

## Andhra Pradesh Judiciary - Prelims 2012

100 questions. Answer key with solutions follows the paper. Source: lawmock.com - free previous-year papers & mock tests.

**Q1. Where a certified copy of a decree of any of the superior Courts of any reciprocating territory has been filed in a District Court, the decree may be executed in India as if it has been passed by the District Court.**

- (a) True
- (b) False
- (c) None of the above

**Q2. Where a judgement-debtor has been committed to the civil prison, he may be released therefrom:**

- (a) By the State Government on the ground of the existence of any infectious disease
- (b) By the committing Court or any Court to which that Court is subordinate on ground of serious illness
- (c) By the State Government on the ground of the existence of any contagious disease
- (d) All the above

**Q3. A suit to obtain an urgent or immediate relief against the Government or any Public Officer may be instituted in respect of an act purporting to be done by public officer in his official capacity:**

- (a) Without serving any notice under Section 80(1) of the Code of Civil Procedure
- (b) After due service under Section 80(1) of the Code of Civil Procedure
- (c) With the leave of the Court without serving any notice under Section 80(1) of the Code of Civil Procedure
- (d) None of the above

**Q4. (A) Women, who due to the customs and manners of the country, ought not to be compelled to appear in public are exempted from personal appearance in Court.**

- (a) Both (A) and (B) of the above statement are correct.
- (b) Only (A) of the above statement is correct.
- (c) Only (B) of the above statement is correct.
- (d) Neither (A) nor (B) is correct

**Q5. An application for bringing on records the legal representatives of a party has to be filed within:**

- (a) 30 days of the death
- (b) 75 days of the death
- (c) 15 days of the death
- (d) 90 days of the death

**Q6. The order noting compromise amongst the parties as passed under the provisions of Order XXIII Rule 3 of the Code of Civil Procedure 1908:**

- (a) Has to be in writing
- (b) Has to be in writing and duly signed by the respective parties
- (c) May not be in writing
- (d) Has to be in writing but may not be signed.

**Q7. When an ex parte decree is passed the defendant:**

- (a) Can file an appeal under Section 96 of the Code of Civil Procedure
- (b) Can file an application under Order 9 Rule 13 of the Code of Civil Procedure
- (c) To opt either (a) or (b)
- (d) If an application (b) above is dismissed can file appeal to dispute the correctness of order passed

**Q8. A decree may be executed by:**

- (a) District Judge
- (b) Commissioner
- (c) Court which has passed the decree
- (d) Either by the Court which has passed the decree or to which the decree is sent for execution

**Q9. By which judgement, the Hon'ble Apex Court upheld the constitutional validity of amendments made in the Code of Civil Procedure code amendment Acts of 1999 and 2002:**

- (a) Salem Advocates Bar Association, Tamil Nadu vs. Union of India
- (b) Civil Court Bar Association vs. Union of India
- (c) Indian Courts Bar Association vs. Union of India
- (d) West Bengal High Court Bar Association vs. Union of India

**Q10. The power of a Court to correct clerical or arithmetical mistakes in judgments, decrees or orders:**

- (a) May at any time be exercised by Court of its own motion
- (b) May at any time be exercised on an application by any of the Parties
- (c) Either (a) or (b)
- (d) None of the above

**Q11. The Commissioner as appointed under the provisions of Order XVIII of the Code of Civil Procedure for the purposes of recording of evidence cannot:**

- (a) Re-examine a witness
- (b) Decide objections raised during the recording of evidence
- (c) Neither of the above
- (d) Both (a) and (b)

**Q12. A sues B on a bill of exchange for Rs. 1000/-. B holds a judgement against A for Rs.2000/-.**

- (a) Pecuniary demand may be set off because both claims are definite
- (b) Claims cannot be set off because issues are different
- (c) Both (a) and (b) are correct
- (d) None of the above

**Q13. Under which provision of the Code of Civil Procedure it is necessary for a party to prove that in spite of all due diligence, the matter could not be raised before the commencement of the trial:**

- (a) Order XI Rule 12
- (b) Order VI Rule 17
- (c) Order VI Rule 16
- (d) Order V Rule 15

**Q14. A Magistrate while passing an order for disposal of property must decide the:**

- (a) Question of entitlement to possession on the basis of decision on the question of title
- (b) Question of entitlement to possession without deciding the question of title
- (c) Question of Title
- (d) Question of Title as well as the question of entitlement to possession

**Q15. The period of limitation in case of an offence punishable with fine only as provided under Section 468 of the Code of Criminal Procedure is:**

- (a) 3 years
- (b) 6 months
- (c) 15 days
- (d) 3 months

**Q16. Inquiry, Trial or other Proceedings conducted in wrong place**

- (a) Cannot be set aside unless the same has resulted into failure of justice
- (b) Cannot be set aside even if the same has resulted into failure of justice
- (c) Makes them void ab initio
- (d) Either (a) or (b)

**Q17. Offences not covered under Section 320 of the Code of Criminal Procedure are:**

- (a) Non-compoundable
- (b) Compoundable with the leave of Trial Court
- (c) Compoundable with the leave of Court of Sessions
- (d) Compoundable with the leave of High Court

**Q18. Section 164 of the Code of Criminal Procedure contains a special procedure relating to recording of confessions and statements. In view of the provision which is the correct proposition:**

- (a) Any Metropolitan or Judicial Magistrate may, whether has jurisdiction or not in the case, can record confession or statement made in the course of an investigation.
- (b) Confession can also be recorded by a Police Officer on whom any power of a Magistrate has been conferred.
- (c) The recording of statements can only be done by the Magistrate who has the jurisdiction.
- (d) Any Magistrate may, whether has jurisdiction or not in the case, can record confession or statement made in the course of an investigation.

