

Jharkhand Judiciary - Prelims 2015

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

Q1. Which of the underlined parts of the given sentence contains an error ? "One of my sister / lives / near the India Gate / in New Delhi"

- (a) One of my sister
- (b) lives
- (c) near the India Gate
- (d) in New Delhi

Q2. Fill in the blank with a suitable form of the verb in the following: My friend has been living in Mumbai since 2014.

- (a) is
- (b) has been
- (c) is being
- (d) was being

Q3. Fill in the blank with an appropriate preposition. They belong to the same party, but I don't agree with everything.

- (a) in
- (b) at
- (c) on
- (d) with

Q4. The word 'Millenium' refers to a period of

- (a) one hundred years
- (b) one million years
- (c) one thousand years
- (d) ten thousand years

Q5. Fill in the blank with the suitable choice. Delhi is better than Shimla in May.

- (a) hot
- (b) hotter
- (c) more hot
- (d) more hotter

Q6. Which of the following is similar in meaning of "that which cannot be read" ?

- (a) Illegitimate
- (b) Illegal
- (c) Illegible
- (d) Illogical

Q7. Select the appropriate choice to fill in the blank in the sentence. Tigers are ferocious.

- (a) A
- (b) The
- (c) An
- (d) No article is required.

Q8. Identify the type of sentence given below: Can you lend me your pen, please ?

- (a) Declarative
- (b) Operative
- (c) Imperative
- (d) Interrogative

Q9. An ophthalmologist treats the disorders of

- (a) skin
- (b) heart
- (c) eye
- (d) brain

Q10. The word "terrestrial" means connected with

- (a) water
- (b) land
- (c) space
- (d) air

Q11. Who appoints the Judges of High Courts of India ?

- (a) Prime Minister
- (b) Chief Justice of India
- (c) President of India
- (d) Law Minister of India

Q12. The year of Quit India Movement is

- (a) 1930
- (b) 1940
- (c) 1942
- (d) 1947

Q13. Deficiency of which of the following Vitamins cause 'Night-blindness' ?

- (a) Vitamin B
- (b) Vitamin A
- (c) Vitamin C
- (d) Vitamin D

Q14. One of the following gases is the cause of 'Greenhouse effect' (warming of the earth surface)

- (a) Nitrogen oxide
- (b) Nitrous oxide
- (c) Carbon dioxide
- (d) Carbon monoxide

Q15. The UNO was formed on

- (a) 24th October, 1945
- (b) 23rd October, 1945
- (c) 24th October, 1944
- (d) 22nd October, 1944

Q16. The American Journal 'Time' has chosen one of the following as 'the person of the year 2015' :

- (a) Angela Merkel
- (b) Barack Obama
- (c) Narendra Modi
- (d) Margaret Thatcher

Q17. Amaravati is being made the new capital of which of the following states ?

- (a) Goa
- (b) Andhra Pradesh
- (c) Mizoram
- (d) Chhattisgarh

Q18. Justice Meenakshi Madan Rai has been sworn in as the first woman judge of High Court of which of the following states ?

- (a) Sikkim
- (b) Kerala
- (c) Tamil Nadu
- (d) Delhi

Q19. Who of the following is the writer of the book: 'Wings of Fire' ?

- (a) Sarojini Naidu
- (b) A.P.J. Abdul Kalam
- (c) Jagannath Pillai
- (d) Amrita Pritam

Q20. Cristiano Ronaldo has recently been voted as a number one footballer. He hails from which of the following countries ?

- (a) Portugal
- (b) Argentina
- (c) Brazil
- (d) Germany

Q21. A Magistrate has the power to direct the police to investigate into an offence in CrPC under

- (a) Section 156 (3) Cr.PC
- (b) Section 156 (2) Cr.PC
- (c) Section 156 (1) Cr.PC
- (d) All of the above

Q22. Under the scheme of Criminal Procedure Code non-cognizable offences are

- (a) Private wrongs
- (b) Public wrongs
- (c) Both public and private wrongs
- (d) None of the above

Q23. Under Section 159 of Cr PC, the Magistrate has the power to

- (a) Depute any Magistrate subordinate to him to hold a preliminary inquiry
- (b) Direct-investigation by the police
- (c) Either (A) or (B)
- (d) Only (B) and not (A)

Q24. Under Section 167 of Cr. PC the nature of custody can be altered from judicial custody to police custody and vice- versa, this alteration can be done

- (a) During the period of first seven days
- (b) During the period of first fifteen days
- (c) During the period of first fourteen days
- (d) During the period of first ten days

Q25. Cognizance of offence of defamation under Chapter XXI ofIPC can be taken

- (a) On a complaint made by an aggrieved person
- (b) On a police report
- (c) Suo mow
- (d) All of the above

Q26. Joint trial of several persons is permissible

- (a) Under Section 219 ofCr.PC
- (b) Under Section 221 ofCr PC
- (c) Under Section 222 ofCr.PC
- (d) Under Section 223 ofCr.PC

Q27. Rule ante for's acquit or ante for's commit is contained in

- (a) Under Section 298 ofCr PC
- (b) Under Section 300 ofCr PC
- (c) Under Section 320 OfCr.PC
- (d) Under Section 321 ofCr PC

Q28. In which of the following cases the Supreme Court held that the High Court cannot directly entertain bail application of POTA accused without its refusal by special court ?

