

Gujarat Judiciary - Mains 2012

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

Paper I (Criminal)

- Q1. Write a note on the right of private defence. OR Write a note on abetment of an offence.**
- Q2. Write short notes on any Two of the following : - Voluntarily causing grievous hurt. - Dowry death, - Public nuisance. - Causing death by negligence.**
- Q3. Write a note on Magistrate's power of granting bail. OR Explain briefly the procedure of trial of warrant cases by Magistrate.**
- Q4. Write short notes on any Two of the following : - Powers of a Magistrate to grant maintenance under Section 125 of the Code of Criminal Procedure. - Under what circumstances maintenance fixed by the Magistrate under Section 125 of the Code of Criminal Procedure be altered? - Summary trial. - Explain the difference between cognizable and non-cognizable offences.**
- Q5. Write a note on - confession by an accused - how far relevant. OR Write a note on expert evidence.**
- Q6. Write short notes on any Two of the following : - Hostile witness - Leading questions. - Presumption as to abetment of suicide by a married woman. - Facts of which Court should take judicial notice.**
- Q7. Write short notes on the following: - Offence of dishonour of cheque. OR Offence of dishonour of cheque by a Company. - Domestic violence. OR Power of a Magistrate to pass custody orders under the Protection of Women from Domestic Violence Act.**
- Q8. Write short notes on any Two of the following: - Duties of a Probation Officer under the Probation of Offenders Act, 1958. - Prohibition of determination of sex of a foetus. - Juvenile Justice Board and its powers. - Explain the terms "Juvenile" and "Juvenile in conflict with law"**
- Q9. State whether the following statements are True or False. - Section 304A of the Indian Penal Code prescribes punishment for offence of culpable homicide not amounting to murder. - Offence of causing grievous hurt is cognizable and bailable. - Offence punishable under Section 498A of the Indian Penal Code is exclusively triable by Court of Sessions. - Offence of criminal breach of trust by public servant, by banker etc. punishable under Section 409 of the Indian Penal Code is triable by a Magistrate of First Class. - Power to grant anticipatory bail is only with the High Court. - Offence of cheating punishable under Section 420 of the Indian Penal Code is cognizable and warrant triable offence. - Confession made by an accused to a police officer in presence of a Magistrate is admissible in evidence. - Dying declaration is admissible in evidence, only if it is made before a Magistrate. - Extra judicial confession of an accused, under no circumstances is admissible in evidence. - Under the Protection of Women From Domestic Violence Act, 2005 a Magistrate has no power to grant ex parte ad-interim order.**

Paper II (Civil)

- Q1. Write an essay on any One of the following, in English Language only. - Importance of cordial relationship between Bar and Bench. - Speedy Trial - Legal Aid. - Vicarious Liability.**
- Q2. What is meant by a Decree and what is deemed to be included and excluded in it ? OR Write short notes on any Two of the following: - Doctrine of Res Judicata. - Indigent Person - Effects of Acknowledgment in writing under Section 18 of the Limitation Act. - Temporary and Perpetual Injunction.**

- Q3. "The Executing Court cannot go behind the decree. However, it does not mean that the Court has no duty to find out the true effect of the decree." - Offer your remarks. OR Answer any Two of the following - Distinction between Set-off and Counter-claim. - Rights and duties of a partner under the Indian Partnership Act. - Inquiry by Court about valuation of suits under the Gujarat Court Fees Act. - Cancellation of a written document under the Specific Relief Act.**
- Q4. How an agent is appointed ? What are his powers and duties under the Indian Contract Act OR What is difference between void agreement and voidable contract ?**
- Q5. Write short notes on any Two of the following: - Inter-pleader suit. - Doctrine of Restitution. - Novation of a contract. - Sub-Agency.**
- Q6. What are the consequences of breach of a contract and what are the remedies available in such cases under the Indian Contract Act ? OR Which are certain relations resembling like those created by contract under the Indian Contract Act ?**
- Q7. Can a minor be admitted as a partner of a partnership firm ? If so, can he subsequently ratify or revoke such partnership ? Describe the rights and liabilities of such partner: OR What are the consequences of non-registration of a partnership firm under Section 69 of the Indian Partnership Act ? Can an unregistered firm file a suit ? Can its registration after filing of the suit cure the defect ?**
- Q8. Translate the following paragraph into Gujarati language. - Translation in any other language will not be considered. - "The concept of institutionalized legal and judicial education, even in the developed countries of the world is not too old. Training in a judicial field was first initiated and accepted in France, as late as, in the year 1958 It was followed by United States in 1963 by way of establishing National Judicial College. United Kingdom followed the system in th' year 1979 by establishing Judicial Studies Board. However, formal training process to the Judicial Officers began in the year 1987 after a long debate. The Canadian Training Institute came into operation only in 1988, Australia also _____ identical scheme of Judicial conducted its first training session in 1972, but _____ state level Training Institutes had been functions since before in some of the States, the first National level Center for Judicial Training and Education in India came up only in the year 2005, which has been named as National Judicial Academy, presently located at Bhopal, Madhya Pradesh. Thus, the concept of continued judicial education for the Judicial Officers through induction training and in-service training is of recent origin in our country".**
- Q9. State whether following statements are True or False: - When a contract is caused by fraud, the contract is void ab initio. - Under the provisions of Code of Civil Procedure, plea of adverse possession is a defence available to both plaintiff and defendant. - Subsistence allowance in respect of a person detained in civil prison has to be paid by the State Government. - The liability of bailee as regards the goods is equivalent to that of a common carrier. - In a partnership at will, a partner of a firm can dissolve the firm at any time by giving a notice of his intention to dissolve the firm, to his co-partner. - A dissolution of a firm can be inferred from closure of its business. - Non-registration of a partnership firm under Section 69 of the Indian Partnership Act, is not a bar for the firm in respect of criminal proceedings. - A suit for foreclosure by a mortgagee can be filed within the period of limitation of 30 years. - A person aggrieved by a judgement of a Civil Court can seek review of the judgement only on an error of law or fact apparent on the face of the record. - In the event of death of a party, the suit shall abate on non-joining of his heirs within 60 days of the date of death.**