unborn is _____.
 - a. void
 - b. Valid.
 - c. voidable at the option of the transferor
 - d. Voidable.
6. Which one of the following is the correct position in respect of Section 6 of the Specific Relief Act?
 - i) No appeal shall lie from any order or decree passed in any suit instituted under this section.
 - ii) No review of any such order or decree be allowed.

- a. (i) is correct and (ii) is incorrect. b. (i) and (ii) are correct.
c. (i) is incorrect and (ii) is correct. d. (i) and (ii) are incorrect.

7. Which of the following statements is/are correct?

1. When consent to an agreement is caused by undue influence, the agreement is a contract voidable at the option of the party whose consent was so caused.
2. Where both the parties to an agreement are under a mistake as to the matter of fact essential to the agreement, the agreement is void.

Code:

- a. 1 only b. 2 only
c. 1 and 2 d. neither 1 nor 2

8. Which of the following is true and correct?

- (1) Where one of several persons jointly entitled to institute a suit or make an application for the execution of a decree is under any legal disability, and a discharge can be given without the concurrence of such person, time will run against them all.
- (2) Where no such discharge can be given, time will not run as against any of them until one of them becomes capable of giving such discharge without the concurrence of the others or until the disability has ceased.

- a. neither (1) nor (2) b. (1) is correct (2) is not
c. (1) is not correct, (2) is correct d. Both (1) and (2) are correct

9. Which of the following is true and correct?

(A). The dismissal of a suit for specific performance of a contract or part thereof shall bar the plaintiff's right to sue for compensation for the breach of such contract.

(B). The dismissal of a suit for specific performance of a contract or part thereof shall not bar the plaintiff's right to sue for any other relief to which he may be entitled, by reason of such breach.

- a. both (A) and (B) are not true.
b. both (A) and (B) are true.
c. (A) is true but (B) is not true.
d. (A) is not true but (B) is true.

10. Which of the following is true and correct?

- I. Every person has a right, subject to the restrictions contained in

Section 99 of IPC, to defend his own body, and the body of any other person against any offence affecting human body.

- II. No person has a right, to defend the property, whether movable or immovable of any other person against any act which is an offence falling under the definition of threat, robbery, mischief or criminal trespass.
- both (I) and (II) are not true.
 - both (I) and (II) are true.
 - (I) is true but (II) is not true.
 - (I) is not true but (II) is true.
11. Which of the following is true and correct?
- The Collector cannot after the expiry of period of six weeks or six months, as the case may be, under Section 18 (reference to Court) of the Land Acquisition Act, 1894, receive application raising objection to the award.
 - The Court may, if the applicant satisfies the Court that he had sufficient cause for not preferring the application raising objection to the award within a period of six weeks or six months, as the case may be, from the date of the Collector's award, condone the delay in preferring such application to the Collector.
- both I and II are true.
 - both I and II are false.
 - I is true and II is false.
 - I is false and II is true.
12. For enforcement of a decree granting mandatory injunction, the period of limitation is _____.
- 12 years.
 - 3 years
 - not subject to any period of limitation
 - one year
13. The concept of "Issue Estoppel" does imply:
- An estoppel due to the decision in a criminal case for different offence on same set of facts, in the second case for another offence.
 - An issue decided between same parties in Civil Suit which bars trial of such issue in another suit.
 - An order issued by the High Court to stop further proceedings.
 - The estoppel caused by Record.

