

## Karnataka Judiciary - Prelims 2019

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

**Q1. Which Section of the Code of Criminal Procedure, 1973, deals with police arresting without warrant:**

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

**Q2. Which Section of the Indian Evidence Act, 1872, relates to "power of the judges to put questions or order production"?**

- (a) Section 141
- (b) Section 159
- (c) Section 165
- (d) Section 167

**Q3. An application to bring the legal representatives of the deceased defendant has to be filed within days from the date of death of the defendant**

- (a) 90
- (b) 60
- (c) 30
- (d) 120

**Q4. Theft becomes robbery when it is\_\_\_\_\_**

- (a) Committed by two or more but less than five persons.
- (b) Committed by five or more persons.
- (c) Coupled with force
- (d) Coupled with fear of instant death or instant hurt or instant wrongful Restraint.

**Q5. Which Article of the Constitution of India, relates to Uniform Civil Code?**

- (a) 42
- (b) 41
- (c) 43
- (d) None of the above.

**Q6. If a witness, who is unable to speak, gives his evidence in writing in the open court, evidence so given shall deemed to be:**

- (a) Oral evidence.
- (b) Primary evidence.
- (c) Documentary evidence.
- (d) Secondary evidence.

**Q7. Where numerous persons having the same interest in one suit, a representative suit can be filed under the following provision of the Code of the Civil Procedure, 1908**

- (a) Order I Rule 2 of the Code of the Civil Procedure, 1908
- (b) Order I Rule 8 of the Code of the Civil Procedure, 1908
- (c) Order I Rule 10 of the Code of the Civil Procedure, 1908
- (d) Order I Rule 12 of the Code of the Civil Procedure, 1908

**Q8. If the requisite court fee is not paid on the plaint, in spite of an order by the court, the plaint shall be**

- (a) Rejected
- (b) Returned to the plaintiff
- (c) The suit shall be dismissed
- (d) The plaintiff shall be permitted to withdraw the suit

**Q9. The period of Limitation to file an application to enforce a decree for mandatory injunction is**

- (a) 1 year
- (b) 3 years
- (c) 6 years
- (d) 12 years

**Q10. Minimum number of persons required to commit the offence of dacoity is\_\_\_\_\_**

- (a) Ten
- (b) Seven.
- (c) Five.
- (d) Two

**Q11. As per Order XIV Rule 5 of the Code of Civil Procedure, 1908, the Court may strike out a wrongly framed issue\_\_\_\_\_**

- (a) at any time
- (b) at any time before passing a decree
- (c) at any time before pronouncing the judgement
- (d) at any time before commencement of trial

**Q12. The period of limitation to file a suit for compensation for malicious prosecution is:**

- (a) 1 year
- (b) 3 years
- (c) 6 years
- (d) 12 years

**Q13. Which is the National Sport of our country?**

- (a) Cricket.
- (b) Kabaddi
- (c) Hockey.
- (d) Football.

**Q14. As per Article 24 of the Constitution of India, No child below the age of\_\_\_\_\_ years shall be employed to work in any factory or mine or engaged in any other hazardous employment.**

- (a) Fourteen.
- (b) Sixteen.
- (c) Eighteen
- (d) Twenty One

**Q15. Which section of the Indian Evidence Act, 1872 provides for drawing the presumption as to thirty year old documents?**

- (a) Sec.90
- (b) Sec.91
- (c) Sec.75
- (d) Sec.74

**Q16. Maximum amount which can be respect of false or vexatious claims Code of Civil Procedure, 1908 is:**

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

**Q17. The period of limitation to file a suit for seeking possession of an immovable property under Sec.6 of the Specific Relief Act 1963 is:**

- (a) Within six months from the date of dispossession.
- (b) Within one year from the date of dispossession.
- (c) Within three years from the date of dispossession.
- (d) Within twelve years from the date of dispossession.

**Q18. The offence of "Affray" is defined under Sec.\_\_\_\_\_of the Indian Penal code.**

- (a) Sec.159.
- (b) Sec.157.
- (c) Sec.146.
- (d) Sec.152.

**Q19. Which Article of the Constitution of India relates to appointment of district judges by the Governor of the State in consultation with the High Court:**

- (a) Article 233.
- (b) Article 234.
- (c) Article 235
- (d) Article 236.

**Q20. A person arrested by a police officer without warrant, in the absence of a special order of a magistrate, can be kept in custody for**

- (a) One week
- (b) Two days
- (c) Three days
- (d) Twenty four hours.

**Q21. When the suit is dismissed under Order IX Rule 2 of the Code of Civil Procedure, 1908, an application to set aside the said order and restore the suit has to be filed\_\_\_\_\_.**

- (a) Under Order IX Rule 3 of the Code of Civil Procedure, 1908
- (b) Under Order IX Rule 4 of the Code of Civil Procedure, 1908
- (c) Under Order IX Rule 9 of the Code of Civil Procedure, 1908
- (d) Under Order IX Rule 13 of the Code of Civil Procedure, 1908

**Q22. If any party to the suit dies after conclusion of hearing and before pronouncing the judgement,**

- (a) The suit shall not abate
- (b) The suit shall abate
- (c) The suit shall not abate if cause of action and right to sue survives
- (d) It will be deemed that judgement has been pronounced after the death of a party.