**Q19. A, a surgeon, sees a child suffer an accident, which is likely to prove fatal unless an operation is immediately performed. There is no time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit.**

- (a) A is liable as he performed the operation without taking due consent
- (b) A is not liable because the act was done in good faith for benefit of a person, even without consent
- (c) A should not have performed the operation, even if it was in good faith and since the operation was performed, A is liable.
- (d) None of the above

**Q20. Grave and sudden provocation is:**

- (a) A question of law
- (b) A question of fact
- (c) A mixed question of fact and law
- (d) A presumption under law

**Q21. Dishonest intention must precede the act of committing:**

- (a) Robbery
- (b) Criminal Misappropriation
- (c) Theft
- (d) Criminal Breach of Trust

**Q22. Abatement of an offence is:**

- (a) Always an offence
- (b) May be an offence depending on the circumstances but not always
- (c) Never an offence
- (d) May not be an offence depending on the circumstances

**Q23. What does a fight under Section 159 of the Indian Penal Code signify:**

- (a) Two parties one of which is actively involved
- (b) Two parties both of which are passive
- (c) Two parties one of which is passive
- (d) None of the above

**Q24. Five persons went to A's house armed with bats to beat A. One (X) amongst the five persons was carrying a pistol concealed underneath his shirt. During the incident of beating, X fired a shot resulting in A's death:**

- (a) All being members of unlawful assembly are liable for causing death
- (b) All will be liable only for beating A
- (c) Only A will be liable for causing death
- (d) None of the above

**Q25. X, a good swimmer, sees Y drowning. However, X did not save Y and Y was drowned. In these circumstances, whether X is liable for committing:**

- (a) Murder
- (b) Culpable homicide not amounting to murder
- (c) Abetment of suicide
- (d) No offence

**Q26. "Restitution stops where repayment begins", is a principle which can correctly be applied against:**

- (a) Lunatics and Idiots only
- (b) Alien Enemy only
- (c) Minors only
- (d) All the above

**Q27. The reciprocal promises provide for doing certain things which are legal and certain others which are illegal. In view of the provisions of Section 57 of the Indian Contract Act:**

- (a) Promises become void
- (b) First set of promises is valid, whereas the second is void
- (c) First set of promises is voidable, whereas the second is void
- (d) All promises are valid

**Q28. A contract can be discharged:**

- (a) By frustration of contract
- (b) By performance of contract
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

**Q29. Novation of Contract means**

- (a) Renewal of original contract
- (b) Cancellation of contract
- (c) Substitution of a new contract in place of the original contract
- (d) Alteration of contract

**Q30. Who amongst the following is not an agent:**

- (a) A procurement agent
- (b) An independent buyer
- (c) A person who advises another in matters of business
- (d) All the above

**Q31. Bank Guarantee is an independent contract between:**

- (a) Creditor and Debtor
- (b) Buyer and Seller
- (c) Bank and Beneficiary
- (d) None of the above

**Q32. Ratification of an act:**

- (a) Has to be express only
- (b) Has to be implied
- (c) Has to be both - express and implied
- (d) Can either be express or implied

**Q33. Section 5(i) of the Hindu Marriage Act introduces:**

- (a) Endogamy
- (b) Monogamy
- (c) Exogamy
- (d) All the above

**Q34. In the absence of any proceeding under the Hindu Marriage Act, between the parents of the children, an order for the custody, maintenance and education of minor children can be passed by the:**

- (a) Guardianship Court
- (b) High Court
- (c) District Court
- (d) All the above

**Q35. In a suit for dissolution of marriage:**

- (a) Permanent alimony can be granted
- (b) Maintenance pendente lite can be granted
- (c) Both maintenance pendente lite and permanent alimony can be granted
- (d) Neither maintenance pendente lite nor permanent alimony can be granted

**Q36. When two persons are the descendants of a common ancestor by different wives, they are said to be related to each other by:**

- (a) Uterine Blood
- (b) HalfBlood
- (c) Full Blood
- (d) Either (b) or (c)

**Q37. Failure of one branch of the family to question the validity of an alienation in a suit:**

- (a) Would bar the right of the other branch
- (b) Would not bar the right of the other branch
- (c) May or may not bar the right of the other branch
- (d) Either (a) or (c)

**Q38. A family arrangement binds:**

- (a) All members including minors and children in the womb
- (b) All members except minors and children in the womb
- (c) All members including minors but excluding children in the womb
- (d) Either (b) or (c)

**Q39. If The two persons are related by blood or adoption wholly through males, each**

- (a) Cognate
- (b) Agnate
- (c) Full blood
- (d) HalfBlood

**Q40. If two or more heirs succeed together to the property of an intestate, they shall take the property:**

- (a) As expressly provided in the Hindu Succession Act, per capita and not per stirpes
- (b) As tenants-in-common and not as joint tenants
- (c) Both (a) and (b)
- (d) Either (a) or (b)

**Q41. After the institution of suit for partition by a member of the joint family:**

- (a) There is no effect in the shares by virtue of births and deaths
- (b) Subsequent births in the family diminish the share
- (c) Subsequent deaths in the family augment the share
- (d) None of the above

**Q42. Easement is a right**

- (a) In personam
- (b) In rem
- (c) In rem in general but in personam in exceptional cases
- (d) Both (a) and (b) are not correct

**Q43. An easement**

- (a) Cannot be extinguished
- (b) Extinguishes when the servient owner leaves on his own
- (c) Extinguishes when the dominant owner releases it expressly or impliedly to the servient owner
- (d) Upon the death of the dominant owner

**Q44. As per Section 118 of the Negotiable Instruments Act, presumption in regard to the date of a negotiable instrument is that every negotiable instrument bearing a date was made or drawn:**

- (a) On such date
- (b) Prior to that date
- (c) May be on or prior to such date
- (d) None of the above

**Q45. A perpetual injunction means:**

- (a) Judicial process
- (b) Thing prevented is a wrongful act
- (c) Preventive in nature
- (d) All of the above