14. The Rule in HEYDON'S Case is called _____.
- Golden Rule
 - General Rule
 - Pith and Substance
 - Mischief Rule
15. If a Magistrate administers oath before recording the confession, the confessional statement is _____.
- good in law and admissible in evidence.
 - good in law but admissible in evidence only on corroboration.
 - bad in law and inadmissible in evidence.
 - bad in law but admissible in evidence if corroborated by other evidence.
16. When an order capable of being executed under the provisions of the Code of Civil Procedure as if it were a decree, is passed against the Government, the execution shall not be issued on any such order unless it remains unsatisfied for the period of _____ computed from the date of the order.
- six months
 - two months
 - execution may be issued on any such order even it remains unsatisfied even for a period of one day
 - three months
17. Given below are two statements labelled as Assertion (A) and Reason (R). In the context of the two statements, which of the following is correct?
- Assertion (A): It is necessary that each conspirator must know all the details of the scheme or be a participant at every stage.
- Reason (R): It is necessary that they should agree for design or object of the conspiracy.
- Both (A) and (R) are true and (R) is the correct explanation of (A)
 - Both (A) and (R) true but (R) is not the correct explanation of (A)
 - (A) is true but (R) is false.
 - (A) is false but (R) is true.
18. 'A' agrees absolutely, in writing, to pay 'B' Rs. 1,000/- on 1st March, 1873. The fact that, at the same time an oral agreement was made that the money should not be paid till 31st March _____.
- can be proved
 - cannot be proved

- c. can be proved if court permits d. none of the above.
19. A judgment *in rem* can be impeached on the ground of _____.
 a. lack of inherent jurisdiction b. fraud
 c. collusion d. All the above.
20. 'A' confession heard by a person while it was being made to a police officer is _____.
 a. admissible.
 b. inadmissible.
 c. admissible with the permission of the Court.
 d. admissible with the consent of the Prosecutor.
21. If a court decreed a time barred debt and the party aggrieved does not take appropriate steps to have that error corrected _____.
 a. the decree will continue to be valid.
 b. the party aggrieved will be open to challenge the decreed on the basis of being nullity.
 c. Both (a) and (b) are correct.
 d. none of the above.
22. X was convicted by an Additional Sessions Judge for an offence under section 302 of the Indian Penal Code. Later on the appointment of the judge was quashed by the High Court on the ground that his appointment was in violation of the provisions of Art.233 of the Constitution. Thereupon, a point was raised that the judgment rendered by the Additional Sessions Judge was void and required to be set aside. The judgment is _____.
 a. valid b. invalid
 c. invalid at the option of the convict d. none of the above.
23. A corporation shall be deemed to carry on business _____.
 a. at its sole or principal office in India.
 b. in respect of any cause of action arising at any place where it has also a subordinate office, at such place.
 c. Both (a) and (b).
 d. at its sole or principal office in India or abroad.
24. A vested interest _____ by the death of the transferee before he obtains possession.

- a. is defeated b. is not defeated
c. becomes void d. becomes voidable
25. In settlement, the disposition is to take effect _____.
a. during the lifetime of the settler.
b. after the death of the settler.
c. either during or after the lifetime of the settler.
d. none of the above.
26. When the plaint shows that the claim is barred by limitation, the plaint is to be _____.
a. returned b. rejected
c. discarded d. none of the above.
27. 'A' bequeaths his property by Will. The words of bequest were "I bequeath my only house to Samir Joshi or to Hrishikesh Pande". The testator dies after some days. Both of them survive the testator. The house of the testator shall go to _____.
a. Samir Joshi only.
b. Hrishikesh Pande only.
c. The bequest being uncertain becomes void.
d. To both Samir Joshi and Hrishikesh Pande.
28. No suit for recovery of possession under the Maharashtra Rent Control Act, 1999 shall be instituted by a Landlord against the tenant on the ground of non payment of the standard rent or permitted increases due, until the expiration of _____ next after notice in writing of the demand of the standard rent or permitted increases has been served upon the tenant.
a. 60 days b. 30 days
c. 90 days d. 15 days.
29. If an order of attachment is made without complying with the provisions of Order XXXVIII, Rule 5(1) of Civil Procedure Code, such attachment shall be _____.
a. voidable at the option of the defendant against whom such order is passed.
b. void.
c. valid
d. irregular

