

Karnataka Judiciary - Prelims 2016

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

Q1. The defendant shall file the written statement

- (a) within 30 days from the date of service of summons
- (b) within 60 days from the date of his appearance before the court
- (c) within 90 days from the first hearing
- (d) none of the above

Q2. When the parties have compromised the suit

- (a) the court is bound to accept the compromise in whatever manners it is
- (b) the court is not bound to accept the compromise
- (c) if the compromise is not accepted, it is deemed acceptance
- (d) the court has to refer the matter to an Arbitrator

Q3. An indigent person is

- (a) one who is not diligent
- (b) one who is not interested in prosecuting the suit
- (c) one who is not possessed of sufficient means to pay the prescribed fee on the plaint and who is not entitled to property worth Rs. 1,000/- except exempted property from attachment
- (d) who does not have legal knowledge

Q4. Where an injunction has been granted without giving notice to the opposite party.

- (a) the court has to dispose off the application within 90 days from the date of granting of injunction
- (b) the court has to dispose off the application within 60 days from the date of granting of injunction
- (c) the court has to dispose off the application within 30 days from the date of granting of injunction
- (d) the court has to dispose off the application within 120 days from the date of granting of injunction

Q5. To set aside an ex parte order against the defendant.

- (a) the application has to be filed under Order IX Rule 7 CPC
- (b) the application has to be filed under Order VII Rule 9 CPC
- (c) the application has to be filed under Order I Rule 10 CPC
- (d) the application has to be filed under Order VII Rule 7 CPC

Q6. Suit against Government where it relates to railway

- (a) to be filed against Railway Minister
- (b) to be filed against General Manager of that railway
- (c) to be filed against Secretary, Railways
- (d) none of the above

Q7. A final order passed under Order XXI Rule 58 CPC is

- (a) appealable under Order XLI
- (b) revisable under Section 151 CPC
- (c) miscellaneous Appeal under Order XLIII Rule 1 will lie
- (d) a petition to the High Court under Article 227 of the Constitution of India will lie

Q8. The time limit within which amendment to be carried out from the date of the order granting amendment is

- (a) 30 days
- (b) 14 days
- (c) 90 days
- (d) 12 days

Q9. In a suit, when the plaintiff is not able to pay the full court fee. The provision in CPC to extend the time to pay the Court fee is,

- (a) 148 CPC
- (b) 149 CPC
- (c) 114 CPC
- (d) 151 CPC

Q10. Maximum number of adjournments that can be granted by a Civil Court to a party during the hearing of the suit are

- (a) 3
- (b) 5
- (c) 2
- (d) No adjournment

Q11. Soon after the completion of Pleadings in civil cases, the Court has to

- (a) frame issues
- (b) ask the parties to file list of witnesses
- (c) invoke section 89 of the Code of Civil Procedure to persuade the parties for settlement
- (d) none of the above

Q12. Suit by minor is to be instituted in his name by

- (a) Mediator
- (b) local representative
- (c) next friend
- (d) none of the above

Q13. In an interpleader suit

- (a) plaintiff has interest in the subject matter
- (b) plaintiff claims no interest in the subject matter
- (c) suit must be for recovery of money only
- (d) none of the above

Q14. A complaint for an offence under section 138 of Negotiable Instruments Act will have to be filed after the lapse of the following period from the date of receipt of statutory notice

- (a) 30 days
- (b) 15 days
- (c) 60 days
- (d) None of the above

Q15. The normal procedure to conduct a trial for an offence under Sec.138 of Negotiable Instruments Act is

- (a) summons Procedure
- (b) warrant procedure
- (c) summary Procedure
- (d) special Procedure

Q16. A promissory note

- (a) includes a bank note
- (b) does not include a bank note
- (c) contains conditional undertaking by the maker to pay money
- (d) none of the above

Q17. A promissory note or a bill of exchange in which no time for payment is specified

- (a) is payable within 3 days from presenting
- (b) is payable within 2 days from presenting
- (c) payable on demand
- (d) payment has to be made only through internet

Q18. Where property is transferred subject to a condition absolutely restraining transferee from parting or disposing his interest in the property

- (a) condition is void except by a lessor where the condition is for his benefit
- (b) transfer is void
- (c) property is forfeited to the Government if such condition is imposed
- (d) none of the above

Q19. Following can be transferred under the Transfer of Property Act

- (a) right to re-entry
- (b) mere right to sue
- (c) easement only
- (d) none of the above

Q20. Right of redemption

- (a) is a contractual right
- (b) is a statutory right
- (c) is available to mortgagee
- (d) none of the above