**Q23. The present Solicitor General of India is\_\_\_\_\_**

- (a) Sri K.K.Venugopal.
- (b) Sri Mohan Parasaran.
- (c) Sri Tushar Mehta.
- (d) None of the above

**Q24. A gift comprising both existing and future property is:**

- (a) void
- (b) voidable
- (c) void as to the latter
- (d) Valid

**Q25. If the offence is punishable with imprisonment for a term exceeding one year but not exceeding three years, the period of limitation for taking cognizance of the said offence shall be:**

- (a) Six months.
- (b) One year.
- (c) Three years.
- (d) No limitation.

**Q26. What forms the basis for rejection of the plaintiff under Order VII Rule 11 of Code of Civil Procedure, 1908?**

- (a) Only the pleadings of the plaintiff
- (b) Both the pleadings of plaintiff and the defendant
- (c) pleadings of both the parties and the documents produced by them
- (d) all the above

**Q27. Sec.304 of Code of Criminal Procedure, 1973 relates to the following subject:**

- (a) Tender of pardon to accomplice.
- (b) Withdrawal from Prosecution.
- (c) Legal aid to the accused at state expenses.
- (d) Release of accused on probation of good behaviour.

**Q28. The extension of prescribed period of limitation under Section 5 of the Limitation Act, 1963 is applicable to**

- (a) A suit
- (b) An application for execution of a decree
- (c) Both the above
- (d) None of the above

**Q29. Which Section of the Indian Contract Act, 1872 states that the agreement in restraint of legal proceedings, is void?**

- (a) Sec.26.
- (b) Sec.27.
- (c) Sec.28.
- (d) Sec.29.

**Q30. Following is not one of the Tennis Grand Slam tournaments.**

- (a) Wimbledon.
- (b) Australian Open.
- (c) French Open.
- (d) Rogers Open.

**Q31. The offence of "causing Grievous hurt whilst committing lurking house trespass or house breaking" as defined under Sec.459 of Indian Penal Code is triable by the following court:**

- (a) Any Magistrate
- (b) Magistrate of First Class
- (c) Chief Judicial Magistrate
- (d) Court of sessions

**Q32. In a suit for Specific Performance, if the relief for refund of earnest money is not claimed, the court can allow the plaintiff to amend the plaint to include a claim for the said relief:**

- (a) Before Filing the Written statement.
- (b) Before Commencement of trial.
- (c) At any stage of the Proceedings.
- (d) can not be allowed to amend the plaint.

**Q33. For the purpose of Sec.29, 30 and 31 of the Karnataka Rent Act, 1999 "immediate possession" means possession recoverable within\_\_\_\_\_ from date of order of eviction.**

- (a) 30 days.
- (b) 60 days.
- (c) 90 days.
- (d) one year

**Q34. Thomas 86 Uber Cup related to which Sport:**

- (a) Football.
- (b) Hockey.
- (c) Badminton.
- (d) Tennis.

**Q35. Following Article of the Constitution of India relates to Freedom to Manage Religious Affairs:**

- (a) Article 28
- (b) Article 27
- (c) Article 25
- (d) Article 26

**Q36. Any clerical or arithmetical mistakes in the judgments, decrees or orders can be corrected by the Court\_\_\_\_\_.**

- (a) within 30 days
- (b) within 60 days
- (c) within 90 days
- (d) at any time

**Q37. When a suit is instituted against a public officer for damages or other relief in respect of any act alleged to have been done by him in his official capacity, making the government as a party to the such suit is.**

- (a) mandatory
- (b) not mandatory
- (c) choice of the plaintiff
- (d) need not be made as a party

**Q38. According to Sec.3 of the Indian Evidence Act, 1872, "Court" does not include the following:**

- (a) Judges.
- (b) Magistrates.
- (c) Arbitrators.
- (d) Persons legally authorised to take evidence.

**Q39. To obtain an order of eviction on the ground of sub-letting, the petition has to be filed under the following section of the Karnataka Rent Act 1999.**

- (a) Sec.27(2)(b)
- (b) Sec.27(2)(d)
- (c) Sec.27(2)(e)
- (d) Sec.27(2)(h)

**Q40. A Magistrate of First class may pass a sentence of**

- (a) Imprisonment for a term not exceeding three years, or of fine not exceeding ten thousand rupees or of both.
- (b) Imprisonment for a term not exceeding four years, or of fine not exceeding fifteen thousand rupees or of both.
- (c) Imprisonment for a term not exceeding five years, or of fine not exceeding twenty thousand rupees or of both.
- (d) Imprisonment for a term not exceeding seven years, or of fine not exceeding twenty five thousand rupees or of both.

**Q41. Where both the parties to the agreement are under mistake as to matter of fact, the agreement will be\_\_\_\_\_.**

- (a) Not enforceable.
- (b) Not void.
- (c) Void.
- (d) Voidable.

**Q42. In a decree for payment of money, not arising out of a commercial transaction, the rate of interest to be awarded by the court from the date of decree to the date of payment is:**

- (a) 6%
- (b) 10%
- (c) 12%
- (d) Contractual Rate of interest

**Q43. As per Order XX Rule 6A of the Code of Civil Procedure, 1908, a decree has to be drawn within from the date on which the judgement is pronounced.**

- (a) 7 days
- (b) 14 days
- (c) 15 days
- (d) 30 days

**Q44. An Ophthalmologist treats the disorder of \_\_\_\_\_**

- (a) Eye
- (b) Bone
- (c) Skin
- (d) Heart.