30. 'A', 'B', 'C' and 'D' are members of a joint family. 'A' is the father of 'B'. 'C' and 'D' are the sons of 'B'. The joint family possesses coparcenary property. 'A' and 'B' do not want to bring about separation in status of a joint family. 'C' desires to have his share in the joint family property separated.
- 'C' can seek partition of coparcenary property.
 - 'C' can not seek partition of coparcenary property so long as 'A' or 'B' does not desire to bring about separation in status.
 - 'C' can seek partition of coparcenary property with the permission of the Court.
 - none of the above.
31. If a person whose statement is recorded by the police during investigation is called as a defence witness, his previous statement before the police_____.
- can be used for corroborating him.
 - can be used for contradicting him.
 - cannot be used for any purpose.
 - both 'a' and 'b'.
32. Where a mortgagee has obtained a decree for payment of money in satisfaction of a claim arising under the mortgage,_____.
- he shall be entitled to bring the mortgaged property to sale in execution proceedings.
 - he shall not be entitled to bring the mortgaged property to sale otherwise than by instituting the suit for sale in enforcement of the mortgage.
 - he shall not be entitled to bring the mortgaged property to sale by instituting the suit for sale in enforcement of the mortgage, as such suit would be hit by Order II, Rule 2 of C.P.C.
 - none of the above.
33. 'A' and 'B' are jointly tried for the murder of 'C'. It is proved that 'A' said " 'B' and I murdered 'C' ". The court may consider the effect of this confession as against_____.
- 'A' only.
 - 'B' only.
 - Both 'A' and 'B'
 - none of the above.
34. 'A' files a suit against 'B' for compensation on account of defamation. Pending the suit 'B' dies.
- the right to sue survives if the court directs accordingly.

- b. the right to sue does not survive.
 - c. the right to sue survives.
 - d. None of the above.
35. "Public Trust Doctrine" pertains to _____.
- a. Bombay Public Trust Act
 - b. Indian Trust Act
 - c. Environmental Law
 - d. none of the above.
36. For a suit for cancellation of sale deed the Court fee for the purposes of valuation of the suit and jurisdictional purpose, shall be paid _____.
- a. on the value of the property made in the document of sale.
 - b. on the market value of the property at the time of institution of the suit.
 - c. on the market value of the property at the time of the execution of the deed of sale i.e as per the ready reckoner provided by the government for levying general stamp duty for registration of the document.
 - d. as per the directions of the Court.
37. 'A' deposits a box of jewels with 'B' as his agent. 'C' alleges that the jewels were wrongfully obtained from him by 'A', and claims them from 'B'.
- a. 'B' can institute an inter-pleader suit against 'A' and 'C'.
 - b. 'B' cannot institute an inter-pleader suit against 'A' and 'C'.
 - c. 'B' may with the permission of a court institute an inter-pleader suit against 'A' and 'C'.
 - d. 'B' can with the permission of 'A' and 'C' institute an inter-pleader suit against both of them.
38. If the investigation is not completed within 60 or 90 days as the case may be, and the accused is in custody, on the expiry of said period but before filing of the chargesheet, the accused applies for bail. Before hearing on bail application the chargesheet is filed. The accused is _____.
- a. entitled to be discharged.
 - b. entitled to be released on bail.
 - c. not entitled to be released on bail
 - d. entitled to be acquitted.
39. Where an immovable property is sold in execution of a decree, the sale of such property becomes absolute.

