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Bombay HC District Judge

**Previous Year Paper
19 Jun, 2022**



QUESTION BOOKLET

DJ-2021

Booklet Series

A

Time: 90 minutes

Booklet No. _____

Date : 19th June, 2022

Total Questions : 100

Total Marks : 200

INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately on receiving the question booklet, the candidate should check that the booklet does not have any unprinted or torn or missing pages or items, etc. If it is so found, the candidate should 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 a 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. The candidate shall enter his Roll number on the Booklet in the box provided alongside.
6. The candidate has to mark his 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. Under section 102 of I.P.C. the right to private defence of the body ____.
 - a. commences as soon as a reasonable apprehension of danger to the body arises and continues as long as that apprehension continues.
 - b. commences as soon as a reasonable apprehension of danger to the body arises and continues even after that apprehension ceases.
 - c. commences only when the person exercising the right actually suffers the injury.
 - d. commences and continues even after the assailant has stopped the assault.
2. The Magistrate of the First Class may tender a pardon to accomplice at any stage of ____.
 - a. investigation.
 - b. investigation and inquiry.
 - c. investigation and trial.
 - d. inquiry or trial.
3. 'A' a Hindu dies intestate leaving no heir qualified to succeed to his property in accordance with the provisions of Hindu Succession Act, 1956. In such an event, the property shall devolve on the Government. The said principle is known as ____.
 - a. Lapse
 - b. Escheat
 - c. Bona vacantia
 - d. Eminent domain
4. If a person is found to be incapable of making defence by result of unsoundness of mind, the Court on being satisfied of such fact shall record finding to that effect and ____.
 - a. conclude the trial at the threshold.
 - b. discharge such person from the criminal case.
 - c. forthwith acquit such person.
 - d. postpone further proceedings in the case.

5. An appeal against the sentence on the grounds of its inadequacy may be filed to the High Court, if -
 - a. the sentence is passed by the Magistrate.
 - b. the sentence is passed by the Court of Session only.
 - c. the sentence is passed by any other Court except that of Magistrate.
 - d. the sentence is passed by the single Judge of High Court.
6. Under the Code of Criminal Procedure, 1973, where an accused person has, on conviction been sentenced to imprisonment for a term, the set off is not permissible in respect of ____
 - a. imprisonment in default of payment of fine.
 - b. the period of detention undergone by him during the investigation.
 - c. the period of detention undergone by him during the inquiry.
 - d. the period of detention undergone by him during the trial.
7. A person accused of an offence before a Criminal Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charges at the same trial. In this regard, which of the following is incorrect ?
 - a. He shall not be called as a witness by the prosecution.
 - b. He shall not be called as a witness except on his own request in writing.
 - c. His failure to give evidence shall not give rise to presumption against him or co-accused at the same trial.
 - d. His failure to give evidence can be subject matter of comment by the Court.
8. Under the Code of Criminal Procedure, 1973, an order for custody and disposal of property at conclusion of trial may be challenged by ____
 - a. filing an Appeal to the Court to which appeal against acquittal lies.
 - b. filing an Appeal to the Court to which appeal against conviction lies.
 - c. filing Criminal Revision before a Sessions Judge.

d. filing Criminal Revision before the High Court.

9. The Sessions Court convicted an accused after trial. It is revealed that at trial stage, he has denied the charge of previous conviction. In such a contingency, the Sessions Judge _____

- may take evidence in respect of alleged previous conviction and shall record a finding thereon.
- shall take evidence in respect of alleged previous conviction and may record a finding thereon.
- may take evidence in respect of alleged previous conviction
- shall record a finding on evidence subsequently recorded.

10. 'A' is accused of committing an offence at Mumbai. During the course of inquiry he made a confession before J.M.F.C. at Gondia, who has no power to try the case. The confession is _____

- void ab-initio
- partially valid
- valid
- partially void

11. Under the Code of Criminal Procedure, 1973, the local inspection in an inquiry or trial is permissible to _____

- collect evidence at such inquiry or trial.
- properly appreciate the evidence given at such inquiry or trial.
- to assist the accused at such inquiry or trial.
- to assist the prosecution at such inquiry or trial.

