

Kerala Judiciary - Prelims 2020

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

Q1. Which among the following is not an ingredient of Res Judicata?

- (a) Both the suits are between same parties
- (b) First suit is tried and finally decided by the court.
- (c) Former suit is decided by a court competent to try the subsequent suit
- (d) The matter in issue in the previous suit directly and substantially in issue in the subsequent suit.

Q2. Which among the following transfers under the Transfer of Property Act is an exception to "nemo dat quod non habet".?

- (a) Transfer by a co-owner (8.44).
- (b) Transfer by an ostensible owner (8.41)
- (c) Transfer for benefit of unborn person (8.13).
- (d) Transfer of property pending suit (8.52)

Q3. A suit for specific performance in relation to purchase of a residential house was filed in 2019, before the Munsiff Court. Defendant appeared and contended that the suit is liable to be tried by a special court under Section 20B of amended Specific Relief Act. Is that contention sustainable ?

- (a) Yes. Since the amendment came into force prior to 2019.
- (b) No. Since the amendment has no retrospective operation.
- (c) Yes. Subject matter in the suit is one covered by S.20B of the Act.
- (d) No. Since subject matter in the suit is not one covered by S.20B of the Act.

Q4. Which among the following is true? In a civil proceeding defendant is entitled to set up:

- (a) Inconsistent defences till the end of trial.
- (b) Mutually contradictory defences.
- (c) Mutually destructive defences.
- (d) Alternative defences.

Q5. Which among the following statements is true in relation to the term 'Legal representative' as defined under the Code of Civil Procedure ?

- (a) Term legal representative is wider than the legal heir.
- (b) All legal heirs include legal representatives.
- (c) Legal heirs and legal representatives constitute a distinct and separate group of persons.
- (d) Both terms are synonymous and denote a common group of persons.

Q6. Pending proceedings in a representative suit, the dispute is settled between plaintiff and defendants. They jointly filed an application to record settlement which was allowed. Suit was decreed in terms of the settlement. Is there any procedural irregularity?

- (a) No
- (b) Yes. Court ought to have conducted an inquiry about the genuineness of settlement.
- (c) Yes. Court should have granted leave to settle, being a representative suit.
- (d) Yes. Court cannot grant permission, being a representative suit.

Q7. The right available to a mortgagee in a usufructuary mortgage for recovery of mortgage money is?

- (a) , a suit for redemption
- (b) a suit for foreclosure
- (c) a suit for accounts
- (d) by retaining possession

Q8. Doctrine of Election under 8.35 of the Transfer of Property Act is based on which among the following principles?.

- (a) Principle of nemo dat quod non habet
- (b) One cannot approbate and reprobate
- (c) Principle of estoppel
- (d) Principle of equity

Q9. Which among the following is not correct in relation to substituted performance of a contract under 8.20 of the Specific Relief Act?.

- (a) A person who suffers due to non-performance of a contract is entitled to invoke the above provision
- (b) It cannot be invoked unless 30 days notice in writing is given to the opposite party
- (c) A person who exercises the option of substituted performance is entitled to seek specific performance of contract
- (d) Exercise of substituted service will not prevent such person from seeking compensation from the party in breach

Q10. A suit for mandatory injunction under 8.39 of the Specific Relief Act, is dismissed holding that the plaintiff is not entitled for the discretion. Can the plaintiff sue for damages?.

- (a) No. In the light of 8.40(3) of above Act.
- (b) Yes. In the light of 8.39(2) of the Act.
- (c) No. In the light of 8.41 of the Act.
- (d) Yes. In the light of 8.39(1) of the Act.

Q11. 'A' took a building on rent from 'B', terminable by giving one month's notice from either side. 'C', an unauthorised person gives notice of termination to A'. 'B' ratifies the act of 'C'. Is the ratification valid under the contract Act. If so, why?

- (a) No. unauthorised act which may injure 3rd party cannot be ratified.
- (b) Yes. Principal is entitled to ratify any act of any person.
- (c) Yes. By subsequent ratification, the act becomes authorised.
- (d) Yes. Act was done by C for the benefit of B, on assumed agency.

Q12. Which among the following is not a mandate for applying 8.92 of C.P.C.?

- (a) Suit must relate to a trust created for public purpose
- (b) There must be allegations of breach of trust.
- (c) Suit must be filed by any statutory authority.
- (d) Relief claims must be one or other mentioned in Section 92.

Q13. A suit with leave of court is instituted at a place where one among the three defendants reside. Other defendants after appearance raise objections that they do not reside, work or carry on business within the jurisdiction of that Court. Is the objection sustainable?