- (a) State ofGujarat v, Santosh Kumar
- (b) State of Gujarat v. Salimbhai Abdul Gaffar Shaikh
- (c) State of Uttar Pradesh v. S.N. Srivastava
- (d) State of Maharashtra v. S.K. Dhinde

Q29. 'A Legal Remembrances cannot be made ex-officio public prosecutor.' This was held in

- (a) State of Kerala v. K Veettil Krishnan
- (b) V. Ramchandra v. M.C. Jagadodharana
- (c) Vijay v. State ofMaharashtra
- (d) None of the above

Q30. Urgent cases of Nuisance or apprehended danger falls under

- (a) Section 146 ofCr.PC
- (b) Section 144 ofCr.PC
- (c) Section 142 ofCr.PC
- (d) Section 140 ofCr.PC

Q31. When Warrant also cannot be executed the court may proceed under

- (a) Section 83 and 84 ofCr.PC
- (b) Section 82 and 83 ofCi.PC
- (c) Section 81 and 82 of Cr.PC
- (d) Section 80 and 81 ofCr.PC

Q32. "Plea Bargaining" a new chapter was added in Criminal Procedure Code, 1973 by the Criminal Law Amendment Act, 2005 (2 of 2006) is contained in

- (a) Section 265 A to 265 N
- (b) Section 265 A to 265 M
- (c) Section 265 A to 265 L
- (d) Section 265 A to 265 E

Q33. A Magistrate may under Section 252 or Section 255 of Crpc convict the accused of any offence triable under

- (a) Chapter XIX of Cr.PC
- (b) Chapter XX of Cr.PC
- (c) Chapter XXI of Cr.PC
- (d) Chapter XV of Cr.PC

Q34. In which of the following cases the Supreme Court held that FIR was not substantive evidence and could only be used to corroborate its maker ?

- (a) Anil Kumar v. 8.8. Neelakanta, AIR 2010 SC 2715
- (b) Viveta Gazra v. State, AIR 2010 SC 2712
- (c) Union of India v. A. Kumar, AIR 2010 SC 2735
- (d) C. Magesh v. State of Karnataka, AIR 2010 SC 2768

Q35. In summons-cases and inquiries, memorandum is the only

- (a) Record of witness
- (b) Record of accused statement
- (c) Record of evidence
- (d) Record of all statements

Q36. If the accused is not acquitted under Section 232 of Cr. PC then the court calls upon him to enter on

- (a) His defence
- (b) His counsel
- (c) His version
- (d) His statement

Q37. In case of anticipatory breach of contract, an aggrieved party

- (a) Has the right to claim performance at any time
- (b) Cannot claim any remedy as performance is still executory
- (c) May wait till the date of performance
- (d) Does not have the right to terminate the contract

Q38. Which of the following statements is not correct ?

- (a) Acceptance must be communicated.
- (b) Acceptance must be in writing.
- (c) Oral acceptance is a valid acceptance.
- (d) Acceptance must be in the prescribed manner.

Q39. The principle "Restitution stops where repayment begins" can be applied against

- (a) An alien enemy only
- (b) Any incapable person
- (c) Lunatics and idiots only
- (d) Minors only

Q40. Promissory estoppels is sometimes spoken of as a substitute for

- (a) Quasi contract
- (b) Consideration
- (c) Coercion
- (d) Novation

Q41. A change of nature of obligation of a contract known as

- (a) Alteration
- (b) Repudiation
- (c) Rescission
- (d) Novation

Q42. A notice in die newspapers inviting tenders is

- (a) An invitation for negotiation
- (b) A promise
- (c) An invitation to proposal
- (d) A proposal

Q43. Examine the following statements : 1. Every contract is an agreement. 2. Every agreement is a contract. 3. Every lawful civil obligation is a contract. 4. Every contract has a legally enforceable civil obligation. Which of these statements are correct ?

- (a) 1 and 4
- (b) 1 and 2
- (c) 2 and 3
- (d) 3 and 4

Q44. Union of India v. Maddala Thathiah is an illustration, where the tender was in the form of

- (a) Public offer
- (b) Standing offer
- (c) Specific offer
- (d) General offer

Q45. The rule laid down in Adam v. Lindsell was approved by the House of Lords in

- (a) Dunlop v. Higgins
- (b) Eliason v. Henshaw
- (c) Powell v. Lee
- (d) Hyde v. Wrench

Q46. Which one of the following agreements is held to be opposed to public policy ?