**Q46. A declaratory decree under the Specific Relief Act can:**

- (a) Be commuted
- (b) Be withheld
- (c) Be declined
- (d) Cannot be declined

**Q47. The provision of Mandatory Injunction is regulated by Section of the Specific Relief Act:**

- (a) 42
- (b) 41
- (c) 40
- (d) 39

**Q48. What is incorrect about a temporary injunction:**

- (a) It finally settles the mutual rights of the parties and directs a party for all time to do or abstain from doing a thing
- (b) Can be granted ex-parte
- (c) Preserves the property in dispute in status quo till the disposal of suit
- (d) Continues unless a specific time

**Q49. Mistake contemplated under Section 26 of the Specific Relief Act is:**

- (a) Bilateral mistake
- (b) Mutual mistake
- (c) Mistake in framing of the instrument
- (d) All the above

**Q50. For protection under Section 124 of the Evidence Act, the communication is to be made:**

- (a) To a public officer in official confidence
- (b) To a public officer as an ordinary cause of his duties
- (c) To a public officer as a routine matter
- (d) Either (a) or (b) or ©

**Q51. Which of the following is true as to the standard of proof in civil and criminal proceedings:**

- (a) It is balance of probabilities in both civil and criminal proceedings
- (b) It is beyond reasonable doubt in both civil and criminal proceedings
- (c) In criminal proceedings it is upon the balance of probabilities and in civil proceedings it is beyond reasonable doubt.
- (d) In civil proceedings it is upon the balance of probabilities and it is beyond reasonable doubt in criminal proceedings

**Q52. Evidence under the Indian Evidence Act means and includes:**

- (a) Documentary evidence
- (b) Ocular evidence
- (c) Both, the ocular and documentary evidence
- (d) Ocular evidence based on documents only

**Q53. Admission by agents are:**

- (a) Admissible in civil proceedings only if the agent has the authority to make admissions
- (b) Admissible in civil proceedings under all circumstances
- (c) Never admissible in criminal proceedings
- (d) Both (a) and (c)

**Q54. Under the provisions of Section 45 of Evidence Act, the opinion of an expert can be for:**

- (a) Identity of finger impression
- (b) Identity of hand handwriting
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

**Q55. Privilege under Section 121 of the Evidence Act is:**

- (a) Not available to an Arbitrator
- (b) May or may not available to an Arbitrator
- (c) Available to an Arbitrator
- (d) None of the above

**Q56. Acknowledgement after the period of limitation:**

- (a) Gives rise to an independent and enforceable contract
- (b) Is of no effect
- (c) Both (a) and (b)
- (d) None of the above

**Q57. A suit against the obstruction in the enjoyment of easement rights acquired under Section 25 of the Limitation Act must be filed within years of obstruction:**

- (a) 12
- (b) 7
- (c) 4
- (d) 2

**Q58. A decree of mandatory injunction can be enforced with in a period of:**

- (a) 12 years
- (b) 9 years
- (c) 6 years
- (d) 3 years

**Q59. The unborn person acquires vested interest on transfer for his benefit:**

- (a) Within 75 days of the birth
- (b) Within 60 days of the birth
- (c) Within 90 days of the birth
- (d) None of the above

**Q60. The principle of lis pendens embodied in Section 52 of the Transfer of Property Act pertains to:**

- (a) Public policy
- (b) Auction sale
- (c) Bonafide purchase
- (d) Bonafide sale

**Q61. A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called:**

- (a) Suit for claim
- (b) Suit for interest
- (c) Suit for cost
- (d) Suit for foreclosure

**Q62. The power of a Magistrate under the Protection of Women from Domestic Violence Act, 2005 is:**

- (a) To attempt to communicate with aggrieved person and to isolate any assets used by both the parties
- (b) To pass protection order in favour of aggrieved person
- (c) To enter a workplace or any other place frequented by aggrieved person
- (d) All the above

**Q63. Domestic relationship means:**

- (a) Relationship with family members living together as a joint family
- (b) Relationship with family members living together in a nuclear family
- (c) Relationship as sisters, widow, mother, single women, living with abuser
- (d) All the above

**Q64. Documents (other than wills) remaining unclaimed in any registration office for a period exceeding years may be destroyed**

- (a) 2
- (b) 3
- (c) 4
- (d) 5

**Q65. 'Building' as defined in the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act means:**

- (a) Any house or hut or part of a house or hut, let or to be let separately for residential or non-residential
- (b) Gardens, grounds let or to be let
- (c) Garages and out houses let or to be let
- (d) All the above

**Q66. 'Controller' under the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act means:**

- (a) Any person not below the rank of a Tahsildar
- (b) Any person not above the rank of a District Collector
- (c) Any person equivalent to the rank of District Judge
- (d) None of the Above

**Q67. Under Section 18 of the Andhra Pradesh Buildings (Lease, Rent and Eviction) Control Act, for conversion of residential building into a non-residential building, a written permission of is required:**

- (a) Controller
- (b) Commissioner
- (c) District Judge
- (d) Either of the above

**Q68. A registered document relating to a property takes precedence over the unregistered document relating to the same property under section of the Registration Act:**

- (a) 53
- (b) 52
- (c) 51
- (d) 50

**Q69. An agreement in restraint of marriage is:**

- (a) Voidable at the option of the promisor.
- (b) Voidable at the option of the promisee.
- (c) Expressly void.
- (d) A valid contract.

**Q70. A contract of insurance is what kind of contract?**

- (a) Contract of guarantee.
- (b) Contract of indemnity.
- (c) Contract of surety.
- (d) Contract of bailment.