- (a) No, in the light of S.20(b) CPC
- (b) Yes. In the light of S.21 (1) CPC
- (c) No. In the light of S. 15 of CPC
- (d) Yes. In the light of S.22 (1) of CPC

Q14. A Judgement debtor is brought under arrest in execution of a decree for payment of money. Which among the following is the duty cast on the execution Court?

- (a) Enquire from the Judgement debtor whether he has the means to pay the decree debt.
- (b) Inform the Judgement debtor that he is entitled to apply to be declared as insolvent.
- (c) Enquire whether he can offer immovable property as security for release.
- (d) Enquire whether he has solvent sureties, so that he can be released on bail.

Q15. An advocate commissioner appointed by court at the request of The plaintiff conducted a local inspection with notice to the defendant. Defendant filed objections to the report. In the trial, the advocate commissioner was not examined. After trial, on request of the plaintiff, the report was marked by the Court as Ext.C1.Is the procedure correct. ?

- (a) No. Commissioner has to be examined.
- (b) Yes. Commissioner being an officer of court need not be examined.
- (c) No. Plaintiff has to examine the commissioner.
- (d) Yes. Since the report forms part of the record, it is the duty of the party who files an objection to establish his objection.

Q16. A Landlord obtains an order of eviction under S.11(4)(iv) of the Kerala Buildings (Lease and Rent Control) Act. Landlord fails to reconstruct within the time fixed. Which among the following is the relief that cannot be granted to the tenant on his application.

- (a) To direct the landlord to pay the rent which tenant had to pay for another building he is occupying consequent to eviction.
- (b) In appropriate cases to put the tenant back to possession.
- (c) Pay fine not exceeding Rs.500/-.
- (d) Issue direction for reconstruction.

Q17. In which among the following circumstances a memorandum of title deed in a mortgage by deposit of title deed is liable to be registered ?

- (a) When the memorandum evidences the details of property mortgaged.
- (b) When a mortgage is created by the memorandum of deposit of title deed.
- (c) When a mortgagee undertakes to retain a portion of mortgage money to be repaid later.
- (d) When a mortgage by deposit of title deed is created in an area outside the notified town.

Q18. Under the CPC, in one situation the contract of engagement of a lawyer by the party to suit will be deemed to continue even after the death of that party. Which is that situation ?

- (a) Till the pleader informs the court about the death of the party.
- (b) Till the legal heirs engage a new lawyer.
- (c) Till an application for impleadment of legal heirs is filed.
- (d) Till the legal heirs are brought on record.

Q19. Which among the following is the consequence of rescission of a voidable contract ?

- (a) Party rescinding the contract, if he has received any benefit thereunder, should restore such benefit.
- (b) Party rescinding will be under an obligation to continue to perform his part.
- (c) The party rescinding will be entitled to ask the opposite party to perform his part.
- (d) None of the above.

Q20. In a proceeding under 8.138 of the Negotiable Instruments Act, the trial court ordered interim compensation under S.143A of the Act. The drawer of the cheque was acquitted after trial. What should be the consequential order relating to interim compensation. ?

- (a) The court shall direct that interim compensation shall be repaid by the complainant within 30 days.
- (b) The amount paid will be repaid only after the appeal period is over.
- (c) The court shall direct the complainant to repay the amount of compensation with interest at Bank rate within 60 days
- (d) The interim compensation will stand forfeited.

Q21. Which among the following is not contemplated under 8.89 CPC?

- (a) Mediation
- (b) Judicial settlement
- (c) Conciliation.
- (d) Negotiation.

Q22. What is the legal status of a finder of lost goods?

- (a) Trustee
- (b) Bailor
- (c) Bailee
- (d) Pawnee

Q23. Under the Contract Act, what is an advertisement inviting tender?

- (a) An invitation to offer
- (b) A standing offer
- (c) An offer.
- (d) None of the above

Q24. In what type of commercial instrument under the Negotiable Instrument Act the drawer is both debtor to one and creditor to another.

- (a) Hundi
- (b) Promissory Note
- (c) Bill of Exchange
- (d) Cheque with endorsement

Q25. What is the legal status of a contract prohibited by law?

- (a) Void contract
- (b) Voidable contract
- (c) Illegal contract
- (d) Ratifiable contract.

Q26. Under 8.34 of the Specific Relief Act ,what is the prerequisite for filing a suit for declaration of status or right?

- (a) He must be entitled to any legal character or to any right to property.
- (b) He must be entitled to any legal or a statutory right.
- (c) He must be a person whose legal status is offended.
- (d) None of the above.

Q27. In which among the following instances the property of a receiver appointed under Order 40 CPC can be attached and sold in execution?

- (a) When he commits delay in payment of dues.
- (b) When he fails to hand over the charge.
- (c) When he occasions loss to property due to his wilful default or gross negligence.
- (d) When the subject matter is alienated by the receiver.