- (a) The arbitration clause for the application of foreign law
- (b) Payment in foreign currency
- (c) Agreement of payment of lea salary
- (d) Arbitrators residing in the foreign country

Q47. The facts of Griffith v. Brymer would attract Section 20 and facts of Kreil v. Henry attract

- (a) Section 20 of the Indian Contract Act, 1872
- (b) Section 10 of the Indian Contract Act, 1872
- (c) Section 12 of the Indian Contract Act, 1872
- (d) Section 56 of the Indian Contract Act, 1872

Q48. The obligation to restore advantage in a void agreement is provided by

- (a) Section 65 of the Indian Contract Act, 1872
- (b) Section 60 of the Indian Contract Act, 1872
- (c) Section 63 of the Indian Contract Act, 1872
- (d) Section 68 of the Indian Contract Act, 1872

Q49. A continuing guarantee under Section 130 is

- (a) Irrevocable absolutely
- (b) Revocable as regards future transaction
- (c) Revocable absolutely
- (d) Either (A) or (B)

Q50. For the purpose of pledge, delivery of possession of goods

- (a) May be symbolic
- (b) Either actual or constructive
- (c) May be constructive
- (d) Has to be actual

Q51. A valid lease can be determined by

- (a) Force majeure
- (b) Frustration
- (c) Efflux of time
- (d) None of the above

Q52. There can also be estoppels.

- (a) Sale
- (b) Ownership
- (c) Fraud
- (d) Possession

Q53. Causing of the death of child in the mother's womb is not homicide as provided under

- (a) explanation V to Section 300
- (b) explanation I to Section 299
- (c) explanation H to Section 299
- (d) explanation III to Section 299

Q54. Section 511 does not apply in case of

- (a) attempt of riot
- (b) attempt of theft
- (c) attempt of affray
- (d) attempt of murder

Q55. Assault cannot be caused by

- (a) mere gestures
- (b) mere words
- (c) mere preparation
- (d) All the above

Q56. Personating a public servant is an offence

- (a) Under Section 186 of IPC
- (b) Under Section 171 of IPC
- (c) Under Section 170 of IPC
- (d) Under Section 169 of IPC

Q57. The Supreme Court of India has observed a clear distinction between dishonestly and fraudulently in the case of

- (a) Nathu Lal v. State of M. P.
- (b) Central Bank of India v. Narain
- (c) Mubarak Ali v. State of Bombay
- (d) Vinala Devi v. Delhi Administration

Q58. The minimum duration of imprisonment provided for an offence under the Indian Penal Code is imprisonment for

- (a) Twenty four hours under Section 511
- (b) Twenty four hours under Section 510
- (c) Sentence of 20 hours under Section 510
- (d) Sentence of imprisonment till rising of the court under Section 511

Q59. The principle underlying in Section 95 of IPC is

- (a) de minimis non curat lex
- (b) Volenti non fit injuria
- (c) Non compos mentis
- (d) Actus me invito factus non est mens actus

Q60. Section 97 of IPC expressly states that the right of private defence is subject to the restrictions contained in

- (a) Section 99 of IPC
- (b) Section 100 of IPC
- (c) Section 98 of IPC
- (d) Section 102 of IPC

Q61. The language of Part third of Section 105 is similar to that of

- (a) Section 39 of IPC
- (b) Section 37 of IPC
- (c) Section 38 of IPC
- (d) Section 40 of IPC

Q62. Which of the following Sections of IPC has incorporated the English law known as principal in the Second degree ?

- (a) Section 114
- (b) Section 112
- (c) Section 110
- (d) Section 109

Q63. The definition of criminal conspiracy in Section 120-A, IPC has been taken from that given in

- (a) Mulchay v. Queen
- (b) Quinn v. Leatham
- (c) Abdul Rehman v. Emperor
- (d) R v. Vincent

Q64. Homicide cannot be defined as killing of a person by a person in view of the nature of the definition of the word 'person' in

- (a) Section 13 of the Indian Penal Code
- (b) Section 11 of the Indian Penal Code
- (c) Section 9 of the Indian Penal Code
- (d) Section 7 of the Indian Penal Code

Q65. The requirement of possession has been highlighted by illustrations

- (a) (a), (b), (c) and (d) in Section 373 of IPC
- (b) (b), (c), (d) and (e) in Section 378 of IPC
- (c) (c), (d), (e) and (f) in Section 378 of IPC
- (d) (d), (e), (f) and (g) in Section 378 of IPC

Q66. Theft under Indian Penal Code differ from larceny in English Law which contemplated

- (a) Permanent gain and loss
- (b) Loss of property
- (c) Moving of property
- (d) Denying the owner of his property

Q67. 'A' instigates 'B' to murder 'C' who refuses to do so. 'A' is guilty of

- (a) Abetment to commit murder
- (b) No offence
- (c) Criminal conspiracy
- (d) Criminal instigation

Q68. Which one of the following brings out the distinction between Section 34 and 149 of the IPC ?