Q21. When a donee dies before the acceptance of gift of a property, the

- (a) gift is void
- (b) gift is valid
- (c) gift is irregular
- (d) gift is illegal

Q22. Election is necessary under Sec.35 of Transfer of Property Act

- (a) when the transferor offers 3 properties for sale to the transferee
- (b) where a person professes to transfer property to which he has no right
- (c) when the transferee gives the notice of election to purchase
- (d) when election of properties is published

Q23. If possession is handed over under a mortgage deed the said transaction is

- (a) anomalous Mortgage
- (b) usufructuary Mortgage
- (c) equitable Mortgage
- (d) simple Mortgage

Q24. A gift of future property is

- (a) voidable
- (b) Punishable
- (c) void
- (d) none of the above

Q25. A vested interest

- (a) is not defeated by the death of transferee before he obtains possession
- (b) is defeated by the death of transferee before he obtains possession
- (c) is prohibited

Q26. When both the parties are under mistake as to matter of fact,

- (a) the agreement is voidable
- (b) the agreement is illegal and parties are punishable
- (c) the agreement is void
- (d) none of the above

Q27. When the consent of a party is obtained through undue influence

- (a) the agreement is void
- (b) the agreement is void ab-initio
- (c) voidable at the option of the aggrieved party
- (d) none of the above

Q28. The liability of a surety

- (a) arises only if the principal debtor has no means to pay
- (b) arises upon the death of the principal debtor
- (c) is joint and several
- (d) none of the above

Q29. A surety is also called

- (a) a hopeless debtor
- (b) a favoured debtor
- (c) a semi debtor
- (d) none of the above

Q30. An authority of an agent

- (a) must be express
- (b) may be express or implied
- (c) always implied
- (d) none of the above

Q31. In a contract of Indemnity, the Promissor undertakes to make good the loss

- (a) caused by him only
- (b) caused by other person only
- (c) whether caused by Promissor or other person
- (d) loss caused through flood only

Q32. Contract of guarantee is a

- (a) bipartite agreement
- (b) debtless agreement
- (c) tripartite agreement
- (d) quasi contract

Q33. In a contract of guarantee

- (a) there will be an implied promise by the principal debtor to indemnify the surety
- (b) there will be a promise by the creditor to compensate the surety
- (c) there will be a contract to indemnify the principal debtor by the surety
- (d) none of the above

Q34. Right of Subrogation in a contract of guarantee is available to

- (a) a creditor
- (b) a surety
- (c) c
- (d) none of the above

Q35. Consideration to create agency under section 185 of the Indian Contract Act

- (a) is necessary
- (b) partly necessary
- (c) not necessary
- (d) none of the above

Q36. Section 31 of the Specific Relief Act provides for

- (a) cancellation of written instruments under certain circumstances
- (b) suits for easements by necessity
- (c) suits relating to adverse possession
- (d) none of the above

Q37. Specific Relief Act provides for

- (a) possessory remedy in respect of immovable property only
- (b) possessory remedy in respect of immovable property only
- (c) possessory remedy in respect of both immovable and immovable property
- (d) none of the above

Q38. In respect of a contract which in its nature is determinable

- (a) specific performance cannot be granted
- (b) specific performance can be granted
- (c) specific performance can' be granted in part
- (d) none of the above

Q39. To restrain a person from instituting or prosecuting any proceeding in a criminal matter

- (a) injunction can be granted '
- (b) injunction cannot be granted
- (c) injunction can be granted if the plaintiff executes indemnity bond to indemnify the defendant
- (d) none of the above

Q40. Suit for possession by a person dispossessed of immovable property by the government has to be filed against the government

- (a) within six months
- (b) one year
- (c) two years
- (d) none of the above

Q41. When the performance of the contract involves supervision of Performance and continuous duty by the Court, specific performance

- (a) can be granted
- (b) cannot be granted
- (c) can be granted if the plaintiffs executes indemnity bond
- (d) none of the above

Q42. Article 5 of the Constitution of India deals with

- (a) the union
- (b) Citizenship
- (c) fundamental duties
- (d) none of the above

Q43. Article 51A. of the Constitution of India relates to

- (a) fundamental duties
- (b) fundamental rights
- (c) appointment of Judges to District judiciary
- (d) none of the above

Q44. The directive principles of the State policy

- (a) shall be enforceable by the Army
- (b) shall be enforceable by any Court
- (c) it shall be the duty of the state of apply these principles in making laws
- (d) none of the above

Q45. Recruitment of persons other-than District Judges to the judicial service is provided