**Q45. To constitute the offence under Sec. 138 of the Negotiable Instrument Act, 1881, the cheque has to be presented to the bank within a period of\_\_\_\_\_ months from the date on which it is drawn:**

- (a) One.
- (b) Three.
- (c) Six.
- (d) Twelve.

**Q46. Following section of the Specific Relief Act, 1963 relates to granting of Mandatory Injunction.**

- (a) Sec.34.
- (b) Sec.36.
- (c) Sec.38.
- (d) Sec.39.

**Q47. The joint family of (13' owns 10-00 acres of land at Davanagere, 8-00 acres of land at Haven and 6-00 acres of land at Gadag. 'B' resides at Haven, whereas defendants reside at Gadag. 'B' has to file a suit for partition\_\_\_\_\_.**

- (a) Only at Davanagere.
- (b) Only at Gadag.
- (c) Only at Haven.
- (d) Either at Davanagere or at Gadag or at Haven.

**Q48. An agreement made without free consent is \_\_\_\_\_.**

- (a) Voidable.
- (b) Always void,
- (c) Either void or voidable.
- (d) unlawful.

**Q49. Where the indigent person succeeds in his suit, court fee which would have been paid by him,\_\_\_\_\_.**

- (a) Shall be recovered by the Court.
- (b) Shall be recovered by the State Government.
- (c) Either A or B
- (d) Need not be recovered.

**Q50. The inherent powers under Sec.482 of the Code of Criminal Procedure, 1973 can be exercised by\_\_\_\_\_.**

- (a) The Supreme Court.
- (b) The High Court.
- (c) The Court of Sessions.
- (d) Any Criminal Court.

**Q51. A Warrant case, as defined under Sec.2(x) of Code of Criminal Procedure, 1973 means:**

- (a) Case in which Court shall issue a warrant of arrest against the accused
- (b) Relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years:
- (c) Case in which a police officer can arrest without warrant.
- (d) Relating to an offence punishable with imprisonment for a term not exceeding two years.

**Q52. Sri Ramnath Kovind is the\_\_\_\_\_ President of India.**

- (a) 11th
- (b) 12th
- (c) 13th
- (d) 14th

**Q53. One who does not believe in God is called\_\_\_\_\_.**

- (a) Atheist.
- (b) Theist.
- (c) Optimist
- (d) Heretic.

**Q54. Which section of the Indian Evidence Act, 1872 states that no particular number of witnesses shall in any case be required for the proof of any fact:**

- (a) Sec.132.
- (b) Sec.133.
- (c) Sec. 134.
- (d) Sec. 135.

**Q55. To obtain an order of eviction under Sec.27(2) (a) of the Karnataka Rent Act,1999 on the ground of arrears of rent, the tenant should have failed to pay the arrears of rent within\_\_\_\_\_ from date of service of demand notice.**

- (a) 15 days.
- (b) One month
- (c) Two Months.
- (d) Three months.

**Q56. One of the following relief can not be granted under the Specific Relief Act, 1963**

- (a) Rescission of Contract.
- (b) Rectification of Instruments.
- (c) Redemption of Mortgage.
- (d) Cancellation of Instrument.

**Q57. Nothing is an offence which is done by a child under the age of\_\_\_\_\_**

- (a) Seven years.
- (b) Eight years.
- (c) Ten years.
- (d) Twelve years.

**Q58. Under which section of the Indian Penal Code, non-treatment of a victim by a Public or Private hospital is punishable:**

- (a) Sec. 166
- (b) Sec. 166A.
- (c) Sec. 166B
- (d) Sec. 167

**Q59. The Fundamental Right conferred under Article 19 of the Constitution of India is available to:**

- (a) Citizens of India.
- (b) Citizens of India and Foreigners also.
- (c) Foreigners living in India also.
- (d) All the above

**Q60. Where an order of temporary injunction has been granted without giving notice to the opposite party, the court shall make an endeavour to finally dispose off the application within\_\_\_\_\_.**

- (a) 120 days
- (b) 90 days
- (c) 60 days
- (d) 30 days

**Q61. One of the following is not an alternative dispute resolution mechanism under Section 89 of the Code of Civil Procedure, 1908.**

- (a) Mediation
- (b) Judicial settlement through Lok Adalat
- (c) Conciliation
- (d) Compromise before the Court under order XXIII Rule 3 of the Code of the Civil Procedure, 1908

**Q62. "X" proposes by letter, to sell a house to "Y" at a certain price. The communication of the proposal is complete when\_\_\_\_\_.**

- (a) 'X' puts letter in the letter box.
- (b) 'Y' receives the letter.
- (c) 'Y' puts his reply in the letter box.
- (d) 'X' receives reply from 'Y'

**Q63. Which Section of the Code of Criminal Procedure, 1973 relates to the prosecution of a public servant:**

- (a) Sec. 196.
- (b) Sec.199.
- (c) Sec.198.
- (d) Sec.197.