- (a) Section 149 creates a specific offence whereas Section 34 does not
- (b) Section 34 creates a specific offence whereas Section 149 does not
- (c) Section 34 as well as Section 149 create specific offences
- (d) Section 34 as well as Section 149 do not create specific offences

Q69. The Code of Civil Procedure (Amendment) Act, 2002 permits evidence in the form of

- (a) Petition
- (b) Affidavits
- (c) Statements
- (d) Documents

Q70. It has been held by the Supreme Court in R.M. Malkani v. State of Maharashtra that a contemporaneous tape-record of a relevant conversation is a relevant fact. It is

- (a) relevant
- (b) res gestae
- (c) admissible
- (d) documents

Q71. Section 11 of the Indian Evidence Act enables a person charged with a crime to take what is commonly called the plea of

- (a) res gestae
- (b) lis pendens
- (c) alibi
- (d) res-judicata

Q72. A judicial admission operates as

- (a) an admission
- (b) a confession
- (c) a plea of ignorance
- (d) a waiver of proof

Q73. The burden of proof means the obligation to prove a fact. This is defined under

- (a) Section 201 of the Indian Evidence Act
- (b) Section 101 of the Indian Evidence Act
- (c) Section 200 of the Indian Evidence Act
- (d) Section 100 of the Indian Evidence Act

Q74. The principle stated in Section 106 of the Indian Evidence Act is an application of the principle of

- (a) res gestae
- (b) res ipsa loquitur
- (c) res-judicata
- (d) res sic stantibus

Q75. Leading questions can always be asked

- (a) in second examination
- (b) in re-examination
- (c) in cross-examination
- (d) in first examination

Q76. Alibi is governed by

- (a) Section 8 of Evidence Act
- (b) Section 6 of Evidence Act
- (c) Section 11 of Evidence Act
- (d) Section 12 of Evidence Act

Q77. Admissions made by a party are evidence against

- (a) Privies in estate
- (b) Privies in law
- (c) Privies in blood
- (d) All the above

Q78. Communication made without prejudice' are protected

- (a) Under Section 21 of Evidence Act
- (b) Under Section 24 of Evidence Act
- (c) Under Section 23 of Evidence Act
- (d) Under Section 22 of Evidence Act

Q79. 'Necessity rule' as to the admissibility of evidence is contained in

- (a) Section 61 of Evidence Act
- (b) Section 60 of Evidence Act
- (c) Section 32 of Evidence Act
- (d) Section 31 of Evidence Act

Q80. The res inter alia acta is receivable

- (a) Under Section 48 of Evidence Act
- (b) Under Section 47 of Evidence Act
- (c) Under Section 46 of Evidence Act
- (d) Under Section 45 of Evidence Act

Q81. Section 92 of Evidence Act applies to

- (a) Bilateral documents
- (b) Unilateral documents
- (c) Both (A) and (B)
- (d) Either (A) or (B)

Q82. Estoppel

- (a) Need not be specifically pleaded
- (b) Should be specifically pleaded
- (c) May be specifically pleaded or may not be specifically pleaded
- (d) Both (B)&(C) are correct

Q83. Zahira Sheikh was prime witness in

- (a) Best Bakery retrial case (2006)
- (b) Best Bakery case (2004)
- (c) Sukh Ram disproportionate assets case (2005)
- (d) Gujjar Killings case (2003)

Q84. The presumption under Section 41 of Evidence Act is a

- (a) Presumption of fact
- (b) Rebuttable presumption of law
- (c) Presumption of fact & law
- (d) Rebuttable presumption of law

Q85. Pecuniary jurisdiction of the court has been dealt with in

- (a) Section 6 ofCPC
- (b) Section 5 ofCPC
- (c) Section 4 ofCPC
- (d) Section 3 ofCPC

Q86. Section 20 of CPC does not apply to

- (a) Arbitration proceedings
- (b) Civil proceedings
- (c) Both (A) & (B)
- (d) Neither (A) nor (B)

Q87. Under Order IV, Rule 1, sub-rule (1) of CPC, a suit is instituted when

- (a) a plaint in duplicate is presented to the court
- (b) a plaint is presented to the court
- (c) a plaint in triplicate is presented to the court
- (d) either (A) or (B) or (C)

Q88. A suit in representative capacity can be filed by virtue of

- (a) under Order I, Rule 8A of CPC
- (b) under Order I, Rule 10A ofCPC
- (c) under Order I, Rule 8 of CPC
- (d) under Order I, Rule 9 of CPC

Q89. List of witness, after settlement of issues, must be filed within

- (a) 60 days
- (b) 45 days
- (c) 30 days
- (d) 15 days

Q90. 'Pleading' can be altered or amended

- (a) under Order VI, Rule 9 ofCPC
- (b) under Order VI, Rule 10 ofCPC
- (c) under Order VI, Rule 16 of CPC
- (d) under Order VI, Rule 17 ofCPC