- a. when the court makes an order confirming the sale.
 - b. when the possession of the property sold is delivered to the purchaser.
 - c. when document conveying title (Sale Deed) to such property is executed.
 - d. on completion of 60 days after execution of the Sale Deed.
40. 'A', a client, says to 'B', a clerk of 'A's attorney, "I have committed forgery and I wish your master (attorney) to defend me".
- a. This communication is protected from disclosure.
 - b. This communication is not protected from disclosure.
 - c. This communication is protected from disclosure unless the attorney consents for its disclosure.
 - d. This communication is protected from disclosure unless permission of the court is obtained for its disclosure.
41. In case of sale of a immovable property, where the ownership of the property has passed to the buyer before payment of the whole of the purchase money_____.
- a. the seller is entitled to a charge upon the property in the hands of the buyer, any transferee without consideration or any transferee with notice of the non-payment, for the amount of the purchase money or any part thereof remaining unpaid, from the date on which possession has been delivered.
 - b. the seller is not entitled to a charge upon the property in the hands of the buyer for the amount of the purchase money or any part thereof remaining unpaid.
 - c. the seller is entitled to a charge upon the property in the hands of the buyer, any transferee without consideration or any transferee with notice of the non-payment, for the amount of the purchase money or any part thereof remaining unpaid, from the date of the sale deed even though no possession is delivered thereunder.
 - d. the seller is entitled to a charge upon the property in the hands of an transferee for valuable consideration and who has no notice of the non payment.
42. Probate shall be granted only_____.
- a. to an executor appointed by the will.
 - b. to an administrator appointed by the court.
 - c. to the legatee under the will
 - d. 'a' and 'b' above.

43. Where a contract comprises an affirmative agreement to do a certain act, coupled with a negative agreement not to do certain act, but there are circumstances indicating the court is unable to compel specific performance of the affirmative agreement. In such circumstances, ____.
- the court is precluded from granting an injunction to perform the negative agreement.
 - the court is not precluded from granting an injunction to perform the negative agreement.
 - the court is precluded from granting an injunction to perform the negative agreement provided, that the plaintiff has not failed to perform the contract so far as it is binding on him.
 - the court is precluded from granting an injunction to perform the negative agreement provided, that the defendant has not failed to perform the contract so far as it is binding on him.
44. Section 16(c) of the Specific Relief Act reads thus:
Specific performance of a contract cannot be enforced in favour of a person who fails to aver and prove that he has performed or has always been ready and willing to perform the essential terms of the contract which are to be performed by him, other than terms the performance of which has been prevented or waived by the defendant.
- For the purposes of this clause where a contract involves the payment of money ____.
- it is not essential for the plaintiff to actually tender to the defendant or to deposit in court any money.
 - It is essential for the plaintiffs to actually tender to the defendant or to deposit in court any money.
 - It is not essential for the plaintiffs to actually tender to the defendant or to deposit in court any money except when so directed by the court.
 - It is essential for the plaintiffs to actually tender to the defendant or to deposit in court any money except when otherwise directed by the Court.
45. Any part of a statement recorded under section 161 of the Code of Criminal Procedure, 1973 used in the cross-examination may also be used in the re-examination of such witness, for the purpose of ____.
- contradiction only.
 - corroboration only.
 - explaining any matter referred to in his cross-examination.
 - none of the above.

46. 'A' filed a suit against the Government of Maharashtra(State). The State proposes to tender in evidence a deed of lease executed in favour of 'A'. The deed is insufficiently/not duly stamped. 'A' objects admission of lease deed in evidence on the ground of it being not duly stamped.
- the objection is sustainable.
 - the objection is not sustainable.
 - the objection is sustainable with the permission of the Court.
 - 'a' and 'c' above.
47. Maxim - "Actus curiae neminem gravabit" means_____.
- an act of the court shall prejudice no one.
 - legal actions do not admit a limitation.
 - the act by itself does not constitute guilt unless done with guilty intent.
 - the act of god is hurtful to no one.
48. An additional statement by the first informant after registering the FIR is _____.
- an additional FIR under section 154 of the Code of Criminal Procedure, 1973.
 - is a statement recorded under Section 161 of the Code of Criminal Procedure, 1973.
 - is a statement recorded during enquiry under section 200 of the Code of Criminal Procedure.
 - none of the above.
49. Article 20(2) of the Constitution of India provides that no person shall be _____ for the same offence more than once.
- convicted
 - prosecuted
 - prosecuted and punished
 - investigated
50. An accused was arrested for the offence of murder and he was produced in the court. The magistrate remanded him to judicial custody. On the way to the sub jail, the accused sustained injuries in a road accident. He was hospitalised for 16 days. Meanwhile, on the 3rd day of his remand, police filed an application seeking custody of the accused. After the discharge of the accused from the hospital, the Magistrate remanded the accused to police custody. Whether the order is legal?
- Yes, it is legal as the accused was in the hospital during the first 15 days.
 - No, magistrate has no authority to grant police custody after first