Q28. Parties interested in the decision on a question of fact or law enter into an agreement to refer such matter to court and to comply with the decision of court. What is the name given to such proceedings?

- (a) An interpleader suit.
- (b) Special case under OXXXVI
- (c) Supplemental proceedings
- (d) Reference.

Q29. Under Section 11 (11) of Rent Control Act, a tenant engaged in any notified essential service is exempted from eviction under the Act. What is the statutory exception to that ?

- (a) Where the landlord has no other building of his own.
- (b) Where the landlord himself is employed in such notified employment.
- (c) Where landlords bona fide require the building for his own use.
- (d) Where the landlord himself is engaged in such notified employment and he requires the building for his own occupation.

Q30. Under the Contract Act, a guarantee which extends to a series of transactions is known as

- (a) Perpetual guarantee
- (b) Unlimited guarantee
- (c) Continuing guarantee
- (d) Limited guarantee

Q31. "Might and Ought" Principle ?

- (a) 8.11 CPC.
- (b) S.10 CPC
- (c) 8.47 CPC
- (d) 8.151 CPC

Q32. A has a cause of action against B to sue for malicious prosecution. Can it be assigned to another for consideration. ?

- (a) Yes. There is no legal embargo
- (b) No . It amounts to a contract of Champerty
- (c) No. It is hit by Section 6 (e) of Transfer of Property Act.
- (d) Yes. It is a voidable contract.

Q33. Company as referred to in 8.141 of the Negotiable Instrument Act does not include.....?

- (a) A firm
- (b) Any body corporate
- (c) An association of individuals
- (d) Joint Hindu Family.

Q34. In relation to invasion into the enjoyment of property, which among the following is a ground for refusing perpetual injunction under the Specific Relief Act?

- (a) Where the defendant is the Trustee of the property.
- (b) Where it is necessary to prevent multiplicity of proceedings.
- (c) Where compensation in terms of money would afford adequate relief
- (d) Where there is no standard for ascertaining actual damage caused

Q35. Any order under 8.47 CPC can be reversed or modified only if

- (a) There is any error.
- (b) There is any defect
- (c) There is any irregularity in proceedings
- (d) If any of the above has prejudicially affected the decision of the case.

Q36. Puisne mortgage is ...?

- (a) Multiple mortgages by mortgagee
- (b) 2nd mortgage of the same mortgaged property by the mortgagor
- (c) 2nd mortgage of the same mortgaged property by the mortgagee
- (d) Mortgage of multiple properties by the mortgagor.

Q37. Which among the following is not true in relation to Vested Rights?

- (a) Vested rights are not subject to any condition and if at all there is a condition, it is a specified certain event.
- (b) Vested rights are heritable and alienable
- (c) Vested rights are revocable after transfer.
- (d) Vested rights are not defeated by the death of a transferee before acquiring it.

Q38. Among the following, in which case a person detained in civil prison in execution of decree, cannot be prematurely released ?

- (a) The decree passed against such a person is fully satisfied
- (b) On the request of the family members of the judgement debtor
- (c) On the deposit of the amount mentioned in the warrant with the officer in charge of civil prison
- (d) On failure of decree holder to remit subsistence allowance

Q39. Summons ordered from a Court are returned with an endorsement of the serving officer on the ground that the defendant refused to accept the summons. The court is bound to examine the serving officer under Order 5 Rule 19 CPC, if.... ?

- (a) The Court has doubt regarding the endorsement
- (b) The serving officer has not verified it by an affidavit.
- (c) The Court is informed that the address of the defendant is wrong.
- (d) None of the above.

Q40. A for natural love and affection, promises to give his son B, a sum of Rs.1 Lakh. A reduced that into writing and registered it. Is it a valid enforceable contract? Which is the relevant section?

- (a) Valid contract. S.25 Contract Act
- (b) Voidable Contract. 8.24 Contract Act.
- (c) Void Contract. S.26 Contract Act.
- (d) Illegal Contract. S.27 Contract Act.

Q41. Estoppel is a..... ?

- (a) Rule of Procedure.
- (b) Rule of evidence.
- (c) Rule of substantive law.
- (d) Rule of convenience.

Q42. Which among the following is the essential ingredient of 8.300 fourthly of IPC?

- (a) Intention to cause death.
- (b) Knowledge that the act is imminently dangerous that in all probability it will cause death.
- (c) Intention to cause bodily injury which is sufficient in the ordinary course of nature to cause death.
- (d) Intention to cause such bodily injury as the offender knows is likely to cause death.

Q43. Which among the following is incorrect in relation to issue estoppel ?.