Q91. A suit can be dismissed in default

- (a) under Order IX, Rule 2 ofCPC
- (b) under Order IX, Rule 3 ofCPC
- (c) under Order IX, Rule 8 of CPC
- (d) both (B) & (C)

Q92. An application under Order IX, Rule 7 of CPC can be made

- (a) within 60 days of the Order
- (b) within 30 days of the Order
- (c) at any time on or before the next date of hearing
- (d) any time during the pendency of the suit

Q93. Judgement on admission can be given

- (a) under Order XU, Rule 2 ofCPC
- (b) under Order XU, Rule 4 ofCPC
- (c) under Order XU, Rule 6 of CPC
- (d) under Order XU, Rule 8 of CPC

Q94. Judgement L decree have been dealt in CPC

- (a) under Order XX
- (b) under Order XXI
- (c) under Order XX-A
- (d) under Order XIX

Q95. Provisions relating to interpleader suit are contained in

- (a) Order XXXVI of CPC
- (b) Order XXII of CPC
- (c) Order XXXIV of CPC
- (d) Order XXXV of CPC

Q96. Order XU, Rule 8 of CPC pertains to

- (a) notice to admit fact(s)
- (b) notice to admit documents)
- (c) notice to produce documents)
- (d) both (A) and (B)

Q97. Under which section of CPC the principles of equity justice and good conscience are prescribed ?

- (a) Section 12.1
- (b) Section 131
- (c) Section 141
- (d) Section 151

Q98. Which of the following decisions is not a decree within the meaning of Section 2(2) ofCPC?

- (a) Dismissal of an application for final decree
- (b) Award of tribunal in land acquisition case
- (c) An order of abatement
- (d) Order modifying a scheme under Section 92

Q99. Which of the following is a suit of civil nature ?

- (a) Suits for upholding mere dignity or honour
- (b) Suits for accounts
- (c) Suits expressly barred by some enactment
- (d) Suits relating to political questions

Q100. The material facts on which a party relies are called

- (a) facta probantia
- (b) facta probanda
- (c) falsa demonstratio non nocet
- (d) fauces terrae

Answer Key & Solutions

Q1. Answer: A

'One of my' takes a plural noun, so it should be 'One of my sisters'. The error is in part (a).

Q2. Answer: B

'Since 2014' with a continuing action requires the present perfect continuous, so 'has been (living)' is correct.

Q3. Answer: D

The idiom is 'agree with' (a person/everything they say); thus 'I don't agree with everything.'

Q4. Answer: C

A millennium is a period of one thousand years (Latin mille = thousand, annus = year).

Q5. Answer: B

Comparison of two places with 'than' requires the comparative form 'hotter'.

Q6. Answer: C

'Illegible' means that which cannot be read or deciphered.

Q7. Answer: D

A plural noun used in a general sense ('Tigers are ferocious') takes no article.

Q8. Answer: D

A sentence asking a question ('Can you lend me your pen, please?') is interrogative.

Q9. Answer: C

An ophthalmologist is a medical doctor specialising in disorders of the eye.

Q10. Answer: B

'Terrestrial' (Latin terra = earth/land) means connected with land/the earth.

Q11. Answer: C

Under Article 217 of the Constitution, Judges of High Courts are appointed by the President of India.

Q12. Answer: C

The Quit India Movement was launched by Gandhi/Congress in 1942.

Q13. Answer: B

Deficiency of Vitamin A causes night-blindness (nyctalopia).

Q14. Answer: C

Carbon dioxide is the principal greenhouse gas responsible for warming of the earth's surface.

Q15. Answer: A

The UN was formally established on 24 October 1945, when the Charter came into force.

Q16. Answer: A

Time magazine named German Chancellor Angela Merkel ('Markel' is a misspelling) as Person of the Year 2015.

Q17. Answer: B

Amaravati was developed as the new capital of Andhra Pradesh after bifurcation.

Q18. Answer: A

Justice Meenakshi Madan Rai was sworn in as the first woman judge of the Sikkim High Court.

Q19. Answer: B

'Wings of Fire' is the autobiography of Dr. A.P.J. Abdul Kalam (with Arun Tiwari).

Q20. Answer: A

Cristiano Ronaldo hails from Portugal.

Q21. Answer: A

Section 156(3) CrPC empowers a Magistrate competent under s.190 to order police investigation into a cognizable offence.

Q22. Answer: A

Non-cognizable offences (relatively minor, requiring complaint/warrant) are regarded as private wrongs under the scheme of the CrPC.

Q23. Answer: A

Section 159 CrPC empowers the Magistrate, on receiving a police report under s.157, to depute a subordinate Magistrate to hold a preliminary inquiry, or to inquire himself.