**Q64. The limitation period of 12 years to file a suit for possession of an immovable property based on title starts from\_\_\_\_\_.**

- (a) the date of dispossession of the plaintiff
- (b) the date of knowledge of the plaintiff about his dispossession
- (c) when the possession of the defendant becomes adverse to the plaintiff
- (d) all the above

**Q65. Who is the present Chief Election Commissioner of India?**

- (a) Sri Sunil Arora.
- (b) Sri Om Prakash Rawat
- (c) Sri V.S.Sampath.
- (d) None of the above.

**Q66. A declaration made under Chapter VI of the Specific Relief Act 1963 is binding on:**

- (a) only the parties to the suit.
- (b) persons claiming through the parties to the suit respectively.
- (c) where any of the parties are trustees, on the persons for whom, if in existence at the date of declaration, such persons would be the trustees.
- (d) All the above.

**Q67. What is the maximum amount of compensation which the Court can grant under Section 95 of the Code of Civil Procedure, 1908?**

- (a) Rs.10,000/-
- (b) Rs.25,000/-
- (c) Rs.50,000/-
- (d) Rs. 1,00,000/-

**Q68. An application under Code of Civil Procedure, 1908 for an order to set aside an abatement has to be filed within\_\_\_\_\_ days from the date of abatement**

- (a) 60
- (b) 90
- (c) 30
- (d) 120

**Q69. When India won the Cricket World Cup in 2011, who won the man of the series award.**

- (a) Sachin Tendulkar.
- (b) M.S.Dhoni.
- (c) Yuvraj Singh.
- (d) Virat Kohli.

**Q70. For the act of criminal conspiracy under Sec.120A of Indian Penal Code, the minimum number of persons required are\_\_\_\_\_.**

- (a) Two
- (b) Three
- (c) Five
- (d) Seven

**Q71. The President of India may make a declaration to the effect of Proclamation of Emergency under\_\_\_\_\_.**

- (a) Article 350 of the Constitution of India.
- (b) Article 35 of the Constitution of India.
- (c) Article 352 of the Constitution of India.
- (d) Article 353 of the Constitution of India.

**Q72. If the Court permits the amendment of pleadings without stipulating the time limit to carry out the amendment, under Order VI Rule 18 of the Code of Civil Procedure, 1908, the amendment has to be carried out within\_\_\_\_\_ from the date of order.**

- (a) 7 days
- (b) 14 days
- (c) 30 days
- (d) 1 month

**Q73. Following is the smallest district (as per area) in the state of Karnataka:**

- (a) Kodagu.
- (b) Udupi
- (c) Bengaluru Rural
- (d) Bengaluru Urban.

**Q74. "A" puts his hand in the pocket of "B" for stealing money. He was unable to steal the money, since the pocket of "B" was empty. "A" has committed\_\_\_\_\_.**

- (a) No offence
- (b) Mischief.
- (c) Theft.
- (d) Attempt to commit theft

**Q75. The first Chief Minister of Karnataka (Then Mysore) was \_\_\_\_\_.**

- (a) Sri K.Chengalaraya Reddy.
- (b) Sri Kengal Hanumanthaiah.
- (c) Sri Kadidal Manjappa.
- (d) Sri S.Nijalingappa.

**Q76. Attempt to commit Robbery is punishable under:**

- (a) Sec.392 of Indian Penal Code.
- (b) Sec.393 of Indian Penal Code.
- (c) Sec.394 of Indian Penal Code.
- (d) Sec.395 of Indian Penal Code.

**Q77. Which Section of the Code of Criminal Procedure, 1973, states "No statement made by any person to a police officer in the course of an investigation shall, if reduced in writing, be signed by the person making it":**

- (a) Sec. 161.
- (b) Sec. 162.
- (c) Sec. 163.
- (d) Sec. 164.

**Q78. In the absence of a contract or local law or usage to the contrary, a lease of immovable property for agricultural purpose shall be deemed to be lease from \_\_\_\_\_.**

- (a) Month to month
- (b) year to year.
- (c) for 5 years.
- (d) for 10 years.

**Q79. A conditional order for removal of Public nuisance under Sec133 of the Code of Criminal Procedure, 1973, may be passed by:**

- (a) District Magistrate.
- (b) Sub-Divisional Magistrate
- (c) Specially Empowered Executive Magistrate.
- (d) Any of the Above.

**Q80. A Caveat Petition filed under Section 148A of the Code of Civil Procedure, 1908 shall be in force for a period of \_\_\_\_\_.**

- (a) 60 days
- (b) 90 days
- (c) 2 months
- (d) 3 months

**Q81. "A" without the consent of "Z" and with an intention to cause injury, fear or annoyance to "Z", incites a dog to spring upon "Z". "A" has committed the offence of**

- (a) Assault.
- (b) Use of criminal force.
- (c) Mischief.
- (d) Negligent conduct with respect to animals.

**Q82. The plaintiff, who is in joint possession of the joint family property, filed a suit for partition and separate possession, claiming 1/5 share. According to the plaintiff, the total market value of the suit property is Rs.5,00,000/-. The court fee payable by the plaintiff is\_\_\_\_\_.**

- (a) Court fee on Rs.5,00,000/-
- (b) Court fee on Rs. 1,00,000/-
- (c) Fixed Court fee of Rs.100/-
- (d) Fixed Court fee of Rs.200/-

**Q83. The maximum term of imprisonment awardable in a summary trial case is:**

- (a) Two years
- (b) One year.
- (c) Six months
- (d) Three months

**Q84. "A" sells his house to "B", with a condition that "B" can not transfer that house to anyone except "C". The sale is\_\_\_\_\_.**

- (a) Void
- (b) Voidable
- (c) Unlawful.
- (d) Valid, but condition is void.