15 days of remand.

- c. Yes, it is legal since the police had filed application within the stipulated time.
 - d. none of the above.
51. When a person causes one thing to resemble another thing and the resemblance is such that the person might be deceived thereby, _____.
- a. it may be presumed, that the person so causing one thing to resemble the other thing intended by means of that resemblance to practice deception.
 - b. it shall be presumed, that the person so causing one thing to resemble the other thing intended by means of that resemblance to practice deception.
 - c. there is no any such presumption.
 - d. it is conclusive prove of that the person so causing one thing to resemble the other thing intended by means of that resemblance to practice deception.
52. In a suit between 'A' and 'B', 'A' tenders in evidence, a forged document. 'B' proposes to prosecute 'A' for the offence alleged to have been committed in respect of the forged document given in evidence in a proceeding in the Court.
- a. B may lodge an FIR against A.
 - b. B may file a complaint to Magistrate.
 - c. B may make an application to the court to have an inquiry made into the offence which appears to have been committed in relation to the said document.
 - d. 'a' and 'b' above.
53. 'A' was convicted of the offence punishable under section 325 of the Indian Penal Code and sentenced to imprisonment. 'A' preferred appeal from conviction. Pending the appeal, 'A' dies.
'A's near relatives apply to the Appellate Court for permission to continue the Appeal.
- a. the appeal shall abate
 - b. the appeal shall not abate
 - c. if leave is granted, appeal shall not abate
 - d. Appeal shall not abate, if the prosecutor consents for continuation of appeal.
54. Where an Assistant Sessions Judge convicted a person and sentenced him to an imprisonment for five years, he may appeal to the _____.

- a. Supreme Court b. Sessions Court
c. High Court d. none of the above.
55. Protection under Section 53-A (Part performance) of Transfer of Property Act is available as _____.
a. a shield only b. a sword only
c. both a shield or sword d. neither shield nor sword
56. 'A', 'B', 'C' and 'D' jointly plan to beat up 'X'. While 'X' was being assaulted, his daughter intervened, who was molested by 'D'. In this case _____.
a. all are liable under section 354 of the IPC with the aid of Sec. 34.
b. only 'D' is liable under section 354 of the IPC.
c. only 'D' and 'C' are liable under Section 354 of the IPC.
d. only 'B', 'C' and 'D' are liable under Section 354 of the IPC.
57. Qui facit per alium facit per se means _____.
a. he who is silent is supposed to consent.
b. he who accepts cannot reject.
c. he who exercises his right injures no one.
d. he who acts through another acts himself.
58. Under Section 24 of the Maharashtra Rent Control Act, 1999, a licensee in possession of premises given to him on license _____ shall deliver possession of such premises to the landlord on expiry of the license period.
a. for residence b. for business
c. for residence or business d. none of the above
59. The answers given by the accused during his examination under Section 313 of Cr.P.C. may be taken into consideration _____.
a. in such inquiry or trial.
b. in evidence for or against him in any other inquiry into, or trial for any other offence which such answers may tend to show he has committed.
c. both 'a' and 'b'.
d. in a prosecution initiated against him for giving false answers during such examination.
60. Who amongst the following is incapable of making a Will.
a. A married woman b. A blind person

