

Andhra Pradesh Judiciary - Mains 2021

20 questions. Source: lawmock.com - free previous-year papers & mock tests.

Paper I (Civil Laws)

Q1. "A" purchased a piece of land in 1980 measuring 4 acres. He is cultivating it through his manager. "A's" name is mutated in the official records like "1-B" etc. "A" had to leave to USA for his job and is staying in USA since 15 years. His neighbour "B" owns the adjacent land. Taking advantage of the regular absence of "A" and the periodic absence of the Manager, "B" periodically cuts the crop/fruits in A's land and sells the same also to third parties and receives payment also through Bank transfer. "B" due to his old age sells the property to "X" through a registered sale deed. Included in this sale deed is A's property also. "X" tries to take possession of the entire property but is obstructed by the Manager of "A". "X" files a suit for "recovery" of possession and claims title both through the sale deed executed in his favour and states that his vendor "B" has perfected his title over "A's" property (Ac.4-00 cents) also through adverse possession. "A" files a counter claim for cancellation of the sale deed and for an injunction against 'X'. Discuss with the relevant sections and case law, the correctness of the pleas raised by both parties. (10 Marks)

Q2. (a) How is a suit to be filed with regard to a minor's property or rights? If it is not property presented can it be returned? If not how can it be rejected? (b) Who is an indigent person as per CPC? How and when can such a person present a suit? (c) When can a Court reject an application to sue as an indigent person? (d) How can costs be recovered if a suit filed by an indigent person is decreed with costs? (4 x 2 ½ = 10 Marks)

Q3. Who are the persons who can present a document for Registration as per the Registration Act, 1908? What is the manner/ scope of enquiry by the Registrar when a document is presented for Registration? Can Registrar refuse to register a document ? (10 Marks)

Q4. (a) When and how can time spent in litigation be excluded for computing the period of limitation? (4 Marks) (b) Can a fresh suit be instituted after excluding the above period? Is the Court's permission necessary for this? (4 Marks) (c) Does this rule apply only to original suits/ application or even to appeals/ revisions also? (2 Marks)

Q5. Write short notes on the following- (a) Vis major (b) Plain language interpretation of a statute (c) Abatement of a suit (d) Agent and principal (e) Fraud under the Contract Act (5 x 2 = 10)

Q6. (a) Explain what is "transfer of property". What can be transferred ? (5 Marks) (b) Define briefly 'a vested interest' and a 'contingent interest'. (5 Marks)

Q7. Write short notes on - (a) Acceptance of a proposal (b) Free consent (c) Lawful consideration (d) Reciprocal promises (4 x 2 ½ = 10 Marks)

Q8. Write a note on - (a) Interim mandatory injunction (b) Personal bars to relief under the Specific Relief Act. (c) Rectification of an instrument (d) When cancellation of an instrument can be ordered (4 x 2 ½ = 10 Marks)

Q9. (a) When is a foreign judgement conclusive ? (b) What is the maximum period of detention in civil prison in execution of a decree? (c) What are the grounds on which a review of a judgement can be sought? (d) When and how can additional evidence or document be introduced in an Appellate Court? (4 x 2 ½ = 10 Marks)

Q10. (a) What are the conditions for a valid Hindu marriage? (b) What are the grounds for a divorce under the Hindu Marriage Act available to both the spouses? (c) Define dominant and servient heritage and owners. (d) Can easement be acquired by prescription? If yes, what is the period for private property and for government property? (4 x 2 ½ = 10 Marks)

Paper II (Criminal Laws)

Q1. (a) Is a person other than a Public Prosecutor / A.P.P. entitled to conduct a prosecution? If so when and how? (b) Discuss with provisions of law if a Police Officer (who is a part of investigation of the offence) can conduct a prosecution. (c) What is the procedure to be followed if a Corporation or a Society is an accused? (d) What is the power of a Judge or Magistrate under Cr.P.C. for "local inspection"? Can an accused file an "objection" to the report? Will it be a part of the Court record? (4 x 2 ½ = 10 Marks)

Q2. (a) Discuss briefly with case law / provisions of law, the recent trend of cases wherein in a long standing sexual relationship between two adults charges of a rape are being filed? Can a charge of rape be filed in such cases? (b) Discuss briefly with case law / provisions of law etc., the trend of adding criminality to a purely civil dispute? What are the remedies open to an accused who urges that a civil case is converted into a criminal case? (2 x 5 = 10 Marks)

Q3. (a) What is the procedure to be followed in case an accused is a person of unsound mind? (b) What is the procedure to be followed by a Court if it feels an offence under Section 195 (1)(b) is committed? (c) When can a Court take cognizance of an offence of contempt for lawful authority; offences against public justice; offences relating to documents given in evidence. (d) What is the procedure for trial for giving false evidence? (4 x 2 ½ = 10 Marks) WRITE SHORT NOTES:

Q4. (a) Who is entitled to claim maintenance under Section 125 Cr.P.C. What are the factors the Court should consider for awarding the same? (b) Opinion of an expert (handwriting or ballistics) and its evidentiary value. (2 x 5 = 10 Marks)

Q5. (a) What is the evidentiary value of a statement as to any law in a law book? (b) What is the evidentiary value of a statement or a fact by a person who is dead or cannot be found when it is made in the course of business? (c) When and for what facts is an opinion of a third person / third party relevant? (d) When can a search warrant be issued? (4 x 2 ½ = 10 Marks)

Q6. Discuss the essential ingredients of an offence of "Cheating". Discuss with relevant case law the trend of registering a case of cheating etc., in cases of failure to marry? (10 Marks)

Q7. (a) Discuss the mode of proof of a document purporting to be a proceeding of a Legislature or of a Municipal body in a State? (b) When can written arguments be filed in a Criminal trial? Can such a Court regulate or control oral submissions of a counsel or prosecutor? (c) Can a Writ Petition be filed if the police refuse to register a case when the report discloses the Commission of a cognizable offence? What is the proper remedy? (d) Can an Executive Magistrate interfere in disputes relating to land / water etc.? (4 x 2 ½ = 10 Marks)

Q8. (a) What are the procedural formalities to be followed (as per the Juvenile Justice Act) when a "Child" is apprehended by the police (b) What is the nature of enquiry by the Board in case of a heinous crime committed by a child? Can the Board "try" the child for the offence? (c) Indicate briefly the procedure for recording a dying declaration? What are the procedural safeguards to be followed for recording a dying declaration? (d) What are the steps / safeguards to be taken by a Magistrate / Judge receiving FIRs by person / messenger or by post? (4 x 2 ½ = 10 Marks)

Q9. (a) Define a "domestic relationship" under the DVC Act, 2005? (b) What are the forms of "abuse" recognized under the DVC Act, 2005? (c) In which Court can a woman who is apprehending eviction from a shared household file a case for protection. Explain briefly. (d) What are monetary reliefs that can be granted under the Protection of Women from D.V.C Act, 2005. (4 x 2 ½ = 10 Marks)

Q10. (a) Explain briefly the difference between culpable homicide and murder? (b) Discuss briefly about the offence, if any, with regard to negligent conduct with fire / combustible material / dangerous gas. (2 x 5 = 10 Marks)