- (a) under Article 234
- (b) under Article 332
- (c) under Article 14
- (d) none of the above

Q46. Article 14 of Constitution of India deals with

- (a) land reforms
- (b) equality before law
- (c) equality of opportunity in matters of private employment
- (d) none of the above

Q47. The Chairman of Council of States is -

- (a) the chairman of the standing committee of the Parliament
- (b) the leader of Lok Sabha
- (c) the opposition leader of Lok Sabha
- (d) the Vice President

Q48. Legislative power of the Governor includes

- (a) to declare the decision of a cabinet as void
- (b) to declare financial emergency
- (c) to declare cut-down in the salaries of the State employees
- (d) to promulgate ordinances

Q49. When a person voluntarily acquires citizenship of a foreign state

- (a) he shall not be a citizen of India
- (b) he can continue to be a citizen of India
- (c) he can have the citizenship of India with the permission of the Jurisdictional Deputy Commissioner
- (d) none of the above

Q50. Law declared by the Supreme Court is binding on all the courts in India

- (a) as per Article 147
- (b) as per Article 141
- (c) as per Article 145
- (d) as per Article 143

Q51. Protection of tenants against eviction is provided under

- (a) section 27 of Karnataka Rent Act
- (b) section 28 of Karnataka Rent Act
- (c) section 21 of Karnataka Rent Act
- (d) none of the above

Q52. A warrant of arrest may be executed

- (a) within the jurisdiction of the police station covering the place of offence
- (b) within the limits of the jurisdiction of the trial court
- (c) within the district of location of the trial court
- (d) at any place in India

Q53. Attachment of property of a person absconding can be made by the Court

- (a) after issuing proclamation
- (b) before issuing proclamation
- (c) order simultaneous proclamation and attachment
- (d) none of the above

Q54. An order for search in his presence can be made by

- (a) any Magistrate
- (b) only Judicial Magistrate
- (c) only Executive Magistrate
- (d) none of the above

Q55. Under Section 190 of Code of Criminal Procedure, cognizance may be taken by the Magistrate

- (a) upon receiving police report of such facts
- (b) upon receiving FIR
- (c) upon receiving Property Form
- (d) d. none of the above

Q56. Police report means

- (a) a complaint given to a police
- (b) a report forwarded by a police officer to his superior officer
- (c) a report forwarded by a police officer to a magistrate under sub- section 2 of section 173.
- (d) none of the above

Q57. Regarding the search of the persons wrongfully confined, a search warrant may be issued by

- (a) District Magistrate
- (b) Executive Magistrate
- (c) Superintendent of Police
- (d) none of the above

Q58. Where the complaint is made to a magistrate who is not competent to take cognizance of the offence he shall

- (a) if the complaint is in writing, return it for presentation to the proper court with an endorsement to that effect
- (b) report for conferring jurisdiction to him
- (c) submit the records to the District Court
- (d) none of the above

Q59. To summon and examine a person as a witness

- (a) that person must have been cited as a witness in the final report
- (b) he should have been summoned
- (c) it is not necessary that he should have been cited as a witness
- (d) none of the above

Q60. To take cognizance of an offence for defamation punishable under chapter XXI of the Indian Penal Code.

- (a) a member of NGO only shall file complaint
- (b) only police officer can file a complaint
- (c) complaint made by the aggrieved person only
- (d) none of the above

Q61. A court of Magistrate may grant bail

- (a) under section 437 Cr. PC
- (b) under section 438 Cr. PC
- (c) under section 439 Cr. PC
- (d) none of the above

Q62. Abetment is an offence

- (a) only when the offence is committed
- (b) only when the abettor is present at the place of offence
- (c) only when the abettor participates in physical commission of the offence
- (d) none of the above

Q63. Minimum sentence of imprisonment specified for offence punishable under section 304-B Indian Penal Code is

- (a) 10 years
- (b) 7 years
- (c) 12 years
- (d) 9 years

Q64. A body warrant in a criminal case is addressed to

- (a) The officer of the Jurisdictional police station
- (b) The superintendent of police of the concerned district
- (c) The officer in-charge of the jail, where the accused is detained/lodged
- (d) Directly to the accused

Q65. Statement under Sec.161 of the Code of Criminal Procedure can be taken note for

- (a) corroboration only
- (b) contradiction only
- (c) both Corroboration and Contradiction
- (d) neither corroboration nor contradiction

Q66. The officer competent to record statement under section 164 of Code of Criminal Procedure is

- (a) Sessions Judge
- (b) Chief Judicial Magistrate
- (c) Judicial Magistrate
- (d) Any police officer of the rank of Inspector and above