Q24. Answer: B

Under Section 167 CrPC, custody can be altered between police and judicial custody only during the first fifteen days of remand.

Q25. Answer: A

Under Section 199 CrPC, no court takes cognizance of defamation (Ch. XXI IPC) except on a complaint by the person aggrieved.

Q26. Answer: D

Section 223 CrPC, 1973 enumerates the categories of persons who may be charged and tried jointly (joint trial of several persons). Sections 219-222 deal with joining of charges against the same person.

Q27. Answer: B

The rule against double jeopardy, *autrefois acquit* and *autrefois convict*, is contained in Section 300 CrPC, 1973 (person once convicted or acquitted not to be tried for the same offence).

Q28. Answer: B

In *State of Gujarat v. Salimbhai Abdulgaffar Shaikh* (2003) 8 SCC 50, the Supreme Court held that under the POTA scheme, an accused must first move the Special Court for bail and can approach the High Court only by way of appeal under Section 34(4) POTA after refusal; the High Court cannot directly entertain a bail application under Section 439 CrPC.

Q29. Answer: B

The printed option '*V. Ramchandra v. M.C. Jagadodharana*' is the conventionally keyed authority for the proposition that a Legal Remembrancer cannot be made ex-officio Public Prosecutor; case name is OCR-garbled and could not be independently confirmed against the exact citation, so flagged. Best guess (b).

Q30. Answer: B

Section 144 CrPC, 1973 empowers a Magistrate to issue orders in urgent cases of nuisance or apprehended danger. Section 146 deals with attachment of disputed property.

Q31. Answer: B

When a warrant cannot be executed, the court may issue a proclamation under Section 82 and order attachment of the absconder's property under Section 83 CrPC, 1973.

Q32. Answer: C

Chapter XXIA on Plea Bargaining, inserted by the Criminal Law (Amendment) Act, 2005 (effective 2006), comprises Sections 265A to 265L of CrPC, 1973.

Q33. Answer: B

Sections 252 and 255 fall in the trial of summons-cases; under them a Magistrate may convict the accused of any offence triable under Chapter XX (Trial of Summons-Cases by Magistrates) of CrPC, 1973.

Q34. Answer: D

In *C. Magesh v. State of Karnataka*, AIR 2010 SC 2768 / (2010) 5 SCC 645, the Supreme Court reiterated that the FIR is not substantive evidence and can only be used to corroborate (or contradict) its maker under Sections 157/145 of the Evidence Act.

Q35. Answer: C

In summons-cases and inquiries the Magistrate records a memorandum of the substance of the evidence (Section 274 CrPC); this memorandum is the only record of evidence in such proceedings.

Q36. Answer: A

In a sessions trial, if the accused is not acquitted under Section 232 CrPC, the court calls upon him to enter on his defence under Section 233 CrPC, 1973.

Q37. Answer: C

On anticipatory breach (Section 39, Indian Contract Act), the aggrieved party may either rescind immediately and sue, or keep the contract alive and wait till the date of performance. Hence he 'may wait till the date of performance'.

Q38. Answer: B

Acceptance need not be in writing; oral acceptance is valid. The statement 'Acceptance must be in writing' is not correct.

Q39. Answer: D

The doctrine of restitution against a person who has obtained benefit under a void agreement does not lie against a minor; 'restitution stops where repayment begins' (*Leslie v. Sheill*). It applies against minors only in the limited sense and the maxim restrains restitution from amounting to enforcement of a void contract.

Q40. Answer: B

Promissory estoppel is often described as a substitute for consideration, allowing enforcement of a promise that would otherwise lack consideration.

Q41. Answer: D

A change in the nature of the obligation by substituting a new contract for the old is novation under Section 62 of the Indian Contract Act, 1872.

Q42. Answer: C

A newspaper notice inviting tenders is not an offer but an invitation to offer (invitation to proposal); tenders submitted in response are the offers.

Q43. Answer: A

Every contract is an agreement (1, true) and every contract has a legally enforceable obligation (4, true). Not every agreement is a contract (2 false) and not every lawful civil obligation is a contract (3 false). Hence 1 and 4.

Q44. Answer: B

In *Union of India v. Maddala Thathiah*, AIR 1966 SC 1724, the tender to supply jaggery as and when required was held to be a standing offer, acceptance of which occurred each time a definite order (requisition) was placed.

Q45. Answer: A

The postal rule of *Adams v. Lindsell* (1818) was approved by the House of Lords in *Dunlop v. Higgins* (1848) 1 HL Cas 381, affirming that acceptance is complete on posting.

Q46. Answer: A

Per the contract-textbook MCQ key, an arbitration clause for application of foreign law is treated as opposed to public policy; however modern Indian authority (party autonomy) increasingly upholds such clauses, so the answer is contested. Best guess (a).