**Q85. The first Chief Justice of the Supreme Court of India was\_\_\_\_\_.**

- (a) Justice M Patanjali Sastri
- (b) Justice H.J.Kania.
- (c) Justice P.B.Gajendragadkar.
- (d) Justice Mehr Chand Mahajan.

**Q86. Who among the following does not have the right to vote for an election of the President of India?**

- (a) Speaker of Vidhan Sabha.
- (b) Speaker of Lok Sabha
- (c) President's nominee in Rajya Sabha
- (d) Deputy Speaker of Lok-sabha

**Q87. The procedure to be followed by the court, when there is dispute as to the relationship of landlord and tenant between the parties, is stated in the following section of the Karnataka Rent Act 1999:**

- (a) Sec.42
- (b) Sec.43
- (c) Sec.44
- (d) Sec.45

**Q88. What type of writ can be issued for an illegal detention?**

- (a) Writ of Prohibition.
- (b) Writ of Habeas Corpus.
- (c) Writ of Mandamus.
- (d) Writ of Quo Warranto°.

**Q89. The International Court of Justice is situated at\_\_\_\_\_.**

- (a) London.
- (b) Paris.
- (c) Berlin.
- (d) Hague

**Q90. To file a suit against the Railways, the notice under Sec.80 of Code of Civil Procedure 1908 has to be delivered to the office of\_\_\_\_\_.**

- (a) Secretary to the Central Government.
- (b) The General Manager of that Railway.
- (c) The Chief Manager of the Railways.
- (d) None of the Above

**Q91. A lease of immovable property for manufacturing purposes is terminable by\_\_\_\_\_.**

- (a) fifteen days notice.
- (b) one month's notice.
- (c) six months notice.
- (d) one year notice.

**Q92. Which section of the Indian Evidence Act, 1872 declares that an "Accomplice" shall be a competent witness?**

- (a) Sec. 135
- (b) Sec.134
- (c) Sec.132
- (d) Sec. 133

**Q93. Which Section of the Indian Penal Code defines the offence of sedition?**

- (a) Sec. 121
- (b) Sec.121A
- (c) Sec. 124
- (d) Sec. 124A

**Q94. The National Legal Services day is observed in India on\_\_\_\_\_.**

- (a) 26th November.
- (b) 9th November.
- (c) 6th December.
- (d) 20th October.

**Q95. As per Sec.143 of the Negotiable Instrument Act, 1881 the trial of all the offences under Chapter XVII of the said act shall be made to conclude within\_\_\_\_\_ from the date of filing complaint.**

- (a) Six months.
- (b) One year.
- (c) Two years.
- (d) Three years.

**Q96. The Court can appoint a commissioner to make partition of immovable property as per preliminary decree for partition under\_\_\_\_\_.**

- (a) Order XXVI Rule 1 of the Code of Civil Procedure, 1908
- (b) Order XXVI Rule 4 of the Code of Civil Procedure, 1908
- (c) Order XXVI Rule 9 of the Code of Civil Procedure, 1908
- (d) Order XXVI Rule 13 of the Code of Civil Procedure, 1908

**Q97. The present Advocate General of Karnataka is\_\_\_\_\_.**

- (a) Sri Uday Holla.
- (b) Sri Prabhuling K. Navadgi
- (c) Sri B.V.Acharya
- (d) Prof. Ravivarma Kumar

**Q98. The age of retirement of a Chief Justice of a High Court in India is \_\_\_\_.**

- (a) 60 years
- (b) 62 years
- (c) 65 years
- (d) 68 years

**Q99. The guidelines issued by the Hon'ble Supreme Court in the judgement of D.K.Basu vs State of West Bengal relates to the following subject:**

- (a) Sexual Harassment on women
- (b) Safeguarding the rights of arrested persons
- (c) Safeguarding the rights of children
- (d) Sexual Harassment in the workplace

**Q100. Which Section of the Negotiable Instrument Act, 1881 states that the evidence of the complainant may be given by him on affidavit?**

- (a) Sec. 144.
- (b) Sec. 145.
- (c) Sec. 146.
- (d) Sec.147.

## Answer Key & Solutions

**Q1. Answer: B**

Section 41 CrPC, 1973 empowers a police officer to arrest any person without an order from a Magistrate and without a warrant.

**Q2. Answer: C**

Section 165 of the Indian Evidence Act, 1872 confers on the Judge the power to put any question and order production of any document.

**Q3. Answer: A**

Under Article 120 of the Schedule to the Limitation Act, 1963, an application to bring legal representatives of a deceased plaintiff/defendant on record must be filed within 90 days from the date of death.

**Q4. Answer: D**

Under Section 390 IPC, theft is robbery if, in committing it, the offender causes or attempts to cause death, hurt or wrongful restraint, or fear of instant death, instant hurt or instant wrongful restraint.

**Q5. Answer: D**

The Uniform Civil Code is dealt with in Article 44 of the Constitution; none of the options (41, 42, 43) is correct, so 'None of the above' is the answer.