**Q71. Under the Indian Contract Act, 1872, the following right is not available to an agent:**

- (a) Right to retain
- (b) Right to sell
- (c) Right to claim compensation
- (d) All of the above

**Q72. Under Indian Contract Act, 1872, an agency shall stand terminated in the below mentioned case:**

- (a) Death or insolvency of principal
- (b) Death or insolvency of agent
- (c) Death or insolvency of both the agent and the principal
- (d) Death or insolvency of either the agent or the principal

**Q73. Finder of lost goods under Indian Contract Act, 1872 is a:**

- (a) Bailor
- (b) Surety
- (c) Bailee
- (d) Principal debtor

**Q74. The maximum limit for a sentence of solitary confinement as provided under Section 73 of Indian Penal Code is:**

- (a) Six months to one year
- (b) Six months
- (c) Eighteen months
- (d) Three months

**Q75. Right of private defence is provided under following provision of Indian Penal Code:**

- (a) Section 96
- (b) Section 95
- (c) Section 99
- (d) Section 92

**Q76. Under the provisions of sub section 2 of Section 18 of the Limitation Act, oral evidence of the date of acknowledgment is permissible if the acknowledgment:**

- (a) Is dated
- (b) Is undated
- (c) Date in acknowledgment is altered
- (d) All the above

**Q77. The provisions of Section 14 of the Limitation Act are applicable:**

- (a) Only if on the opening day the plaint is presented before the proper Court.
- (b) Even if on the opening day the plaint is not presented in the proper Court
- (c) Both (a) and (b)
- (d) None of the above

**Q78. Dominant tenement means:**

- (a) Land on which liability is imposed
- (b) Land, for the beneficial enjoyment of which the right exists
- (c) Both (a) and (b)
- (d) None of the above

**Q79. Documents not covered under Section 74 of the Evidence Act are called:**

- (a) Semi Public Documents
- (b) Quasi Public Documents
- (c) Private Documents
- (d) All of the above

**Q80. Due execution and authentication of a power of attorney shall be presumed under Section 85 of the Evidence Act when executed before and authenticated by:**

- (a) A Judge
- (b) A Notary
- (c) A Magistrate
- (d) All of the above

**Q81. Notice under Section 111 of the Transfer of Property Act can be waived by:**

- (a) Express consent of the person to whom it is given
- (b) Express or implied consent of the person to whom it is given
- (c) Implied consent of the person to whom it is given
- (d) Notice from either party

**Q82. A gift to two or more donees, one of whom does not accept it, is:**

- (a) Valid at the option of the heir
- (b) Voidable at the option of the donor
- (c) Void as to interest which he would have taken had he accepted
- (d) Valid as to the interest which he would have taken had he accepted

**Q83. In the option below, there is no estoppel:**

- (a) Attestation of Deed
- (b) Point of Law
- (c) Statute
- (d) All the above

**Q84. In a situation where a person competent to compound an offence is dead, the compounding:**

- (a) Cannot be done
- (b) Can be done by the legal representative of the deceased
- (c) Can be done by the legal representative of the deceased with the due permission of the Court
- (d) None of the above

**Q85. A Magistrate under Section 311A of the Code of Criminal Procedure, can order any person to:**

- (a) To give specimen signatures
- (b) To give specimen handwriting
- (c) Either (a) or (b)
- (d) All of the above

**Q86. Under Section 29(2) of the Code of Criminal Procedure, the Court of a Magistrate of the first class may pass a sentence of imprisonment for a term not exceeding three years, or a fine not exceeding , or both.**

- (a) Five thousand rupees
- (b) Seven thousand five hundred rupees
- (c) Ten thousand rupees
- (d) Fifteen thousand rupees

**Q87. Under Section 174(1) of the Code of Criminal Procedure, when the officer in charge of a Police Station receives an information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give**

- (a) Executive Magistrate
- (b) SDO
- (c) Either (a) or (b)
- (d) None of the above

**Q88. An act of criminal conspiracy is committed when persons agree to do, or cause to be done an act:**

- (a) Two persons
- (b) Two or more persons
- (c) Five Persons
- (d) None of the above

**Q89. A person accused of an offence may apply for a plea bargain in**

- (a) In the Court in which his case is pending trial
- (b) In any Court
- (c) In the High Court
- (d) In the police station

**Q90. The provision relating to extension of Indian Penal Code to extra-territorial offences is provided in Section of the Indian Penal Code:**

- (a) 4
- (b) 5
- (c) 6
- (d) 7

**Q91. Wrongful confinement is defined under Section of the Indian Penal Code:**

- (a) 339
- (b) 340
- (c) 343
- (d) 346

**Q92. Promoting enmity between different groups on the grounds of religion, race etc. is an offence under Section of the Indian Penal Code:**

- (a) 153A
- (b) 120A
- (c) 153AA
- (d) 146

**Q93. X, with intent to murder Y, instigates his six year old servant A, to do an act which will cause death of Y. A does the act, but in the absence of X. The act of**

- (a) A is liable
- (b) X is liable and is subject to the punishment of death
- (c) Either (a) or (b)
- (d) None of the above

**Q94. In regard to sale of perishable property, if the person entitled to the possession of such property is not known or absent and the property is subject to speedy and natural decay, the Magistrate may direct it to be sold within of the date of such proclamation:**

- (a) One month
- (b) Three months
- (c) Six months
- (d) Nine months

**Q95. In terms of the provisions of Code of Criminal Procedure, the power to recall any witness can be exercised:**

- (a) Before the evidence of the prosecution is closed if the witness is to be called on the motion of the prosecution
- (b) Even after the evidence of both the sides is closed
- (c) Even after the evidence of prosecution is closed, but before the evidence of defence is closed
- (d) None of the above

**Q96. Personal attendance of an accused can be dispensed with under the provisions of Section of the Code of Criminal Procedure:**

- (a) 202
- (b) 203
- (c) 204
- (d) 205

**Q97. Abetment of an offence is:**

- (a) Always an offence
- (b) May be an offence depending on the circumstances but not always
- (c) Never an offence
- (d) May not be an offence depending on the circumstances

**Q98. Where investigation is not completed within the stipulated period of 90 or 60 days, as the case may, the accused who has been in custody, on the expiry of above mentioned period, gets entitled to:**

- (a) Be discharged
- (b) Be released on bail on making an application for release on bail
- (c) Be released on bail without making an application
- (d) None of the above

**Q99. If it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, under Section 202 of the Code of Criminal Procedure, while delaying the issue of process against the accused, the Magistrate:**

- (a) May order for investigation by Police
- (b) Commit the case to Sessions Court
- (c) Examine the complainant and all his witnesses
- (d) Return the complaint for presentation before the Court of Session

**Q100. A confessional statement under Section 164 of the Code of Criminal Procedure, can be recorded:**

- (a) During the course of investigation or at any time afterwards before the commencement of inquiry or trial
- (b) During the course of investigation only and not afterwards
- (c) During investigation as well as during inquiry but before the commencement of trial
- (d) None of the above

## Answer Key & Solutions

**Q1. Answer: A**

CPC s.44A: a certified copy of a decree of a superior court of a reciprocating territory, when filed in a District Court, may be executed in India as if passed by that District Court. Statement is True.