12. The Judicial Magistrate First Class shall not order any person including an accused to give specimen signature or handwriting unless the person _____

- has been accused of committing an offence
- has been held guilty of such offence previously.
- is likely to be arrested in connection with such investigation or proceeding.

d. has at some time been arrested in connection with such investigation or proceeding.

13. Which of the following general exceptions under the Indian Penal Code, 1860 is based on the maxim “de minimis non curat lex” ?

- To minimize the damage.
- Act done with consent to minimize the pain.
- Act causing slight harm.
- Act done in good faith for the benefit of a person without consent.

14. ‘A’ knows that ‘B’ is suffering from an enlarged spleen and that if a fist blow is given on his stomach, it is likely to cause death. ‘A’ gives a fist blow to ‘B’ on his stomach and causes death. ‘A’ is guilty of _____

- no offence
- causing hurt only.
- murder
- culpable homicide

15. ‘X’ intended to kill ‘A’ but instead killed ‘B’, whom he had no intention to kill. By which doctrine ‘X’ can be held guilty ?

- Causing death by negligence
- Malice in fact
- Contributory negligence of the deceased.
- Doctrine of transferred malice

16. Match List I with List II and select the correct answer using the code given below the list.

List I Element of offence	List II Type of offence
A) Making any gesture which may lead to apprehension about use of criminal force	1) Force

B) Change of motion	2) Assault
C) Enticing any minor out of the keeping of the lawful guardian	3) Abduction
D) Compelling by force to go from any place	4) Kidnapping from lawful guardianship

Code :

	A	B	C	D
a.	4	1	2	3
b.	2	1	4	3
c.	3	2	4	1
d.	2	4	1	3

17. For the purposes of Prevention of Corruption Act, 1988 the term "gratification" is _____

- limited to pecuniary gratification or to gratifications estimable in money
- not limited to pecuniary gratifications or to gratifications estimable in money.
- not limited to gratification in kind.
- None of the above.

18. In order to constitute HIBA (Gift), which of the following is not an essential element ?

- Declaration of gift by the donor
- Acceptance of gift by the donee
- Delivery of possession of the property by the donor
- Execution of registered deed.

19. 'A' a by stander saw 'B' passing through a window opening into the room with a gun. Upon hearing gun shot, 'A' rushed into the room and found 'C' dead by gun shot. On which immediately, 'A' exclaimed that he just saw 'B' entering the room with gun. The statement of 'A' would be _____

- irrelevant
- relevant

c. inadmissible
d. conclusive proof that 'B' killed 'C'.

20. Under the Evidence Act, 1872 admissions are _____
a. conclusive proof of fact admitted.
b. not conclusive proof, but may operate as estoppels.
c. neither conclusive nor act as an estoppel.
d. none of the above.

21. Under the Indian Evidence Act, 1872 the opinion of Certifying Authority is relevant when the Court has to form an opinion as to the _____
a. Digital signature of any person.
b. Electronic record
c. authenticity of electronic record
d. hash value of an electronic record.

22. Oral account of the contents of a document given by a person who has himself seen it is -
a. primary evidence.
b. not an evidence.
c. irrelevant in all situations.
d. secondary evidence.

23. A convict who has been sentenced to imprisonment for life commits murder and is convicted for the said offence, he _____
a. shall be punished with death.
b. shall be punished with death or imprisonment for life.
c. shall be punished with imprisonment which may extend to ten years.
d. need not be sentenced to any imprisonment as he is already undergoing imprisonment for life.

24. If no attesting witness can be found, it must be proved that-
a. the attestation of one attesting witness at least is in his handwriting.
b. the signature of the person executing the document is in

the handwriting of that person.

- c. both (a) and (b) above.
- d. either (a) or (b) above.

25. Which of the following is not a public document within the meaning of Section 74 of Indian Evidence Act, 1872 ?

- a. Deposition of witness recorded in a civil suit.
- b. Statement recorded under Section 164 of Cr.P.C.
- c. Plaintiff.
- d. Judgment.

26. Which of the following recent Judgments has clarified the interpretation of Section 65-B of Indian Evidence Act, 1872 ?