Q67. 'Complaint' under Section 2(d) of the Code of Criminal Procedure means

- (a) allegation made in writing only to the police
- (b) report made by a police officer to his superior
- (c) includes a police report
- (d) any allegation made orally or in writing to a Magistrate

Q68. If an offence is committed by a person in the presence of a Magistrate,

- (a) he may order for the arrest of that person
- (b) he cannot order for the arrest but inform the police
- (c) send information to the jurisdiction magistrate to arrest the person who has committed the offence
- (d) none of the above

Q69. Converting the property of others for one's own use, amounts to

- (a) breach of trust
- (b) Cheating
- (c) misappropriation of property
- (d) none of the above

Q70. Stolen property means the one connected to

- (a) theft only
- (b) extortion only
- (c) robbery only
- (d) any of the above

Q71. Attempt to commit suicide

- (a) is an offence
- (b) is an offence only if the suicide is complete against that person
- (c) that attempted person is punishable under section 306 IPC
- (d) none of the above

Q72. Kidnapping is of

- (a) only one kind
- (b) is of two kinds
- (c) is of three kinds
- (d) none of the above

Q73. Putting a person in fear of injury to induce him to deliver property or valuable security

- (a) is robbery
- (b) is extortion
- (c) is lurking
- (d) none of the above

Q74. Mere preparation is an offence, if it is

- (a) to commit robbery
- (b) to commit extortion
- (c) to commit dacoity
- (d) none of the above

Q75. To constitute unlawful assembly in prosecution of common object to commit an offence, the minimum number of persons are

- (a) 5 or more
- (b) 3 or more
- (c) 2 or more
- (d) none of the above

Q76. Accident in doing a lawful actS

- (a) is a general exception under section 80 IPC
- (b) is an offence
- (c) is a mis-conduct
- (d) none of the above

Q77. When two or more persons agree to do an illegal act

- (a) it amounts to abetment
- (b) attempt to commit dacoity
- (c) criminal conspiracy
- (d) none of the above

Q78. To constitute an offence of 'Dowry death'

- (a) it includes natural death of a married women but within 7 years of her marriage
- (b) un-natural death of a married women within 7 years of her marriage due to burns, bodily injury or otherwise than under normal circumstances
- (c) un-natural death of a married women even beyond 7 years from the date of her marriage
- (d) none of the above

Q79. The maximum sentence of imprisonment and fine that a Judicial Magistrate of First class can impose is

- (a) 5 years and Rs.10,000/-.
- (b) 6 years and Rs. 10,000/-
- (c) 3 years and Rs.5,000/-
- (d) 10 years and Rs.25,000/-

Q80. In an offence of adultery

- (a) wife is also punishable along with the adulterer
- (b) wife is not punishable as an abettor
- (c) wife is liable for fine only
- (d) none of the above

Q81. If fingers of a person are cut and separated in an offence, it amounts to

- (a) grievous hurt
- (b) simple hurt
- (c) Emasculation
- (d) none of the above

Q82. The contents of document may be proved

- (a) only by primary evidence
- (b) only by secondary evidence
- (c) primary or secondary evidence
- (d) none of the above

Q83. Oral account of the contents of the document given by some person who has himself seen it, is

- (a) secondary evidence
- (b) primary evidence
- (c) expert evidence
- (d) hearsay evidence

Q84. The expression "Court" includes

- (a) all Judges and Magistrates
- (b) arbitrators only
- (c) conciliators only
- (d) none of the above

Q85. Fact of which the Court will take judicial notice

- (a) requires proof
- (b) need not be proved
- (c) requires secondary evidence
- (d) none of the above

Q86. Not proved means

- (a) when a fact is neither proved nor dis-proved
- (b) when there is no documentary proof
- (c) conclusive proof
- (d) none of the above

Q87. Provisions relating to proof of Wills are governed by the

- (a) Indian Succession Act
- (b) Indian Evidence Act
- (c) wills Act
- (d) none of the above

Q88. Confession made before a Police Officer

- (a) shall not be taken as proved against the accused person
- (b) conclusive proof
- (c) confession to be considered if a memo is filed by the police officer
- (d) none of the above

Q89. First Information lodged to the Police can be used in a trial court for

- (a) corroboration only
- (b) contradiction only
- (c) corroboration and contradiction
- (d) none of the above

Q90. Copy compared with the original

- (a) is secondary evidence
- (b) is primary evidence
- (c) is pictorial evidence
- (d) none of the above

Q91. The presumption as to electronic record of 5 years old provided under section 90A of Evidence Act