**Q6. Answer: A**

Under Section 119 of the Indian Evidence Act, 1872, a witness unable to speak who gives evidence in writing in open court is deemed to give oral evidence.

**Q7. Answer: B**

Order I Rule 8 CPC, 1908 permits a representative suit where numerous persons have the same interest in one suit.

**Q8. Answer: A**

Under Order VII Rule 11(c) CPC, where the requisite court fee is not paid despite the court's order, the plaint shall be rejected.

**Q9. Answer: B**

Under Article 135 of the Limitation Act, 1963, an application to enforce a decree granting a mandatory injunction must be filed within 3 years.

**Q10. Answer: C**

Under Section 391 IPC, dacoity requires five or more persons conjointly committing or attempting robbery.

**Q11. Answer: A**

Order XIV Rule 5 CPC, 1908 allows the court to amend or strike out a wrongly framed issue 'at any time' before passing a decree; the bare provision uses 'at any time'.

**Q12. Answer: A**

Under Article 74 of the Limitation Act, 1963, a suit for compensation for malicious prosecution must be filed within 1 year.

**Q13. Answer: C**

Hockey is conventionally treated as India's national sport in exam keys (the expected answer), though a 2012 RTI reply clarified India has no officially declared national game.

**Q14. Answer: A**

Article 24 of the Constitution prohibits employment of any child below the age of fourteen years in any factory, mine or other hazardous employment.

**Q15. Answer: A**

Section 90 of the Indian Evidence Act, 1872 provides the presumption as to documents thirty years old.

**Q16. Answer: C**

Under Section 35A CPC, 1908 (compensatory costs for false or vexatious claims/defences), the maximum amount is Rs. 3,000.

**Q17. Answer: A**

A suit under Section 6 of the Specific Relief Act, 1963 for recovery of possession must be filed within six months from the date of dispossession (Sec. 6(2)(a)).

**Q18. Answer: A**

The offence of affray is defined in Section 159 IPC (and punishable under Section 160 IPC), which is option (a) Sec.159.

**Q19. Answer: A**

Article 233 of the Constitution provides for appointment of district judges by the Governor in consultation with the High Court.

**Q20. Answer: D**

Under Section 57 CrPC (and Article 22 of the Constitution), a person arrested without warrant cannot be detained beyond twenty-four hours without a Magistrate's special order.

**Q21. Answer: C**

Where a suit is dismissed for plaintiff's default under Order IX Rule 2/8, an application to set aside and restore is filed under Order IX Rule 9 CPC, 1908.

**Q22. Answer: D**

Under Order XXII Rule 6 CPC, where a party dies after conclusion of hearing and before judgment is pronounced, the death does not abate the suit and judgment may be pronounced as if the party were alive.

**Q23. Answer: C**

Tushar Mehta was appointed Solicitor General of India on 10 October 2018 and was the incumbent at the time of this 2019 paper.

**Q24. Answer: C**

Under Section 124 of the Transfer of Property Act, 1882, a gift comprising both existing and future property is void as to the latter (future property).

**Q25. Answer: C**

Under Section 468 CrPC, 1973, where the offence is punishable with imprisonment exceeding one year but not exceeding three years, the period of limitation for taking cognizance is three years.

**Q26. Answer: C**

Under Order VII Rule 11 CPC, rejection of plaint is decided on the averments in the plaint and the documents filed by the plaintiff; the defence/written statement is irrelevant at this stage. The fullest correct expression among the options is pleadings of the plaintiff with documents produced, i.e. option (c).

**Q27. Answer: C**

Section 304 CrPC, 1973 provides for legal aid to the accused at State expense in a trial before the Court of Session where he is not represented by a pleader and has insufficient means.

**Q28. Answer: D**

Section 5 of the Limitation Act, 1963 allows extension of the prescribed period only for appeals and applications (other than an application under any provision of Order XXI CPC); it does NOT apply to suits, and is expressly excluded for execution applications under Order XXI. Hence neither a suit nor an execution application qualifies, so 'None of the above'.

**Q29. Answer: C**

Section 28 of the Indian Contract Act, 1872 declares agreements in restraint of legal proceedings void. (Sec.27 deals with restraint of trade.)

**Q30. Answer: D**

The four tennis Grand Slams are the Australian Open, French Open, Wimbledon and the US Open. The Rogers Open (Canadian Open) is not a Grand Slam.

**Q31. Answer: D**

Per the First Schedule of the CrPC, 1973, the offence under Section 459 IPC (grievous hurt caused while committing lurking house-trespass/house-breaking, punishable with imprisonment for life or up to 10 years) is triable by the Court of Session.

**Q32. Answer: C**

Under Section 22(2) read with the proviso of the Specific Relief Act, 1963, the court may at any stage of the proceeding allow the plaintiff to amend the plaint to include a claim for refund of earnest money/compensation.

**Q33. Answer: B**

Under the Karnataka Rent Act, 1999, 'immediate possession' for the purpose of Sections 28-31 means possession recoverable on the expiry of sixty days from the date of the order of eviction.

**Q34. Answer: C**

The Thomas Cup (men) and Uber Cup (women) are world team championships in Badminton.

**Q35. Answer: D**

Article 26 of the Constitution guarantees freedom to manage religious affairs. (Article 25 - freedom of conscience; Art.27 - no tax for promotion of religion; Art.28 - religious instruction in institutions.)