- a. Anvar P.V. Vs. P. K. Basheer
- b. Shafi Mohammad Vs. State of Himachal Pradesh
- c. Tomaso Bruno Vs. State of Uttar Pradesh
- d. Arjun Vs. Kailash

27. Which of the following acts against the member of a Scheduled Caste or a Scheduled Tribe may constitute an offence under the SC & ST Act, 1989 ?

- a. Removing moustache
- b. Instituting a false suit
- c. Both (a) and (b)
- d. None of the above.

28. Under the N.D.P.S. Act, 1985 whenever any person makes any arrest or seizure, he shall, within ____ hours next after such arrest or seizure, make a full report of all the particulars of such arrest or seizure to his immediate official superior.

- a. 24
- b. 48
- c. 36
- d. 12

29. Which of the following provisions will not apply in respect of an accusation / commission of an offence under SC & ST Act, 1989 ?

- Section 438 of the Cr.P.C.
- Section 360 of the Cr.P.C. in respect of person found guilty if he is above 18 years of age.
- Section 360 of the Cr.P.C. irrespective of the age of the person found guilty.
- Both (a) and (b).

30. In case of subsequent offence, a previous convict under N.D.P.S. Act, 1985 shall be punished with _____

- one and one-half times of the maximum term of imprisonment.
- fine extending to one and one-half times of the maximum amount of fine.
- both (a) and (b) above.
- either (a) or (b) above.

31. _____ is an instrument in writing containing an unconditional undertaking signed by the maker to pay a certain sum of money only to, or to the order of certain person, or to the bearer of the instrument.

- Cheque.
- Hundi
- Bill of exchange
- Promissory note

32. If defendant alienates suit property in disobedience of an injunction order, the court may _____

- order the defendant guilty of such disobedience to pay fine.
- order the property of defendant guilty of such disobedience to be attached.
- order the property of defendant guilty of such disobedience to be attached and sold forthwith.
- order the property of defendant guilty of such disobedience to be sold forthwith.

33. The profits which the person in wrongful possession of property might with ordinary diligence have received therefrom are _____

- mesne profits
- unjust enrichment
- anticipated profits
- wrongful gains

34. Suit challenging the validity of a decree passed in a former suit between the same parties on any ground based on an objection as to the _____ shall not lie.

- pecuniary jurisdiction
- monetary valuation
- territorial jurisdiction
- non-joinder of parties

35. The Specific Relief Act incorporates a special provision to preclude the Court from granting _____ in a suit involving a contract relating to Infrastructure Project.

- declaration
- compensation
- injunction
- damages.

36. The joint family properties are situated at Nashik and Pune. The properties at Nashik are larger than the properties at Pune. The defendant is residing at Malvan. A suit for partition in such a case may be instituted at _____

- Nashik
- Nashik or Pune
- Nashik and Pune
- Nashik or Pune or Malvan.

37. A suit to set aside a decree on the ground that compromise on which the decree is based was not lawful is _____

- not maintainable.
- maintainable.

- c. maintainable with the leave of the Court.
- d. maintainable with the leave of the Appellate Court.

38. Constructive res-judicata deals with _____

- a. grounds of attack and defence which ought to have been raised but not raised in a former suit.
- b. reliefs which ought to have been claimed on the same cause of action but not claimed in a former suit.
- c. matter alleged by one party and denied by the other.
- d. grounds of attack and defence which may not have been raised.

39. Subsistence allowance contemplated under Section 57 of the Code of Civil Procedure means _____

- a. monthly allowances payable for the subsistence of decree holder.
- b. monthly allowances payable to jail inmates.
- c. monthly allowances payable for the subsistence of judgment-debtors.
- d. monthly allowances payable to the obstructionist.

40. On failure of the Plaintiff to present as many copies of the plaint on plain paper as there are defendants, the Plaintiff may be _____

- a. rejected
- b. returned
- c. lodged
- d. de-registered

41. The claim of set-off in a suit for recovery of money _____

- a. cannot exceed the suit claim.
- b. can exceed the suit claim.
- c. cannot exceed the pecuniary limits of the jurisdiction of the Court.
- d. can exceed the pecuniary limits of the jurisdiction of the Court.