- (a) is regarding electronic signature
- (b) thumb impression
- (c) execution of the documents
- (d) none of the above

Q92. The Union Law Minister is

- (a) Sri. Sadananda Gowda
- (b) Sri. Rajanath Singh
- (c) Sri. Arun Jaitley
- (d) none of the above

Q93. The author of "Roses in December" is

- (a) Sri. P.M.Munshi
- (b) Sri. Kamalcharanpanth
- (c) Sri. Justice M.C.Chagla
- (d) Sri. Sathyajit Ray

Q94. Total number of assembly constituencies for which the elections are held in Karnataka are

- (a) 224
- (b) 234
- (c) 214
- (d) 208

Q95. "Vande Mataram" was written by

- (a) Sri Rabindranath Tagore
- (b) Sri Subhash Chandra Bose
- (c) Sri Surendranath Banerjee
- (d) Shri Bankim Chandra Chattarjee

Q96. Ms. Saina Nehwal is associated with

- (a) Badminton
- (b) cricket
- (c) chess
- (d) none of the above

Q97. 'Law Day', the day on which we accepted/adopted our Constitution is

- (a) 26.11.1949
- (b) 01.11.1956
- (c) 26.01.1950
- (d) 05.08.1947

Q98. Sea route to India was discovered by

- (a) Columbus
- (b) Vasco da gama
- (c) Robert Clive
- (d) Duplex

Q99. India has won the One day International World Cup in Cricket

- (a) Once
- (b) Twice
- (c) thrice
- (d) four times

Q100. The present Chief Justice of Karnataka is

- (a) Sri Justice N.K.Jain
- (b) Sri Justice I[^].K.Sodhi
- (c) Sri Justice Vikramajit Sen
- (d) Sri Justice Subhro Kamal Mukherjee

Answer Key & Solutions

Q1. Answer: A

Order VIII Rule 1 CPC requires the defendant to file the written statement within 30 days from the date of service of summons (extendable up to 90 days for reasons recorded).

Q2. Answer: B

Under Order XXIII Rule 3 CPC the court must be satisfied the compromise is lawful; it is not bound to accept any and every compromise, and records it only if satisfied of its legality.

Q3. Answer: C

Explanation I to Order XXXIII Rule 1 CPC defines an indigent person as one not possessed of sufficient means to pay the prescribed court fee, or not entitled to property worth Rs.1,000 (excluding property exempt from attachment and the subject-matter of the suit).

Q4. Answer: C

Order XXXIX Rule 3A CPC: where an injunction is granted without notice to the opposite party, the court shall make an endeavour to finally dispose of the application within 30 days.

Q5. Answer: A

An ex parte order/proceeding against the defendant who failed to appear is set aside on his appearance under Order IX Rule 7 CPC (Rule 13 deals with setting aside an ex parte decree).

Q6. Answer: B

Section 79 CPC read with Section 80: in suits relating to a railway, the suit is instituted against the General Manager of the railway concerned.

Q7. Answer: C

An order under Order XXI Rule 58 CPC (adjudication of claims/objections to attachment) has the force of a decree but is appealable as a miscellaneous appeal under Order XLIII Rule 1(j) CPC.

Q8. Answer: B

Order VI Rule 18 CPC: where an amendment is ordered, it must be carried out within 14 days from the date of the order (or within the time specified).

Q9. Answer: B

Section 149 CPC empowers the court to allow a party to pay the whole or part of the deficient court fee, on payment of which the document is treated as duly stamped from the date of presentation.

Q10. Answer: A

Proviso to Order XVII Rule 1 CPC caps adjournments at three to a party during the hearing of the suit.

Q11. Answer: C

Section 89 read with Order X Rule 1A CPC: after the pleadings are complete (recording admissions/denials), the court must explore settlement under Section 89 before framing issues for trial.

Q12. Answer: C

Order XXXII Rule 1 CPC: every suit by a minor is instituted in his name by a person who is called the 'next friend' of the minor.

Q13. Answer: B

Section 88 read with Order XXXV CPC: in an interpleader suit the plaintiff claims no interest in the subject-matter other than charges/costs and is ready to deliver it to the rightful claimant.

Q14. Answer: B

Section 138 proviso (c) NI Act: the drawer gets 15 days from receipt of notice to pay; the offence is complete and the complaint can be filed only after that 15-day period lapses.

Q15. Answer: A

Section 138 NI Act is punishable with up to 2 years; Section 143 directs trial as a summons case, though summary procedure may be adopted. The normal/governing procedure is the summons procedure (warrant procedure is wrong).