**Q2. Answer: B**

CPC s.59: a judgment-debtor in civil prison may be released by the committing Court (or a Court to which it is subordinate) on the ground of serious illness; the State Government's release power relates to infectious/contagious disease but the option that correctly states the Court's power is (b).

**Q3. Answer: C**

CPC s.80(2): a suit for urgent/immediate relief against Government or a public officer (for acts in official capacity) may be instituted with the leave of the Court without serving the two-month notice under s.80(1).

**Q4. Answer: B**

Statement (A) is correct law: CPC s.132 / Order 5 exempts women who by custom ought not appear in public from personal appearance in court. However statement (B) is missing from the OCR (only (A) is reproduced), so the substance of (B) cannot be assessed. On the legible text, (A) is correct; flagged because (B) is illegible/absent - answer assumes only (A) is verifiable as correct.

**Q5. Answer: D**

Limitation Act, Article 120: an application to bring the legal representatives of a deceased party on record must be filed within 90 days of the death (Order 22 CPC read with the Limitation Act).

**Q6. Answer: B**

Order 23 Rule 3 CPC (as amended by Act 104 of 1976) requires the compromise to be a lawful agreement in writing AND signed by the parties; the Supreme Court has held a compromise cannot be recorded unless reduced to writing and signed by the parties.

**Q7. Answer: C**

Against an ex parte decree the defendant has alternative remedies: a regular appeal under CPC s.96(2) or an application to set aside under Order 9 Rule 13. He may opt for either, so (c).

**Q8. Answer: D**

CPC s.38: a decree may be executed either by the Court which passed it or by the Court to which it is sent for execution.

**Q9. Answer: A**

Salem Advocate Bar Association, Tamil Nadu v. Union of India (2005) upheld the constitutional validity of the CPC (Amendment) Acts of 1999 and 2002.

**Q10. Answer: C**

CPC s.152: clerical or arithmetical mistakes in judgments, decrees or orders may be corrected at any time by the Court of its own motion or on the application of any party - either (a) or (b), so (c).

**Q11. Answer: B**

Order 18 Rule 4 CPC: a Commissioner recording evidence cannot decide objections; he records the objection and the evidence subject to it, leaving the objection to be decided by the Court. Hence he cannot decide objections (b).

**Q12. Answer: A**

Order 8 Rule 6 CPC (legal set-off): both claims are ascertained sums of money legally recoverable between the same parties, so the pecuniary demand may be set off because both claims are definite.

**Q13. Answer: B**

Order 6 Rule 17 CPC (proviso): after commencement of trial no amendment of pleadings is allowed unless the party shows that despite due diligence the matter could not have been raised before the trial commenced.

**Q14. Answer: B**

Under CrPC Chapter XXXIV (s.451/452) a Magistrate ordering disposal of property decides who is entitled to possession without deciding the question of title; serious title disputes are left to the civil court.

**Q15. Answer: B**

CrPC s.468(2): the limitation for taking cognizance of an offence punishable with fine only is six months.

**Q16. Answer: A**

CrPC s.462: a finding, sentence or order is not to be set aside merely because the inquiry, trial or proceeding took place in a wrong place, unless such error has occasioned a failure of justice.

**Q17. Answer: A**

CrPC s.320: only offences listed in s.320 are compoundable (some with court permission); offences not covered by s.320 are non-compoundable.

**Q18. Answer: D**

CrPC s.164(1): any Metropolitan or Judicial Magistrate, whether or not he has jurisdiction in the case, may record a confession or statement during investigation; no Magistrate on whom police powers are conferred may do so. The broadest correct statement framed as 'Any Magistrate, whether having jurisdiction or not' is (d). (BNSS s.183 is the successor.)

**Q19. Answer: B**

IPC s.92 (and illustration): an act done in good faith for a person's benefit, even without consent, where there is no time to obtain the guardian's consent and an emergency exists, is not an offence. The surgeon is not liable.

**Q20. Answer: B**

Whether the provocation was grave and sudden (Exception 1 to IPC s.300) is essentially a question of fact to be determined on the circumstances of each case.

**Q21. Answer: C**

In theft (IPC s.378) the dishonest intention (intention to take dishonestly) must exist at the very moment of moving the property, i.e. it must precede the act of taking - unlike criminal misappropriation/breach of trust where the dishonest intention can arise after lawful possession.

**Q22. Answer: B**

Abetment (IPC s.107) is not invariably an offence; it is an offence only when the thing abetted is itself an offence or is made punishable, so it may be an offence depending on the circumstances but not always.

**Q23. Answer: D**

IPC s.159 (affray) requires a 'fight', i.e. a bilateral act in which BOTH parties are actively involved; if one party remains passive there is no affray (Jodhey v. State). On that settled interpretation none of options (a)-(c) (which each posit a passive party) is correct, so the legally correct answer is (d). Flagged: some coaching answer keys for AP-2012 mark (c) 'one of which is passive', and I could not confirm two independent sources agreeing on the official key's choice, so there is a genuine key-versus-law conflict.