**Q36. Answer: D**

Section 152 CPC permits clerical or arithmetical mistakes in judgments, decrees or orders to be corrected by the court at any time, on its own motion or on application.

**Q37. Answer: B**

Under Section 79 read with Order XXVII CPC, a public officer may be sued for acts done in his official capacity; joining the Government is permissible but not mandatory (Section 80(2)/case law treat the Government as a proper, not necessary, party). Hence 'not mandatory'.

**Q38. Answer: C**

Section 3 of the Indian Evidence Act, 1872 defines 'Court' to include all Judges and Magistrates and all persons (except arbitrators) legally authorised to take evidence. Arbitrators are expressly excluded.

**Q39. Answer: A**

Eviction on the ground of sub-letting/assigning/parting with possession without the landlord's written consent lies under Section 27(2)(b) of the Karnataka Rent Act, 1999.

**Q40. Answer: A**

Section 29(2) CrPC, 1973: a Magistrate of the First Class may pass a sentence of imprisonment up to three years, or fine up to ten thousand rupees, or both.

**Q41. Answer: C**

Section 20 of the Indian Contract Act, 1872: where both parties to an agreement are under a mistake as to a matter of fact essential to the agreement, the agreement is void.

**Q42. Answer: A**

Under Section 34 CPC, post-decree (further) interest from date of decree to date of payment is capped at 6% per annum, except where the liability arises out of a commercial transaction (where a higher/contractual rate may be allowed).

**Q43. Answer: C**

Order XX Rule 6A CPC requires the decree to be drawn up as expeditiously as possible and, in any case, within fifteen days from the date on which the judgment is pronounced.

**Q44. Answer: A**

An ophthalmologist is a medical specialist who treats disorders of the eye.

**Q45. Answer: B**

Section 138 of the Negotiable Instruments Act, 1881 (as amended in 2002) requires the cheque to be presented within three months from the date on which it is drawn (or within its period of validity, whichever is earlier).

**Q46. Answer: D**

Section 39 of the Specific Relief Act, 1963 deals with mandatory injunctions (to compel performance of certain acts which the court is capable of enforcing). (Sec.38 - perpetual injunction; Sec.36 - preventive relief generally.)

**Q47. Answer: D**

Under Section 17 CPC, where a suit concerns immovable property situate within the jurisdiction of different courts, the suit may be instituted in any court within whose local limits any portion of the property is situate. The partition suit can be filed at Davanagere, Haveri or Gadag.

**Q48. Answer: C**

An agreement without free consent is generally voidable (Sec.19/19A, where consent is caused by coercion, fraud, misrepresentation or undue influence), but where consent is caused by bilateral mistake of fact it is void (Sec.20). Hence it may be either void or voidable.

**Q49. Answer: B**

Under Order XXXIII Rule 10 CPC, where an indigent plaintiff succeeds, the court fee that would have been paid is recoverable by the State Government from the party as per the decree, and is a first charge on the subject-matter of the suit.

**Q50. Answer: B**

Section 482 CrPC, 1973 saves the inherent powers of the High Court only; such inherent powers can be exercised by the High Court.

**Q51. Answer: B**

Sec.2(x) CrPC defines a warrant-case as one relating to an offence punishable with death, imprisonment for life or imprisonment for a term exceeding two years.

**Q52. Answer: D**

Ram Nath Kovind is the 14th President of India (counting from Rajendra Prasad), assuming office in July 2017.

**Q53. Answer: A**

An atheist is one who does not believe in the existence of God; a theist believes in God.

**Q54. Answer: C**

Sec.134 of the Indian Evidence Act, 1872 provides that no particular number of witnesses is required for proof of any fact.

**Q55. Answer: B**

Under Sec.27(2)(a) of the Karnataka Rent Act, 1999, eviction for arrears lies where the tenant fails to pay within one month of service of the demand notice.

**Q56. Answer: C**

The Specific Relief Act, 1963 provides for rescission, rectification and cancellation of instruments, but not redemption of mortgage, which is governed by the Transfer of Property Act.

**Q57. Answer: A**

Sec.82 IPC: nothing is an offence done by a child under seven years of age (doli incapax).

**Q58. Answer: C**

Sec.166B IPC penalises a public or private hospital's failure to treat a victim of specified offences (inserted by the Criminal Law (Amendment) Act, 2013).

**Q59. Answer: A**

Article 19 freedoms are guaranteed only to citizens of India, not to foreigners or corporations.

**Q60. Answer: D**

Order XXXIX Rule 3A CPC requires the court to endeavour to finally dispose of an ex parte injunction application within 30 days.

**Q61. Answer: D**

Sec.89 CPC lists arbitration, conciliation, judicial settlement (incl. Lok Adalat) and mediation; a compromise under Order XXIII Rule 3 is not an ADR mechanism under Sec.89.

**Q62. Answer: B**

Sec.4 Indian Contract Act, 1872: communication of a proposal is complete when it comes to the knowledge of the person to whom it is made, i.e. when Y receives the letter.

**Q63. Answer: D**

Sec.197 CrPC governs sanction for prosecution of public servants for acts done in discharge of official duty.