Q16. Answer: B

Section 4 NI Act defines a promissory note as an unconditional undertaking; the Explanation expressly excludes a bank note or currency note. So it does NOT include a bank note.

Q17. Answer: C

Section 19 NI Act: a promissory note or bill of exchange in which no time for payment is specified is an instrument payable on demand.

Q18. Answer: A

Section 10 Transfer of Property Act: a condition absolutely restraining alienation is void, except in the case of a lease where the condition is for the benefit of the lessor.

Q19. Answer: A

Section 6 TPA: a mere right to re-entry and a mere right to sue are NON-transferable as standalone rights; but a right of re-entry can be transferred to the owner of the property affected (and is excluded only when separated). Among the options, right to re-entry is the transferable one as against a mere right to sue.

Q20. Answer: B

The right of redemption under Section 60 TPA is a statutory right of the mortgagor; any clog on it is void.

Q21. Answer: A

Section 122 TPA: a gift must be accepted by the donee during the lifetime of the donor and while he is capable of giving; if the donee dies before acceptance, the gift is void.

Q22. Answer: B

Section 35 TPA (doctrine of election) applies where a person professes to transfer property which he has no right to transfer, and as part of the same transaction confers a benefit on the owner of that property, who must elect.

Q23. Answer: B

Section 58(d) TPA: where the mortgagor delivers possession and authorises the mortgagee to retain it and receive rents/profits in lieu of interest/principal, it is a usufructuary mortgage.

Q24. Answer: C

Section 124 TPA: a gift comprising both existing and future property is void as to the future property; a gift of future property is void.

Q25. Answer: A

Section 19 TPA: a vested interest is not defeated by the death of the transferee before he obtains possession; it passes to his legal representatives.

Q26. Answer: C

Under Section 20 of the Indian Contract Act, an agreement is void where both parties are under a mistake as to a matter of fact essential to the agreement.

Q27. Answer: C

Section 19A of the Indian Contract Act: when consent is caused by undue influence, the contract is voidable at the option of the party whose consent was so caused (the aggrieved party).

Q28. Answer: C

Section 128 of the Indian Contract Act makes the surety's liability co-extensive with that of the principal debtor; the creditor may proceed against the surety without first exhausting remedies against the principal debtor, i.e. liability is joint and several.

Q29. Answer: B

A surety is traditionally described as a 'favoured debtor' because the law leans in his favour and any variance or discharge of the principal debtor operates to release him (Ss. 133-141, Indian Contract Act).

Q30. Answer: B

Section 187 of the Indian Contract Act: an agent's authority may be express or implied.

Q31. Answer: C

Section 124 of the Indian Contract Act defines a contract of indemnity as a promise to save the promisee from loss caused either by the conduct of the promisor himself or by the conduct of any other person.

Q32. Answer: C

A contract of guarantee (Section 126, Indian Contract Act) involves three parties - the principal debtor, the creditor and the surety - and is therefore a tripartite agreement.

Q33. Answer: A

Section 145 of the Indian Contract Act: in every contract of guarantee there is an implied promise by the principal debtor to indemnify the surety, and the surety is entitled to recover from the principal debtor whatever he has rightfully paid.

Q34. Answer: B

Section 140 of the Indian Contract Act gives the surety, on payment/performance of the guaranteed debt, the right of subrogation - he steps into the creditor's shoes and gets all the rights the creditor had against the principal debtor.

Q35. Answer: C

Section 185 of the Indian Contract Act expressly states that no consideration is necessary to create an agency.

Q36. Answer: A

Section 31 of the Specific Relief Act, 1963 provides for the cancellation of a written instrument that is void or voidable against a person who has reasonable apprehension of serious injury if it is left outstanding.

Q37. Answer: A

OCR-corrupted: options (a) and (b) are identical and (c) reads 'immovable and immovable'. The intended correct answer is that the Specific Relief Act's possessory remedy (S. 6) is in respect of immovable property only.

Q38. Answer: A

Section 14(d) of the Specific Relief Act, 1963: a contract which is in its nature determinable cannot be specifically enforced (Indian Oil Corpn. v. Amritsar Gas Service).

Q39. Answer: B

Section 41(d) of the Specific Relief Act, 1963: an injunction cannot be granted to restrain any person from instituting or prosecuting any proceeding in a criminal matter.

Q40. Answer: D

Under Section 6(2)(b) of the Specific Relief Act, 1963 no suit for possession of this summary kind shall be brought against the Government; hence for a suit against the government none of the stated limitation periods (6 months/1 year/2 years) applies - 'none of the above'.