**Q24. Answer: B**

The common object of the unlawful assembly (IPC s.149) was only to beat A with bats; X's concealed pistol and the shot were his individual act outside the common object and not such as the others knew was likely to be committed, so only X is liable for death and all are liable for beating - (b).

**Q25. Answer: D**

A mere omission to rescue a drowning stranger, absent a legal duty to act (IPC s.32/s.43), is no offence; X had no legal duty to save Y, so X commits no offence.

**Q26. Answer: C**

The maxim 'Restitution stops where repayment begins' derives from Leslie Ltd. v. Sheill. It applies against a minor: a minor must restore identifiable property/goods obtained by misrepresentation (equitable restitution), but cannot be made to repay money, since ordering repayment would amount to enforcing a void agreement. Hence the principle is applied

against minors only.

**Q27. Answer: B**

Section 57, Indian Contract Act, 1872: where persons reciprocally promise firstly to do things which are legal and secondly to do things which are illegal, the first set of promises is a contract (valid) but the second is a void agreement.

**Q28. Answer: C**

A contract may be discharged both by performance (Ss. 37-38) and by frustration/impossibility (Section 56), among other modes. Both (a) and (b) are correct.

**Q29. Answer: C**

Novation (Section 62, Indian Contract Act) means the substitution of a new contract in place of the original one; the original contract need not be performed.

**Q30. Answer: B**

An agent (Section 182, ICA) acts on behalf of and represents the principal. An independent buyer purchases on his own account and is not an agent. A procurement agent and a person advising in matters of business can act in an agent's capacity.

**Q31. Answer: C**

A bank guarantee is an independent contract between the bank (guarantor) and the beneficiary; the bank's liability is autonomous of the underlying contract between the parties.

**Q32. Answer: D**

Section 197, Indian Contract Act: ratification may be express or may be implied from the conduct of the person on whose behalf the acts were done.

**Q33. Answer: B**

Section 5(i), Hindu Marriage Act, 1955 requires that neither party has a living spouse at the time of marriage, thereby introducing monogamy among Hindus.

**Q34. Answer: A**

Section 26 of the Hindu Marriage Act empowers the court to pass custody/maintenance/education orders only in a proceeding under the Act. In the absence of any such proceeding, jurisdiction to pass such orders lies with the Guardianship Court (under the Guardians and Wards Act), not the matrimonial District Court under HMA.

**Q35. Answer: C**

In a matrimonial proceeding for dissolution of marriage, maintenance pendente lite is grantable under Section 24 HMA and permanent alimony under Section 25 HMA. Both can be granted.

**Q36. Answer: B**

Section 3(1)(e), Hindu Succession Act, 1956: persons descended from a common ancestor but by different wives are related by half blood (by the same wife = full blood; common ancestress by different husbands = uterine blood).

**Q37. Answer: B**

Failure of one branch of the family to challenge the validity of an alienation in a suit does not bar the right of the other branch to question it; each branch has an independent right.

**Q38. Answer: A**

A bona fide family arrangement binds all members of the family, including minors and children in the womb, since it is an arrangement among members of the family for the benefit and peace of the family.

**Q39. Answer: B**

Section 3(1)(a), Hindu Succession Act, 1956: one person is an 'agnate' of another if the two are related by blood or adoption wholly through males. (Cognate = relationship not wholly through males.)

**Q40. Answer: B**

Section 19, Hindu Succession Act, 1956: where two or more heirs succeed together to the property of an intestate, they take the property as tenants-in-common and not as joint tenants.

**Q41. Answer: A**

Once a suit for partition is instituted by a coparcener, his share crystallises as on the date of institution/severance of status; subsequent births and deaths in the family do not affect the shares of the parties to the partition suit.

**Q42. Answer: B**

An easement is a right in rem: it attaches to the dominant tenement and binds the servient tenement and its successors-in-title generally, not merely a particular person.

**Q43. Answer: C**

Section 38, Indian Easements Act, 1882: an easement is extinguished when the dominant owner releases it, expressly or impliedly, to the servient owner. (Mere death of the dominant owner does not extinguish it.)

**Q44. Answer: A**

Section 118(b), Negotiable Instruments Act, 1881: until the contrary is proved, every negotiable instrument bearing a date is presumed to have been made or drawn on such date.

**Q45. Answer: D**

A perpetual injunction (Section 37/38, Specific Relief Act, 1963) is a judicial process, preventive in nature, by which a party is perpetually enjoined from doing a wrongful act/asserting a right contrary to the plaintiff's. All of the listed attributes apply.

**Q46. Answer: C**

A declaratory decree under Section 34, Specific Relief Act, 1963 is a discretionary relief; the court is not bound to grant it and may decline (e.g., where the plaintiff omits to seek further/consequential relief).

**Q47. Answer: D**

Mandatory injunctions are regulated by Section 39 of the Specific Relief Act, 1963 (Section 39 = '39' is option d), under which the court may compel performance of requisite acts to prevent the breach of an obligation.

**Q48. Answer: A**

Question asks what is INCORRECT about a temporary injunction. A temporary injunction does NOT finally settle the mutual rights of the parties for all time (that is a perpetual injunction); it only continues until a specified time or further order. Hence (a) is the incorrect statement.

**Q49. Answer: B**

Section 26, Specific Relief Act, 1963 allows rectification of an instrument where, through fraud or a MUTUAL mistake of the parties, the instrument does not truly express their intention. The mistake contemplated is a mutual mistake.

**Q50. Answer: A**

Section 124, Indian Evidence Act, 1872: no public officer shall be compelled to disclose communications made to him in official confidence when he considers public interest would suffer. The protection applies to communications made in official confidence.

**Q51. Answer: D**

Settled law: in civil proceedings the standard is preponderance/balance of probabilities, while in criminal proceedings the prosecution must prove guilt beyond reasonable doubt. Option (d) states this correctly.

**Q52. Answer: C**

Under Section 3, Indian Evidence Act, 'evidence' means and includes (1) oral/ocular evidence (statements of witnesses) and (2) documentary evidence. It covers both. Option (c).