42. Notice to admit facts under the Code of Civil Procedure may be given by any party in writing at any time not later than _____ before the day fixed for the hearing.

- 14 days
- 21 days
- 28 days
- 09 days

43. 'A' institutes a suit against 'B'. The suit is contested by 'B'. In between the conclusion of hearing and pronouncement of Judgment, 'A' dies. But the Judgment is delivered. The Judgment _____

- shall have the same force and effect as if it had been pronounced after the death took place.
- shall have the same force and effect as if it had been pronounced before the death took place.
- is a nullity.
- does not bind the legal representatives of 'A'.

44. When there is a conflict between the Act made by the Parliament and the State Legislature on the same subject, which of the following doctrines will apply ?

- Doctrine of colourable legislation
- Doctrine of severability
- Doctrine of repugnancy
- Doctrine of eclipse.

45. The notice to produce secondary evidence of the contents of documents shall not be required in respect of which of the following documents ?

- when the adverse party has the original in Court.
- when the document to be proved is itself a notice.
- both (a) and (b)
- none of the above.

46. The Pawnee may retain the goods pledged, not only for the payment of the debt or the performance of the promise but for _____

- interest of the debt.

b. all necessary expenses incurred by him in respect of the possession or for the preservation of the goods pledged.

c. none of the above.

d. both (a) and (b)

47. 'A' directs 'B', his Solicitor, to sell his estate by auction, and to employ an auctioneer for the purpose. 'B' names 'C', an auctioneer, to conduct the sale. State the capacity in which 'C' is acting.

a. sub-agent of the Principal

b. sub-agent of the Agent

c. Agent of the Principal

d. Solicitor

48. Claim for necessaries supplied to person incapable of contracting may be raised on the basis of _____

a. express contract

b. quasi contract

c. doctrine of necessity

d. implied contract

49. 'A' a singer, contracts with 'B' the Manager of a theatre to sing at his theatre for two nights every week during the next two months, and B engages to pay her Rs.100/- for each night's performance. On the sixth night 'A' wilfully absents herself from the theatre, and 'B' in consequence rescinds the contract. 'B' is entitled to _____

a. claim compensation for the damage which he has sustained through the non fulfilment of the contract.

b. seek exemplary damages.

c. prohibit performance by 'A' in future.

d. sue for defamation on account of non performance.

50. The meaning of the Latin term 'Jus sanguinis' is, _____.

a. public law.

b. the right of blood, in relation to nationality.

c. the law regards equity

d. strict law

51. The Civil Revision against any interlocutory order of a Commercial Court, including an order on the issue of jurisdiction and any such challenge _____

- shall not be entertained.
- is maintainable under Section 115 of the C.P.C.
- is maintainable under Order 41 of the Code of Civil Procedure.
- none of the above.

52. A suit which does not contemplate any urgent interim relief under the Commercial Courts Act, 2015 shall not be instituted unless the Plaintiff exhausts the remedy of _____

- pre-institution conciliation
- pre-institution negotiation
- pre-institution arbitration
- pre-institution mediation and settlement.

53. The limitation to file an appeal against the Judgment or Order of Commercial Court passed by a Judge below the level of a District Judge is _____

- 30 days
- 60 days
- 90 days
- 120 days

54. An instrument made in relation to Will explaining to its disposition is _____

- Probate
- Codicil
- Letters of Administration.
- Privileged Will

55. 'Sua Sponte' means _____

- Involuntary
- Voluntary
- Mandatory
- Discretionary

56. Every Decree for dissolution of marriage made by a High Court under the Divorce Act, 1869 shall in first instance, _____, not to be made absolute till after the expiration of such time, not less than 6 months from the pronouncing thereof, as the High Court, by general or special order from time to time, directs.

- be a decree *nisi*
- preliminary decree
- final decree
- decree in rem

57. "Goods" as defined under Sale of Goods Act, 1930 does not include _____

- stock and shares
- grass
- growing crops
- actionable claims

58. If any person by an advertisement in any newspaper offers any share in his property as consideration for the marriage of his daughter, it is _____

- not an offence.
- an offence under Section 4-A of the Dowry Prohibition Act, 1961.
- an offence under Section 7 of Dowry Prohibition Act, 1961.
- an offence under Section 498-A of the Indian Penal Code.