Q41. Answer: B

Section 14(d) read with the principle reflected in former S.14(1)(d)/S.41(e) of the Specific Relief Act: a contract whose performance involves the continuous supervision/continuous duty of the court cannot be specifically enforced.

Q42. Answer: B

Article 5 of the Constitution of India deals with citizenship at the commencement of the Constitution.

Q43. Answer: A

Article 51A of the Constitution of India enumerates the Fundamental Duties (inserted by the 42nd Amendment, 1976).

Q44. Answer: C

Article 37 of the Constitution: the Directive Principles are not enforceable by any court, but it shall be the duty of the State to apply these principles in making laws.

Q45. Answer: A

Article 234 of the Constitution provides for recruitment of persons other than district judges to the judicial service of a State.

Q46. Answer: B

Article 14 of the Constitution of India guarantees equality before law and the equal protection of the laws.

Q47. Answer: D

Article 64 of the Constitution: the Vice-President of India is ex-officio Chairman of the Council of States (Rajya Sabha).

Q48. Answer: D

Article 213 of the Constitution empowers the Governor to promulgate ordinances when the State Legislature is not in session - a legislative power. The other options are not within the Governor's powers.

Q49. Answer: A

Article 9 of the Constitution and Section 9 of the Citizenship Act, 1955: a person who voluntarily acquires the citizenship of a foreign State shall not be a citizen of India (India does not permit dual citizenship).

Q50. Answer: B

Article 141 of the Constitution: the law declared by the Supreme Court is binding on all courts within the territory of India.

Q51. Answer: A

Section 27 of the Karnataka Rent Act, 1999 (Chapter VI, Regulation of Eviction) is titled 'Protection of tenants against eviction' and sets out the only grounds on which a court may order recovery of possession.

Q52. Answer: D

Under Section 77 CrPC a warrant of arrest may be executed at any place in India.

Q53. Answer: A

Under Section 83 CrPC the court may order attachment of an absconder's property only after the proclamation under Section 82 has been issued (attachment ordinarily follows the proclamation).

Q54. Answer: A

Under Section 103 CrPC any Magistrate before whom a person is produced may direct a search to be made in his presence; the power is not confined to Judicial or Executive Magistrates.

Q55. Answer: A

Under Section 190(1)(b) CrPC a Magistrate may take cognizance upon a police report of facts constituting an offence.

Q56. Answer: C

'Police report' is defined in Section 2(r) CrPC as a report forwarded by a police officer to a Magistrate under sub-section (2) of Section 173.

Q57. Answer: A

Under Section 97 CrPC, a District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class may issue a search warrant for a person wrongfully confined; of the listed options, the District Magistrate is competent.

Q58. Answer: A

Under Section 201 CrPC, if a written complaint is made to a Magistrate not competent to take cognizance, he returns it for presentation to the proper court with an endorsement to that effect.

Q59. Answer: C

Under Section 311 CrPC the court may summon and examine any person as a witness; it is not necessary that he be cited as a witness in the final report.

Q60. Answer: C

Under Section 199 CrPC, for defamation (Chapter XXI IPC) the court takes cognizance only on a complaint by the person aggrieved by the offence.

Q61. Answer: A

A Magistrate grants bail under Section 437 CrPC (bail in non-bailable offences); Sections 438 and 439 are powers of the Sessions Court/High Court.

Q62. Answer: D

None of the above. Abetment (Sections 107-108 IPC) is itself an offence irrespective of whether the act abetted is committed, and the abettor need not be present or physically participate (Section 108, Expl. and illustrations).

Q63. Answer: B

Section 304-B(2) IPC prescribes a minimum of seven years' imprisonment for dowry death, which may extend to imprisonment for life.

Q64. Answer: C

A body warrant (production warrant for an accused already in custody) is addressed to the officer in-charge of the jail where the accused is detained, directing his production before the court.

Q65. Answer: B

A statement recorded under Section 161 CrPC may be used only to contradict the witness as provided in Section 162 CrPC (and the proviso allowing use under Section 145 Evidence Act for contradiction); it cannot be used for corroboration.

Q66. Answer: C

Under Section 164 CrPC, statements and confessions are recorded by a Metropolitan or Judicial Magistrate; of the options, a Judicial Magistrate is the competent officer.

Q67. Answer: D

Section 2(d) CrPC defines 'complaint' as any allegation made orally or in writing to a Magistrate, with a view to his taking action, that some person has committed an offence; it expressly excludes a police report.