**Q53. Answer: A**

Under Sections 18-20 of the Evidence Act, admissions by an agent are receivable against the party only where the agent is expressly or impliedly authorised to make them. Such admissions are relevant in civil matters; they do not bind under all circumstances, so (b) is wrong. (a) correctly limits admissibility to where the agent has authority. (Option (d)

overstates by adding the unqualified criminal proposition.)

**Q54. Answer: C**

Section 45, Evidence Act expressly makes expert opinion relevant on, among other things, identity of finger impressions and identity/genuineness of handwriting. Both (a) and (b) are covered, so (c).

**Q55. Answer: A**

Section 121, Evidence Act protects Judges and Magistrates from being compelled to answer questions about their conduct in court. An arbitrator is not a Judge/Magistrate within Section 121, so the privilege is not available to an arbitrator. Option (a).

**Q56. Answer: A**

A fresh, unconditional acknowledgement or promise to pay a time-barred debt is supported by past consideration (Section 25(3), Indian Contract Act) and gives rise to an independent, enforceable contract. Option (a). (Note: an acknowledgement under Section 18, Limitation Act must be made BEFORE expiry to extend limitation; this question concerns acknowledgement AFTER the period, which operates as a new contract.)

**Q57. Answer: D**

Section 25, Limitation Act (acquisition of easement of light/air/way etc. by 20 years' enjoyment) provides that the 20-year period must be one 'ending within two years next before the institution of the suit' in which the claim is contested. Given the option set (12/7/4/2), the relevant statutory figure is two years. Answer (d). (Note: a general suit for disturbance of an established easement under Art. 26/Sch. is 3 years from obstruction, but that figure is not offered.)

**Q58. Answer: D**

A decree of mandatory injunction is executed under Article 135 of the Schedule to the Limitation Act, 1963, which prescribes three years from the date of the decree (or the date fixed for performance). Answer (d) 3 years.

**Q59. Answer: D**

Under Section 20, Transfer of Property Act, an unborn person for whose benefit an interest is created acquires a VESTED interest upon his birth (not within any 60/75/90-day window). None of the timed options is correct, so (d) None of the above.

**Q60. Answer: A**

The doctrine of lis pendens under Section 52, TP Act rests on grounds of public policy / necessity (expediency that nothing pending litigation should be transferred so as to affect the rights of any party). Option (a) Public policy.

**Q61. Answer: D**

A suit by the mortgagee to obtain a decree that the mortgagor be absolutely debarred of his right to redeem is a suit for foreclosure (Section 67, TP Act; Order XXXIV CPC). Option (d).

**Q62. Answer: B**

Under the Protection of Women from Domestic Violence Act, 2005, the Magistrate's power is to pass orders for the protection of the aggrieved person (protection order under Section 18, plus residence, monetary, custody and compensation orders). Options (a) and (c) describe conduct the protection order PROHIBITS the respondent from doing, not powers of the Magistrate. Option (b).

**Q63. Answer: D**

Section 2(f) of the PWDV Act, 2005 defines 'domestic relationship' broadly as a relationship between two persons who live or have lived together in a shared household through consanguinity, marriage, a relationship in the nature of marriage, adoption, or as members of a joint family. This encompasses joint and nuclear family members and the various categories listed, so (d) All the above.

**Q64. Answer: A**

Under the Registration Act/Rules, documents (other than wills) remaining unclaimed in a registration office for more than two years may be destroyed. Option (a) 2 years.

**Q65. Answer: D**

Section 2 of the AP Buildings (Lease, Rent and Eviction) Control Act, 1960 defines 'building' as any house or hut or part thereof let or to be let separately for residential or non-residential purposes, and INCLUDES the gardens, grounds, garages and outhouses appurtenant and let along with it (plus fittings/furniture). Hence all of (a)-(c) are covered: (d) All the above.

**Q66. Answer: A**

Under Section 2 of the AP Buildings (Lease, Rent and Eviction) Control Act, 1960, 'Controller' means any person not below the rank of a Tahsildar appointed by the Government to perform the functions of a Controller. Option (a).

**Q67. Answer: A**

Section 18 of the AP Buildings (Lease, Rent and Eviction) Control Act, 1960 provides that no residential building shall be converted into a non-residential building except with the written permission of the Controller. Option (a).

**Q68. Answer: D**

Section 50 of the Registration Act, 1908 provides that a duly registered document of the kinds specified shall take effect, as regards the property comprised therein, against every unregistered document relating to the same property. Hence a registered document takes precedence over an unregistered one under Section 50. Option (d) corresponds to 50.

**Q69. Answer: C**

Section 26, Indian Contract Act: every agreement in restraint of the marriage of any person, other than a minor, is void. Hence such an agreement is expressly void. Option (c).

**Q70. Answer: B**

A contract of insurance (other than life insurance) is a contract of indemnity - the insurer indemnifies the insured against the loss. Option (b).

**Q71. Answer: B**

An agent has a right to retain (lien) under Section 221, a right to remuneration/compensation, and a right to be indemnified, but no general 'right to sell' the principal's goods (that right belongs to a pledgee/unpaid seller, not an agent as such). Hence the right NOT available is (b) Right to sell.

**Q72. Answer: D**

Under Section 201, Indian Contract Act, an agency is terminated, inter alia, by the death or insanity/insolvency of EITHER the principal or the agent. Option (d) (death or insolvency of either the agent or the principal).

**Q73. Answer: C**

Under Section 71, Indian Contract Act, a finder of goods is in the position of a bailee and owes the duties of a bailee. Option (c) Bailee.

**Q74. Answer: D**

Section 73, IPC: solitary confinement shall not exceed three months 'in the whole.' The absolute maximum is therefore three months. Option (d).

**Q75. Answer: A**

The right of private defence is introduced by Section 96, IPC ('Nothing is an offence which is done in the exercise of the right of private defence'). Sections 97-106 elaborate it. The provision asked for is Section 96. Option (a).