59. In a Suit seeking declaration that sale of immovable property is void, the Court Fees payable under the Maharashtra Court Fees Act, 1930 is _____

- one fourth of ad-valorem fee leviable on the value of the property.
- one half of ad valorem fee leviable on the value of the property.
- two thirds of ad valorem fee leviable on the value of the property.
- dependent upon the amount claimed.

60. If the suit is disposed of by the Court by adoption of any of the modes prescribed under Section 89 of the C.P.C., the Plaintiff shall be entitled to receive back from the Collector _____ amount of the Court fee paid in respect of the plaint.

- one half
- one fourth
- full
- two third

61. The objections to the intended marriage under the provisions of the Special Marriage Act, 1954, may be raised before the expiration of _____ from the date of publication of notice.

- 15 days
- 30 days
- 60 days
- 90 days

62. The Special Court constituted under the Electricity Act, 2003 has authority to determine _____ in respect of theft of energy.

- criminal liability.
- civil liability.
- neither (a) nor (b) above.
- both (a) and (b) above.

63. A continuous easement is extinguished when it totally ceases to be enjoyed as such for an unbroken period of _____

- 12 years
- 20 years
- 24 years
- 30 years

64. The Court may order impounding of document when _____

- any instrument chargeable with duty is produced before it
- such an instrument is not duly stamped
- both (a) and (b) above.
- none of the above.

65. An application with respect to the guardianship of the person is to be made to the Court within whose jurisdiction _____

- the property of the minor is situated.
- the minor temporarily resides.
- the minor ordinarily resides.
- guardian ordinarily resides.

66. "Sapinda relationship" with reference to any person in the line of ascent through the father extends as far as _____

- third generation (inclusive)
- seventh generation (inclusive)
- fifth generation (inclusive)
- first generation (inclusive)

67. In which of the following Judgments, the Supreme Court laid down the factors which the Court would consider to waive the statutory waiting period of 6 months for moving the motion for divorce by mutual consent ?

- Amit Kumar Vs. Suman Beniwal.
- Debananda Tamuli Vs. Smiti Kakumoni Kataky
- Rashmi Chopra Vs. The State of UP
- Pashaura Singh Vs. State of Punjab.

68. Which of the following is not a principle of interpretation of Statutes ?

- Eiusdem Generis
- Casus Omissus
- Noscitur a Sociis
- Sub-silentio

69. Where a new plaintiff is substituted after the institution of a suit, in such a case the suit shall as regards him be deemed to have been instituted ____

- when he was so made a party.
- on an earlier date as may be directed by the Court.

Which of the following is correct ?

- Only I
- Only II
- Both I & II
- None of the above.

70. The Supreme Court of India extended the limitation to institute suits which were otherwise time barred due to the onset of Covid-19 pandemic by invoking powers under ____.

- Section 5 of the Limitation Act
- Article 141 of the Constitution of India
- Article 32 of the Constitution of India
- Article 142 of the Constitution of India

71. A divorced Muslim women shall be entitled to a reasonable and fair provision and maintenance for herself to be made and paid to her by her former husband ____.

- upto the iddat period.
- extending beyond the iddat period.
- for a period of two years from the date of birth of child.
- for a period of three years from the date of birth of child..

72. 'A' joined a Partnership Firm on 01.01.2021. He goes bankrupt on 30.06.2021. The proceeding is instituted on 01.01.2022 to declare him as an insolvent wherein he is adjudicated as an insolvent on 30.06.2022. 'A' ceases to be partner of the Firm from ____.

- 01.01.2021
- 30.06.2021
- 01.01.2022
- 30.06.2022

73. The non registration of testamentary instrument transferring or assigning any decree shall _____

- not affect any immovable property comprised therein
- not to be received as evidence of any transaction affecting such property.
- both (a) and (b)
- neither (a) nor (b) above.