**Q64. Answer: A**

Under Article 65 of the Limitation Act, 1963, the 12-year period for a possession suit based on title is computed from the date the plaintiff was dispossessed (the cause for seeking possession).

**Q65. Answer: A**

Sunil Arora was the Chief Election Commissioner at the time of the 2019 exam, having assumed office on 2 December 2018.

**Q66. Answer: D**

Sec.35 of the Specific Relief Act, 1963 makes a declaration binding on the parties, those claiming through them, and (where a party is a trustee) the persons for whom they would be trustees.

**Q67. Answer: C**

Sec.95 CPC: compensation for arrest/attachment/injunction obtained on insufficient grounds is capped at Rs.50,000 (the limit raised by the 1999 amendment).

**Q68. Answer: A**

Article 121 of the Limitation Act, 1963 prescribes 60 days from the date of abatement to apply to set aside an abatement.

**Q69. Answer: C**

Yuvraj Singh was Man of the Series (tournament) of the 2011 Cricket World Cup won by India.

**Q70. Answer: A**

Sec.120A IPC defines criminal conspiracy as an agreement between two or more persons; minimum two persons.

**Q71. Answer: C**

Article 352 of the Constitution empowers the President to proclaim a National Emergency.

**Q72. Answer: B**

Order VI Rule 18 CPC: where no time is limited, the amendment must be carried out within 14 days from the date of the order.

**Q73. Answer: D**

Bengaluru Urban is the smallest district of Karnataka by area among the options listed.

**Q74. Answer: D**

Putting one's hand into an empty pocket to steal is attempt to commit theft (impossible attempt); illustration to Sec.511 IPC.

**Q75. Answer: A**

K. Chengalaraya Reddy was the first Chief Minister of Mysore State (1947), the predecessor of Karnataka.

**Q76. Answer: B**

Section 393 IPC punishes attempt to commit robbery (Sec.390 defines robbery; Sec.392 punishes robbery).

**Q77. Answer: B**

Section 162 CrPC bars the signing of statements made to police during investigation and restricts their use.

**Q78. Answer: B**

Under Sec.106 Transfer of Property Act, absent contrary contract/usage, an agricultural-purpose lease is deemed year to year, terminable by six months' notice.

**Q79. Answer: D**

Section 133 CrPC empowers a District Magistrate, Sub-Divisional Magistrate or other Executive Magistrate specially empowered, to pass a conditional order for removal of public nuisance.

**Q80. Answer: B**

Under Sec.148A CPC a caveat remains in force for 90 days from the date it is lodged.

**Q81. Answer: A**

This is the illustration to Sec.351 IPC; inciting a dog to spring upon Z to cause apprehension is assault.

**Q82. Answer: C**

A plaintiff in joint possession suing for partition pays a fixed court fee (Sec.35(2) Karnataka Court Fees Act / equivalent), i.e. Rs.100, not ad valorem on the share.

**Q83. Answer: D**

Section 262(2) CrPC caps imprisonment in a summary trial at three months.

**Q84. Answer: D**

Under Sec.10 Transfer of Property Act, a condition absolutely restraining alienation is void, so the sale is valid but the condition is void.

**Q85. Answer: B**

Justice H.J. Kania was the first Chief Justice of the Supreme Court of India (1950).

**Q86. Answer: C**

Under Art.54, nominated members of either House do not vote in the Presidential election; only elected MPs and elected MLAs do. Speaker/Deputy Speaker are elected members and may vote.

**Q87. Answer: B**

Section 43 of the Karnataka Rent Act, 1999 prescribes the procedure where there is a dispute as to the relationship of landlord and tenant.

**Q88. Answer: B**

A writ of Habeas Corpus is issued to produce a detained person and test the legality of detention.

**Q89. Answer: D**

The International Court of Justice is seated at The Hague, Netherlands (Peace Palace).

**Q90. Answer: B**

Under Sec.80(1)(c) CPC, a suit against a railway requires notice to the General Manager of that railway.

**Q91. Answer: C**

Under Sec.106 Transfer of Property Act, a lease for manufacturing purposes is year to year, terminable by six months' notice.

**Q92. Answer: D**

Section 133 of the Indian Evidence Act declares an accomplice a competent witness.

**Q93. Answer: D**

Section 124A IPC defines and punishes sedition.

**Q94. Answer: B**

National Legal Services Day is observed on 9 November, commemorating the enforcement of the Legal Services Authorities Act, 1987 on 9 Nov 1995.

**Q95. Answer: A**

Section 143 of the Negotiable Instruments Act requires the trial of Chapter XVII offences (e.g. Sec.138) to be concluded within six months from filing the complaint.

**Q96. Answer: D**

Order XXVI Rule 13 CPC empowers the court to issue a commission to make partition of immovable property as per the preliminary decree.

**Q97. Answer: B**

Sri Prabhuling K. Navadgi was the Advocate General of Karnataka (appointed July 2019), the relevant officeholder for this 2019 paper.

**Q98. Answer: B**

Under Art.217(1) of the Constitution, a High Court judge (including the Chief Justice) retires at 62 years.

**Q99. Answer: B**

D.K. Basu v. State of West Bengal (1997) laid down guidelines safeguarding the rights of arrested persons against custodial abuse.

**Q100. Answer: B**

Section 145 of the Negotiable Instruments Act permits the complainant's evidence to be given on affidavit.