- a. 'C' would become absolute owner of the ancestral property of 'A'.
 - b. On adoption, 'C' would get share in the ancestral property of 'A' equal to that of 'B' (by virtue of doctrine of relation back, if any).
 - c. 'B' would become absolute owner of the ancestral property of 'A'.
 - d. neither 'B' nor 'C' would inherit 'A's' property.
66. Where in any suit a decree for specific performance of a contract for sale of immovable property has been made and the purchaser does not, within the period allowed by the decree or such further period as the Court may allow, pay the purchase money which the court has ordered him to pay. The decree passed in such a suit has attained finality.
- The remedy for the vendor to have the contract rescinded is _____.
- a. to file a separate suit to have the contract rescinded.
 - b. to prefer appeal against the decree in the suit.
 - c. to apply in the same suit in which the decree is made.
 - d. all the above.
67. The appropriate writ issued by the court to quash the appointment of a person to a public office is that of _____.
- a. Mandamus
 - b. Certiorari
 - c. Quo-warranto
 - d. Prohibition
68. In an accident involving two or more vehicles, where a third party (other than the drivers and/or owners of the vehicles involved) claims damages for loss or injury, it is a claim for compensation in respect of _____.
- a. contributory negligence
 - b. composite negligence
 - c. solitary negligence
 - d. compound negligence
69. If the accused is, by reason of a previous conviction, liable either to enhanced punishment or to a punishment of a different kind, such offence _____.
- a. can be compounded.
 - b. cannot be compounded.
 - c. can be compounded with the permission of the Court.
 - d. can be compounded only by the person who is aggrieved by the said offence.
70. The three accused, 'A', 'B' and 'C' broke into a locked house and started ransacking it. A domestic servant appeared before they had finished. When he tried to raise alarm, they threatened to kill him. He however, escaped and started shouting. They tried to start a scooter, but it would

not start. There upon they ran towards a taxi stand when they were pursued by a crowd. 'A', on being caught by one of the crowd stabbed him, 'A' was found guilty of murder.

Determine liability of 'B' and 'C' as regards the offence of murder.

- a. 'B' and 'C' are guilty under S.302 r.w. 34 of the Indian Penal Code.
 - b. 'B' and 'C' are guilty of the offence of criminal conspiracy to commit murder.(S.302 r.w. 120 B)
 - c. 'B' and 'C' are not guilty .
 - d. 'B' and 'C' are guilty of the offence of abetment of murder.(U/s. 302 r.w. 109 of I.P.C.)
71. Whenever any person who, if absent would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, _____.
- a. he shall be deemed to have abetted such act or offence.
 - b. he shall be deemed to have committed such act or offence.
 - c. he shall be deemed to have conspired to commit such act or offence.
 - d. he shall not be deemed to have committed such act or offence.
72. Under Section 372 of Code of Criminal Procedure, the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to _____.
- a. the court to which an appeal ordinarily lies against the order of conviction of such court.
 - b. the court to which an appeal ordinarily lies against the order of acquittal of such court.
 - c. both 'a' and 'b'
 - d. the High Court only.
73. 'A', by instigation voluntarily causes 'Z', a boy of 9 years age (incapable of giving consent to his own death), to commit suicide.
- a. 'A' has, therefore abetted murder.
 - b. 'A' has, therefore abetted culpable homicide not amounting to murder.
 - c. 'A' has, therefore abetted suicide.
 - d. 'A' has, committed no offence.
74. In every inquiry or trial, _____, the Court shall

after the witnesses for the prosecution have been examined and before he is called on for his defence question him generally on the case.

- a. for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him.
- b. for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against the co-accused.
- c. for the purpose of enabling the accused personally to explain any circumstances appearing in the evidence against him and the co-accused.
- d. for the purpose of enabling the accused to let him know the circumstances appearing in the evidence against him.

75. Where at the hearing of application relating to interim relief in a suit an objection as to a suit being barred by limitation is taken by any of the parties to the suit, _____.