**Q76. Answer: B**

Section 18(2) of the Limitation Act, 1963 provides that where the writing containing the acknowledgment is undated, oral evidence may be given of the time when it was signed. Oral evidence of the date is thus permissible only when the acknowledgment is undated (not when it bears a date or the date is altered).

**Q77. Answer: B**

The benefit of Section 14 of the Limitation Act (exclusion of time spent bona fide prosecuting a proceeding in a court unable to entertain it for defect of jurisdiction or like cause) is available even where, on the opening day, the plaint was not presented before the proper court. Section 14 is precisely meant to save limitation when proceedings were instituted in the wrong forum and pursued in good faith and with due diligence.

**Q78. Answer: B**

Section 4 of the Indian Easements Act, 1882: the land for the beneficial enjoyment of which the easement right exists is the dominant tenement; the land on which the liability is imposed is the servient tenement. Option (a) describes the servient tenement.

**Q79. Answer: C**

Section 74 of the Evidence Act defines public documents; Section 75 provides that all documents other than those mentioned in Section 74 are private documents. Documents not covered by Section 74 are therefore private documents.

**Q80. Answer: D**

Section 85 of the Evidence Act raises a presumption of due execution and authentication for a power-of-attorney executed before, and authenticated by, a Notary Public, or any Court, Judge, Magistrate, Indian Consul/Vice-Consul, or representative of the Central Government. A Judge, a Notary and a Magistrate all qualify, so 'All of the above'.

**Q81. Answer: B**

Section 111 of the Transfer of Property Act read with Section 113 (and the principle of waiver): a notice to quit / notice of determination of lease can be waived by the express or implied consent of the person to whom it is given. Waiver may be express or implied.

**Q82. Answer: C**

Section 125 of the Transfer of Property Act: a gift of a thing to two or more donees, of whom one does not accept it, is void as to the interest which he would have taken had he accepted.

**Q83. Answer: D**

There can be no estoppel against a statute, no estoppel on a pure point of law, and (estoppel being a rule of substantive/evidentiary fact) mere attestation of a deed does not by itself create estoppel as to its contents. The intended answer is that none of these give rise to estoppel - 'All the above'.

**Q84. Answer: B**

Section 320(4)(b) of the CrPC: when the person who would otherwise be competent to compound an offence is dead, the legal representative of the deceased may, with the consent of the Court, compound such offence. The composition is thus by the legal representative (with the Court's consent).

**Q85. Answer: C**

Section 311A CrPC empowers a Magistrate of the first class to order any person, including an accused, to give specimen signatures OR handwriting for purposes of investigation/proceeding. The order can be for either - 'Either (a) or (b)'.

**Q86. Answer: C**

Section 29(2) CrPC (as substituted by Act 25 of 2005, in force from 23.06.2006): the Court of a Magistrate of the first class may pass a sentence of imprisonment up to three years, or a fine not exceeding ten thousand rupees, or both.

**Q87. Answer: A**

Section 174(1) CrPC: on receiving information of an unnatural/suspicious death, the officer in charge of the police station shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests. 'SDO' is not the statutory designation; the answer is Executive Magistrate.

**Q88. Answer: B**

Section 120A IPC defines criminal conspiracy as an agreement by two or more persons to do, or cause to be done, an illegal act or a legal act by illegal means.

**Q89. Answer: A**

Section 265B CrPC (Chapter XXIA, plea bargaining): the application for plea bargaining is filed in the court in which the offence is pending trial.

**Q90. Answer: A**

Section 4 IPC extends the operation of the Code to extra-territorial offences (offences committed by citizens of India outside India and by any person on a ship/aircraft registered in India).

**Q91. Answer: B**

Wrongful confinement is defined in Section 340 IPC (Section 339 defines wrongful restraint; Sections 342-348 deal with punishment for wrongful confinement).

**Q92. Answer: A**

Section 153A IPC penalises promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

**Q93. Answer: B**

Illustration to Section 109/108 IPC: where the actual doer is a child below seven years (incapable of committing an offence under Section 82), the abettor is deemed to have done the act himself. X who instigated the act with intent to murder is liable as if he committed the murder and is subject to the punishment for murder (death/life). This is the standard illustration under abetment provisions (Section 108 Expl./Illustration).

**Q94. Answer: C**

Under Section 457/458 CrPC, where the person entitled to possession is unknown/absent, a proclamation is issued requiring claims within six months. The property may be sold within that six-month proclamation period (and perishable property subject to speedy and natural decay may be sold even sooner). Among the options the proclamation period referenced is six months.

**Q95. Answer: B**

Section 311 CrPC empowers the court to summon or recall any witness at any stage of any inquiry, trial or other proceeding - i.e. even after the evidence of both sides has been closed - if the evidence appears essential to the just decision of the case.

**Q96. Answer: D**

Section 205 CrPC empowers the Magistrate, whenever he issues summons, to dispense with the personal attendance of the accused and permit him to appear by his pleader.

**Q97. Answer: B**

Abetment is not invariably punishable as an offence; whether the abettor is liable depends on the circumstances (e.g., Sections 108, 116 IPC - abetment of an offence is punishable, but abetment may also fail to constitute an offence in certain circumstances). Hence 'may be an offence depending on the circumstances but not always'. (Identical to Q22.)

**Q98. Answer: B**

Proviso to Section 167(2) CrPC: where investigation is not completed within 90/60 days, the accused in custody is entitled to be released on default bail on furnishing bail - but only on making an application for such release and being prepared to furnish bail (the right is not automatic without an application).

**Q99. Answer: C**

Proviso to Section 202(2) CrPC: if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath. This corresponds to 'Examine the complainant and all his witnesses'.

**Q100. Answer: A**

Section 164 CrPC: a confession or statement may be recorded by a Magistrate in the course of an investigation, or at any time afterwards before the commencement of the inquiry or trial.