Q47. Answer: D

Krell v. Henry (1903) is the coronation frustration case; its facts attract Section 56 (frustration/impossibility of performance) of the Indian Contract Act, 1872, whereas *Griffith v. Brymer* (common mistake) attracts Section 20.

Q48. Answer: A

Section 65 of the Indian Contract Act, 1872 obliges a person who received any advantage under an agreement later discovered to be void (or a contract that becomes void) to restore it or compensate the person from whom he received it.

Q49. Answer: B

Under Section 130 of the Indian Contract Act, 1872, a continuing guarantee may at any time be revoked by the surety as to future transactions, by notice to the creditor.

Q50. Answer: B

For a valid pledge (Section 172 ICA) delivery of possession of goods may be either actual or constructive (e.g., symbolic delivery of documents of title), not necessarily physical/actual delivery.

Q51. Answer: C

Under Section 111 of the Transfer of Property Act, 1882, a lease of immovable property determines, inter alia, by efflux of the time limited thereby. Force majeure/frustration are not statutory modes of determining a lease.

Q52. Answer: B

Stem is OCR-truncated; it refers to estoppel of ownership (estoppel by title). Under estoppel a person may be precluded from denying ownership/title, so the closest fit is ownership.

Q53. Answer: D

Explanation 3 to Section 299 IPC states that causing the death of a child in the mother's womb is not homicide, but it may amount to culpable homicide if any part of the child has been brought forth.

Q54. Answer: D

Section 511 IPC (attempt to commit offences punishable with imprisonment) does not apply to attempt to murder, which is specifically and separately punishable under Section 307 IPC.

Q55. Answer: B

Under Section 351 IPC, assault is made by gesture or preparation; mere words do not amount to assault (though words may give a gesture/preparation the meaning of an assault). Hence assault cannot be caused by mere words alone.

Q56. Answer: C

Section 170 IPC penalises personating a public servant. (Section 171 punishes wearing garb or carrying token used by a public servant with fraudulent intent.)

Q57. Answer: D

In *Dr. Vimla v. Delhi Administration* (AIR 1963 SC 1572), the Supreme Court drew a clear distinction between 'dishonestly' (s.24) and 'fraudulently' (s.25) IPC, holding fraudulently requires deceit plus advantage/injury. Option (d) '*Vimla Devi v. Delhi Administration*' refers to this case.

Q58. Answer: D

The shortest term of imprisonment under the IPC is imprisonment till the rising of the court, prescribed as a punishment under Section 510 IPC (misconduct in public by a drunken person). The minimum imprisonment is thus 'till rising of the court'.

Q59. Answer: A

Section 95 IPC (act causing slight harm) embodies the maxim 'de minimis non curat lex' - the law does not take account of trifles.

Q60. Answer: A

Section 97 IPC expressly makes the right of private defence subject to the restrictions contained in Section 99 IPC.

Q61. Answer: C

The third part of Section 105 of the Evidence Act (presumption of absence of circumstances bringing the case within a General Exception) is similar in language to Section 38 IPC. (Note: stem references 'Section 105'; the answer pairing in the key is Section 38 IPC.)

Q62. Answer: A

Section 114 IPC (abettor present when offence is committed) incorporates the English law concept of a 'principal in the second degree'.

Q63. Answer: A

The definition of criminal conspiracy in Section 120-A IPC is taken from Lord Brampton's (Hawkins, J.) dicta in *Mulcahy v. Queen* (1868) LR 3 HL 306 - an agreement of two or more to do an unlawful act or a lawful act by unlawful means.

Q64. Answer: B

Section 11 IPC defines 'person' to include any company, association or body of persons, so 'person' is not confined to a human being; hence homicide cannot be defined simply as killing of a person by a person.

Q65. Answer: D

Theft is defined in Section 378 IPC. The illustrations highlighting the requirement of possession are illustrations (d), (e), (f) and (g) to Section 378 IPC.

Q66. Answer: A

Larceny in English law required an intention to cause permanent gain/loss (*lucri causa*), whereas theft under Section 378 IPC requires only dishonest intention with moving of property; the distinction lies in 'permanent gain and loss' being contemplated by larceny.

Q67. Answer: A

Instigating another to commit an offence is abetment by instigation under Section 107 IPC, punishable even if the act abetted is not committed (Section 115/116). A who instigates B to murder C is guilty of abetment to commit murder.

Q68. Answer: A

Section 149 IPC (unlawful assembly/common object) creates a specific substantive offence, whereas Section 34 IPC (common intention) is only a rule of evidence/constructive liability and does not by itself create a distinct offence.

Q69. Answer: B

The CPC (Amendment) Act, 2002 amended Order XVIII Rule 4 to permit examination-in-chief of a witness to be given on affidavit. Hence evidence in the form of affidavits.

Q70. Answer: C

In *R.M. Malkani v. State of Maharashtra* (1973) the Supreme Court held a contemporaneous tape-recording of a relevant conversation is a relevant fact and is admissible in evidence.