- a. the court may proceed to determine at the hearing of such application the issue as to limitation.
- b. the court shall proceed to determine at the hearing of such application the issue as to limitation.
- c. the court shall not proceed to determine at the hearing of such application the issue as to limitation.
- d. none of the above.

76. 'A' shakes his fist at 'Z', intending it that he may thereby cause 'Z' to believe that he is about to strike 'Z'.

- a. 'A' has committed an assault.
- b. 'A' has used criminal force.
- c. 'A' has committed offence of preparation to use criminal force.
- d. 'A' has not committed any offence.

77. U/s. 9-A of Code of Civil Procedure (Maharashtra amendment) where at the hearing of application relating to interim relief in a suit, objection to jurisdiction is taken _____.

- a. issue as to jurisdiction shall be determined as a preliminary issue before granting or setting aside the order granting the interim relief.
- b. issue as to jurisdiction may be determined as a preliminary issue before granting or setting aside the order granting the interim relief.
- c. the Court may grant such interim relief as it may consider necessary, pending determination by it of the preliminary issue as

to the jurisdiction.

- d. 'a' and 'c' above.
78. 'A', husband of 'B', knowing that 'B' has committed dacoity, knowing conceals 'B' in order to screen her to evade arrest or from legal punishment_____.
- 'A' is guilty of offence of harboring the offender.
 - 'A' is not guilty of any offence.
 - 'A' is guilty of offence of abetment to commit dacoity.
 - 'A' is guilty of offence of conspiracy to commit dacoity.
79. Under Code of Criminal Procedure the term "victim" means_____.
- a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged.
 - guardian of a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged.
 - legal heir of a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged.
 - all the above.
80. Whoever by force compels any person to go from any place, is said to_____.
- kidnap that person.
 - abduct that person.
 - have committed no offence.
 - have wrongfully restrained that person.
81. "Attested", in relation to an instrument, means and shall be deemed to have meant attested by two or more witnesses_____.
- each of whom has seen the executant sign or affix his mark to the instrument. OR
 - has seen some other person sign the instrument in the presence and by the direction of the executant. OR
 - has received from the executant a personal acknowledgment of his signature or mark or of the signature of such other person and each of whom has signed the instrument in the presence of the executant. OR
 - All the above.

82. An order rejecting the plaint for non-payment of the court fees is a ____.
- judgment
 - decree *nisi*
 - decree
 - order
83. When a contract has been broken, the party who suffers by such breach is entitled to receive, from the party who has broken the contract, compensation for any loss or damage caused to him ____.
- which naturally arose in the usual course of things from such breach, or
 - which the parties knew, when they made the contract, to be likely to result from the breach of it.
 - even when it is remote and indirect loss sustained by reason of the breach.
 - 'a' and 'b' above.
84. The most important source of Islamic law is ____.
- Hadith
 - Quran
 - Ijma
 - Sunna
85. When two persons are descended from a 'common ancestress but by different husbands, they are said to be related to each other by ____.
- half blood
 - Full blood
 - uterine blood
 - none of the above.
86. An easement whose enjoyment is, or may be, continual without the act of man is called ____.
- Apparent easement
 - Non apparent easement
 - Continuous easement
 - Discontinuous easement
87. If by a Will one or more of the bequests is/are given to the wife or husband of the person attesting the Will, the bequest is ____.
- void
 - valid
 - voidable
 - irregular
88. 'A' enters into registered mortgage with 'B' as a security for payment of a sum of rupees two lakhs received as a hand loan with interest @ 10% p.a. Subsequently, 'A' and 'B' entered into an agreement in writing to vary the rate of interest from 10% to 12%.
- The agreement varying rate of interest ____.
- is admissible in evidence in proof of change of rate of interest.
 - is inadmissible in evidence.