74. 'A' grants 'B' a field inaccessible except by passing over 'A's adjoining land. 'B' afterwards purchases a part of that land over which he can pass to his field. The right of way over 'A's land which 'B' had acquired is _____

- suspended
- extinguished
- re-enforced.
- revived.

75. Match List I with List II and select the correct answer using the code given below the list.

List I	List II
Judgement	Issue involved
A) K. M. Nanavati Vs. State	1) Construction of Section 27 of Evidence Act.
B) Shivaji Sahebrao Bobade Vs. St. of Mah.	2) sudden and grave provocation as defence
C) Pulukari Kotayya Vs. King Emperor	3) Anticipatory Bail
D) Gurbaksh Singh Sibia Vs. St. of Punjab	4) Circumstantial Evidence

Code :

	A	B	C	D
a.	4	1	2	3
b.	3	4	1	2
c.	2	4	1	3
d.	1	2	3	4

76. The test identification period shall be videographed _____

- if the person arrested is not known to the person identifying.
- if the person arrested is mentally or physically disabled.
- if the person identifying the person arrested is mentally or physically disabled.
- if the trial is of sensational nature.

77. The basis to enact the Muslim Women (Protection of Rights on Marriage) Act, 2019 is the Constitution Bench Judgment of the Apex Court in _____

- Mohammad Ahmed Khan Vs. Shah Bano Begum
- Shayra Bano Vs. Union of India & Ors.
- Sarla Mudgal & Ors. Vs. Union of India
- Daniel Latifi Vs. Union of India

78. Where the mortgagor binds himself to repay the mortgage-money on a certain date, and transfers the mortgaged property absolutely to the mortgagee, but subject to a proviso that he will re-transfer it to the mortgagor upon transfer of mortgage money, the transaction is called _____

- Mortgage by conditional sale
- Usufructuary mortgage
- English mortgage
- Anomalous mortgage

79. A Lessee purchases Lessor's interest in the lease. In such an event, which of the following doctrines would apply?

- implied surrender
- merger
- tacking
- subrogation

80. Acceptance of Gift of an immovable property must be made _____

- during the lifetime of the donor.
- while he is still capable of giving.

c. both (a) and (b) above.
 d. either (a) or (b) above.

81. The Specific Relief (Amendment) Act, 2018 has _____

a. eliminated inadequacy test.
 b. strengthened the adequacy test.
 c. re-enforced specific relief as equitable relief.
 d. placed negative burden of proof on the aggrieved party.

82. Where it is not known by whom the offence was committed, the period of limitation shall commence on the first day on which _____

a. the offence took place.
 b. identity of the offender is known to the person aggrieved by the offence or to the Police Officer making investigation into the offence, whichever is earlier.
 c. identity of the accused is established in a T.I. Parade.
 d. information is received about the whereabouts of the accused.

83. The suit for recovery of possession by a Landlord against the tenant on the ground of non payment of standard rent due shall be instituted only after expiration of _____.
 a. 60 days next after notice in writing of the demand has been served in the manner prescribed.
 b. 90 days next after service of notice in writing of the demand upon the tenant as provided in Section 106 of the Transfer of Property Act, 1882.
 c. 30 days next after notice in writing of the demand has been served in the manner prescribed.
 d. 15 days next after notice in writing of the demand has been served in the manner prescribed.

84. Propositions under the Indian Evidence Act, 1872 are

I. Statement is genus, admission is a species and confession is a sub-species.
 II. Statement and admission are species and confession is a sub-species.
 III. Statement and admission are genus and confession is a

species.

In this context which of the following is correct :

- a. I is correct, II and III are incorrect.
- b. I and II are correct and III is incorrect.
- c. II and III are correct and I is incorrect.
- d. III is correct and I and II are incorrect.

85. Which of the following is not a fact ?

- a. Certain objects are arranged in a certain order in a certain place.
- b. That a man heard or saw something.
- c. That a man said certain words.
- d. The statements made by witnesses before the Court.

Directions : The following questions consist of two statements, one labelled as the 'Assertion (A)' and the other as 'Reason (R)'. You have to examine these two statements carefully and select the answers to these questions using the codes given below :

Codes :

- a. Both A and R are individually true and R is the correct explanation of A
- b. Both A and R are individually true and R is not the correct explanation of A.
- c. A is true but R is false
- d. A is false but R is true

86. **Assertion (A)**

The power of the High Court to issue prerogative writs only commensurates with the power of the Supreme Court under Article 32 of the Constitution of India.