Q68. Answer: A

Under Section 44 CrPC, when an offence is committed in the presence of a Magistrate within his local jurisdiction, he may himself arrest or order the arrest of the offender.

Q69. Answer: C

Dishonestly converting another's property to one's own use is criminal misappropriation of property under Section 403 IPC.

Q70. Answer: D

Under Section 410 IPC, 'stolen property' is property the possession of which has been transferred by theft, extortion, robbery, criminal misappropriation or criminal breach of trust, i.e. any of the above.

Q71. Answer: A

Attempt to commit suicide is an offence under Section 309 IPC (the statutory position; the option referring to Section 306 is wrong, that being abetment of suicide).

Q72. Answer: B

Under Section 359 IPC, kidnapping is of two kinds: kidnapping from India (Section 360) and kidnapping from lawful guardianship (Section 361).

Q73. Answer: B

Putting a person in fear of injury to dishonestly induce delivery of property or valuable security is extortion under Section 383 IPC.

Q74. Answer: C

Making preparation to commit dacoity is itself an offence under Section 399 IPC; mere preparation for robbery or extortion is not separately punishable.

Q75. Answer: A

Under Section 141 IPC, an unlawful assembly requires five or more persons with a common object specified in that section.

Q76. Answer: A

Section 80 IPC: nothing is an offence which is done by accident or misfortune, without criminal intention, in the doing of a lawful act in a lawful manner. It is a general exception.

Q77. Answer: C

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

Q78. Answer: B

Section 304B IPC: dowry death is the unnatural death of a woman by burns or bodily injury or otherwise than under normal circumstances within seven years of marriage, in connection with dowry demand.

Q79. Answer: C

Section 29 CrPC: a Judicial Magistrate of the First Class may pass a sentence of imprisonment up to three years and fine up to Rs.5,000 (later raised to Rs.10,000 by amendment, but the classic figure is 3 years / Rs.5,000).

Q80. Answer: B

Under Section 497 IPC (adultery), the wife was expressly not punishable even as an abettor; only the male adulterer was liable.

Q81. Answer: A

Section 320 IPC: permanent privation/severing of a member or joint (e.g. cutting off fingers) is grievous hurt.

Q82. Answer: C

Section 61 of the Indian Evidence Act: the contents of documents may be proved either by primary or by secondary evidence.

Q83. Answer: A

Section 63(5) Evidence Act: oral accounts of the contents of a document given by a person who has himself seen it are secondary evidence.

Q84. Answer: A

Section 3 Evidence Act defines 'Court' as including all Judges and Magistrates and all persons (except arbitrators) legally authorised to take evidence.

Q85. Answer: B

Section 56 Evidence Act: no fact of which the Court will take judicial notice need be proved.

Q86. Answer: A

Section 3 Evidence Act: a fact is said to be 'not proved' when it is neither proved nor disproved.

Q87. Answer: B

Proof of execution of Wills is governed by the Indian Evidence Act (notably Section 68, attested documents required by law).

Q88. Answer: A

Section 25 Evidence Act: no confession made to a police officer shall be proved against a person accused of any offence.

Q89. Answer: C

An FIR is not substantive evidence but, when given by the informant, can be used both to corroborate (S.157) and to contradict (S.145) the maker under the Evidence Act.

Q90. Answer: A

Section 63(2)/(3) Evidence Act: copies made from or compared with the original are secondary evidence.

Q91. Answer: C

Section 90A (State amendment) Evidence Act: presumption as to electronic records five years old relates to the due execution and electronic signature of the document; best fit here is execution of the document.

Q92. Answer: A

D.V. Sadananda Gowda was the Union Minister of Law and Justice (9 Nov 2014 to 5 July 2016), holding office during the 2016 examination.

Q93. Answer: C

'Roses in December' is the autobiography of Justice M.C. Chagla.

Q94. Answer: A

The Karnataka Legislative Assembly has 224 elected constituencies.

Q95. Answer: D

'Vande Mataram' was written by Bankim Chandra Chattopadhyay (in his novel Anandamath).

Q96. Answer: A

Saina Nehwal is an Indian badminton player.

Q97. Answer: A

The Constitution was adopted by the Constituent Assembly on 26 November 1949, observed as Law Day (Constitution Day).

Q98. Answer: B

Vasco da Gama discovered the sea route to India, reaching Calicut in 1498.

Q99. Answer: B

As of the 2016 paper, India had won the ODI Cricket World Cup twice (1983 and 2011).

Q100. Answer: D

Justice Subhro Kamal Mukherjee was the Chief Justice of the High Court of Karnataka, sworn in on 23 February 2016 and serving through 2016.