Q71. Answer: C

Section 11 of the Indian Evidence Act (facts not otherwise relevant become relevant if inconsistent with a fact in issue) enables an accused to set up the plea of alibi.

Q72. Answer: D

A judicial admission (Section 58 Evidence Act) dispenses with the need for proof of the admitted fact; it operates as a waiver of proof.

Q73. Answer: B

Section 101 of the Indian Evidence Act defines burden of proof - whoever desires a court to give judgment as to any legal right or liability dependent on facts which he asserts must prove those facts.

Q74. Answer: B

Section 106 of the Evidence Act (burden of proving fact especially within knowledge) is an application of the principle *res ipsa loquitur* - the matter speaks for itself / facts within the special knowledge of a party.

Q75. Answer: C

Under Section 143 of the Indian Evidence Act, leading questions may always be asked in cross-examination.

Q76. Answer: C

The plea of alibi is governed by Section 11 of the Indian Evidence Act, 1872 (facts inconsistent with relevant facts / making existence of a fact highly improbable).

Q77. Answer: D

Under Sections 18-20 of the Evidence Act, admissions by a party are evidence against him and against persons claiming under him, i.e. privies in estate, in blood, and in law.

Q78. Answer: C

Communications made 'without prejudice' (in settlement negotiations) are protected and inadmissible in civil cases under Section 23 of the Indian Evidence Act, 1872.

Q79. Answer: C

Section 32 of the Evidence Act is the 'necessity rule' - statements of persons who are dead or cannot be found etc. are admissible out of necessity as an exception to the rule against hearsay.

Q80. Answer: C

The doctrine of res inter alios acta (similar facts / opinion as to relationship) relating to general reputation is received under Section 46 of the Evidence Act (facts bearing upon opinions of experts/relevant facts).

Q81. Answer: A

Section 92 of the Evidence Act, which excludes oral evidence to contradict the terms of a written document, applies only to bilateral documents (contracts, grants, dispositions of property).

Q82. Answer: B

Estoppel is a rule of evidence that must be specifically pleaded; it cannot be raised unless taken as a plea in the pleadings.

Q83. Answer: B

Zahira Sheikh was the prime witness in the Best Bakery case (Zahira Habibulla H. Sheikh v. State of Gujarat); the original trial culminated in 2004 acquittals, after which the Supreme Court ordered retrial.

Q84. Answer: B

Section 41 (final judgments in probate, matrimonial, admiralty, insolvency jurisdiction being judgments in rem) raises a rebuttable presumption of law as to the legal character/title conferred. Option (d) is a duplicate of (b); (b) is the intended key.

Q85. Answer: A

Pecuniary jurisdiction of courts is dealt with in Section 6 of the CPC, 1908.

Q86. Answer: A

Section 20 CPC (place of suing) does not apply to arbitration proceedings, which are governed by the Arbitration and Conciliation Act.

Q87. Answer: B

Under Order IV Rule 1(1) CPC, a suit is instituted by presenting a plaint to the Court (or such officer as it appoints).

Q88. Answer: C

A representative suit (on behalf of numerous persons having the same interest) is filed under Order I Rule 8 of the CPC.

Q89. Answer: D

Under Order XVI Rule 1 CPC, parties must present a list of witnesses within fifteen days of the date on which issues are settled.

Q90. Answer: D

Pleadings may be altered or amended under Order VI Rule 17 of the CPC.

Q91. Answer: D

A suit can be dismissed in default under Order IX Rule 3 (both parties absent) and Order IX Rule 8 (plaintiff absent, defendant present) of the CPC.

Q92. Answer: C

An application under Order IX Rule 7 CPC (to set aside the order proceeding ex parte) can be made at or before the next date of hearing, on showing good cause for previous non-appearance.

Q93. Answer: C

Judgment on admissions is given under Order XII Rule 6 of the CPC.

Q94. Answer: A

Judgment and decree are dealt with under Order XX of the CPC.

Q95. Answer: D

Provisions relating to interpleader suits are contained in Order XXXV of the CPC (with Section 88).

Q96. Answer: B

Order XII Rule 8 CPC pertains to notice to admit documents.

Q97. Answer: D

Section 151 CPC saves the inherent powers of the court, under which principles of equity, justice and good conscience are applied.

Q98. Answer: B

An award of a tribunal in a land acquisition case is not a decree within Section 2(2) CPC; an order of abatement and dismissal of an application for final decree being matters that may operate as adjudications, the award of tribunal is the recognised non-decree answer.

Q99. Answer: B

Under Section 9 CPC, suits for accounts are suits of a civil nature; suits for mere dignity/honour, political questions, or those expressly barred are not cognizable.

Q100. Answer: B

The material facts on which a party relies (which must be pleaded and proved) are called *facta probanda*; *facta probantia* are the facts by which they are proved (evidence).