Reason (R)

Every High Court has power to issue writs for the enforcement of any of the rights conferred by Part – III and for any other purpose.

87. **Assertion (A)**

Only the President of India has the power to remit or commute the sentence of death imposed by the Competent Court.

Reason (R)

Article 72 of the Constitution of India confers power upon the President of India to grant pardons reprieves, respites or remissions of punishment or to suspend or remit or commute the sentence of any person convicted of any offence.

88. Assertion (A)

A thug who committed murder at Jalna is found at Hyderabad. He may be inquired into or tried for the offence in the Court at Jalna only.

Reason (R)

Under Section 177 of the Code of Criminal Procedure, every offence shall ordinarily be tried by a Court within whose local jurisdiction it was committed.

89. Assertion (A)

High Court being a Court of record and exercising supervisory jurisdiction is excluded from the expression, "All authorities, Civil and judicial in the territory of India"

Reason (R)

Under Article 144 of the Constitution of India all authorities, Civil and Judicial, in the territory of India shall act in aid of the Supreme Court.

90. Assertion (A)

In an appeal from a final decree, the Appellant can assail the correctness of a preliminary decree.

Reason (R)

Appal is continuation of the Suit.

91. 'A prendre' means _____

- unlawfully taken from the soil.
- forcibly taken from the soil.
- coercively taken from the soil.
- rightfully taken from the soil.

92. For the purposes of the Negotiable Instrument Act in respect of commission of an offence by Company, every person is liable who _____

- is in charge of the Company
- is responsible for the conduct of the business of the company.
- both (a) and (b) above.
- none of the above.

93. The Judgment in the case of K. S. Puttaswamy has held that, _____

- right to privacy is a constitutionally protected right in India
- it is incidental to other freedoms guaranteed by the Indian Constitution
- both (a) and (b).
- right to privacy is an absolute right.

94. 'A' lets a house to 'B' for 5 years. 'B' underlets the house to 'C' at a monthly rent of Rs. 100. The period of 5 years expires. 'C' continues in possession of the house and pays rent to 'A'. Under which doctrine the lease will be continued ?

- Charge
- Holding over
- Subrogation
- Tacking

95. 'A', in consideration that 'B' will employ 'C' in collecting the rent of 'B's zamindari, promises 'B' to be responsible, to the amount of 5,000 rupees, for the due collection and payment by 'C' of those rents. This is _____

- specific guarantee
- continuing guarantee
- both (a) and (b)
- none of the above.

96. Any information contained in an electronic record which is copied in magnetic media produced by a computer shall be deemed to be _____

- electronic record
- digital record
- document
- neither (a) nor (b) nor (c)

97. A witness who is not party to a suit shall not be compelled to produce his title-deeds to any property unless _____

- the other party seeks the production of the same, so as to criminate the person holding that document.
- there is an agreement in writing in between the witness having custody of document and the person seeking the production of such deeds to produce such documents.
- the production is sought through the person having no claim.
- the person through whom he does not claim seeks its production.

98. A review may be filed under C.P.C. by any person considering himself aggrieved by a decree or order _____

- from which no appeal is allowed under C.P.C.
- from which an appeal is allowed under C.P.C. but no such appeal has been preferred.
- both (a) and (b)
- none of the above.

99. The holder of a decree for the possession of immovable property is obstructed by any person in obtaining possession of the property. The remedy open for him under the C.P.C. is to _____

- file a fresh suit.
- file an appeal against the original decree.
- both (a) and (b) above.
- file an application to the Court complaining of such obstruction.

100. The prepositions are

- I. In criminal proceedings the fact that the accused has good character is relevant.
- II. In criminal proceedings the evidence of bad character is irrelevant and becomes relevant only when evidence is given that the accused has a good character.

Which of the following is correct ?

- a. only (a)
- b. only (b)
- c. both (a) and (b)
- d. neither (a) nor (b)