- c. is admissible in evidence with the permission of the Court.
- d. none of the above.
89. A right annexed to 'A's house to prevent 'B' from building on his own land. This is a _____.
- a. non apparent easement b. apparent easement
- c. continuous easement d. discontinuous easement
90. Where an attachment has been made, any private transfer or delivery of the property attached shall be _____.
- a. void as against all claims enforceable under the attachment.
- b. voidable as against all claims enforceable under the attachment.
- c. voidable at the option of the party at the instance of whom the order of attachment has been passed.
- d. valid.
91. The transfer of an actionable claim whether with or without consideration shall be effected _____.
- a. by the execution of an instrument in writing signed by the transferor or his duly authorised agent.
- b. by execution of registered instrument signed by the transferor or his duly authorised agent.
- c. by oral agreement between the transferor or his duly authorised agent and the transferee.
- d. by execution of registered instrument signed by the transferor and the transferee.
92. Under Section 15 of the Hindu Succession Act, a property inherited by a female Hindu from her mother shall on her death devolve, in the absence of any son or daughter of the deceased (including the children of any predeceased son or daughter) upon _____.
- a. the heirs of the father of the deceased.
- b. the heirs of the mother of the deceased.
- c. the heirs of husband of the deceased.
- d. the Government in view of principle of escheat.
93. Where a gift consists of the donor's whole property, _____.
- a. the donee is not at all personally liable for all the debts due by and liabilities of the donor.
- b. the donee is personally liable for all the debts due by and liabilities

of the donor at the time of the gift to the extent of property comprised therein.

- c. the donee is personally liable for all the debts due by and liabilities of the donor at the time and subsequent to the gift to the extent of property comprised therein.
- d. the donee is personally liable for all the debts due by and liabilities of the donor even exceeding the property comprised in the gift.

94. 'A' mortgages his house property to 'B'. It turns out that at the time of the mortgage 'B' was minor.

- a. the mortgage is void.
- b. the mortgage is valid.
- c. the mortgage is voidable at the option of the mortgagor.
- d. the mortgage is voidable at the option of the mortgagee.

95. 'A' draws a bill of exchange upon a fictitious person, and fraudulently accept the bill in the name of such fictitious person with intent to negotiate it. 'A' commits _____.

- a. theft
- b. cheating
- c. forgery
- d. no offence

96. The composition of an offence u/s. 320 of Criminal Procedure Code shall have the effect of _____ of the accused with whom the offence has been compounded.

- a. discharge, if the composition takes place before framing of the charge.
- b. acquittal, if composition takes place after framing of the charge.
- c. acquittal.
- d. 'a' and 'b' above.

97. In a cognizable case, the police will have all the powers to _____.

- a. investigate except the power to arrest without warrant.
- b. investigate including the power to arrest without warrant.
- c. investigate and arrest without warrant only after seeking permission from the Magistrate.
- d. investigate and arrest without warrant only after informing the Magistrate having jurisdiction to inquire into or try the offence.

98. 'A' finds valuable ring, not knowing to whom it belongs. 'A' sells it immediately without attempting to discover the owner. 'A' is guilty of an

offence_____.

- a. of dishonest misappropriation of property.
- b. of criminal breach of trust.
- c. of theft.
- d. of mischief.

99. Any criminal court may send for the police diaries of a case under inquiry or trial in such court, and may use such diaries _____.

- a. as evidence in the case.
- b. as an aid in such inquiry or trial.
- c. by the police officer who made them to refresh his memory.
- d. 'b' and 'c' above.

100. For taking cognizance of the offence of any criminal conspiracy punishable under Section 120-B of the IPC, other than the criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of 2 years or upwards_____.

- a. consent in writing of the State Government or the District Magistrate to the initiation of such proceeding is a condition precedent.
- b. no such consent is required.
- c. consent in writing of the Central Government or the District Magistrate to the initiation of such proceeding is a condition precedent.
- d. consent in writing of the State Government or Central Government to the initiation of such proceeding is a condition precedent.