- (a) It applies only if both proceedings are criminal proceedings.
- (b) Where an issue of fact is tried by a competent court on a former occasion, and finding is rendered, it would constitute issue estoppel.
- (c) The estoppel is against reception of evidence to disturb an earlier finding of fact.
- (d) Issue estoppel will act as a bar against trial and conviction of the same accused even for a different and distinct offence than the first one.

Q44. One person enticed 'A' from his home to be offered in sacrifice to a Goddess. Which among the following is the offence committed by that person?

- (a) 8.365 IPC
- (b) 8.364 IPC
- (c) 8.359 IPC
- (d) 8.363 IPC

Q45. In the course of interrogation of an accused in police custody he confesses "the murder was committed by me using a sharp knife. After that, I washed the knife in the pond near the temple. I have hid the knife beneath the culvert. If I am taken there, I will show it to you". The knife is recovered from the spot as shown by the accused. To what extent of the extracted portion the confession is admissible in a criminal trial?

- (a) The entire extracted portion.
- (b) "After that, show it to you".
- (c) "I have hid....show it to you".
- (d) None of the above.

Q46. In a trial for committing murder of A by B, PW2 gave evidence that a few days prior to the incident, he saw A and B consuming liquor in a bar and thereafter they went together. PW2 did not see A thereafter. What is the most logical deduction the Court can arrive at?

- (a) The "last seen theory" can be applied
- (b) B might have murdered A
- (c) B, in all probability might have murdered A
- (d) A and B were friends

Q47. A woman Revenue Officer tries to enter property of X, to effect attachment in execution of Revenue Recovery Proceedings. When this is disclosed, X pulls the officer by hand. Which among the following offences is committed by X?

- (a) 8.354 IPC
- (b) 8.353 IPC
- (c) 8.355 IPC
- (d) 8.352 IPC

Q48. The object of examining the accused under 8.313 Cr.P.C. is to?

- (a) Explain personally his defence.
- (b) Explain the allegations brought out against him in evidence.
- (c) Answer the charges framed against him.
- (d) To personally explain the circumstances appearing in the evidence against him.

Q49. Who among the following is entitled to invoke the power under 8.321 of Cr.P.C.?

- (a) Any public prosecutor.
- (b) Any Assistant Public Prosecutor.
- (c) Public prosecutor or assistant public prosecutor in charge of that case.
- (d) District Government Pleader.

Q50. The presumption under 8.112 of Evidence Act can be displaced by husband by establishing which among the following facts?.

- (a) Parties had no access during the relevant period.
- (b) Husband was abroad for a long period.
- (c) Husband was temporarily disabled for a long period.
- (d) Wife was abroad continuously for a long period.

Q51. In the course of trial of an offence under S. 324 IPC, the doctor who had examined the injured and issued a wound certificate deposed that the injury was sufficient to cause death. What is the option available to the Magistrate?

- (a) Address the Chief Judicial Magistrate for necessary action.
- (b) Stop the trial and order further investigation.
- (c) Commit the case to Sessions Court for trial.
- (d) Request the Sessions Judge to exercise power of Suo moto revision.

Q52. Is the protection applicable to a judge under S.77 of IPC under General Exception, applicable to a Magistrate ? If so, under which provision?

- (a) No.
- (b) Yes. In view of S.19 IPC.
- (c) No. In the light of S.22 IPC.
- (d) Yes. In the light of explanation under S.77 IPC.

Q53. Mandatory death sentence for committing murder by a person serving life sentence under S.303 IPC was struck down by the Supreme Court in which case?

- (a) R.C.Cooper v. Union of India
- (b) Bachan Singh v. State
- (c) Aruna Shanbag v . Union of India
- (d) Mittu v . State of Punjab

Q54. Under Section 132 of Indian Evidence Act, answers given by a witness in cross examination can be used in one type of prosecution. Which among the following is that ?

- (a) Prosecution for giving false evidence by such an answer.
- (b) For Malicious prosecution.
- (c) In a contempt of court procedure
- (d) In a proceeding for defamation.

Q55. Oral evidence regarding contents of electronic evidence are not relevant under S.22A of Evidence Act,. It has an exception. Which among the following is it ?

- (a) If electronic records are lost or not available.
- (b) If electronic records are not produced from proper custody.
- (c) If genuineness of electronic evidence produced is in question.
- (d) None of the above.

Q56. Classic decision of the Privy Council in P. Kottayya and Other v. King Emperor (AIR 1947 PC 67) relates to which provision of Indian Law ?

- (a) 8.300 IPC
- (b) S. 376 IPC
- (c) S.27 of Indian Evidence Act
- (d) 8.120B of IPC.

Q57. Does the prohibition against privileged communication between lawyer and client under 8.126 of Indian Evidence Act extend to his clerk also?

- (a) Yes . Under 8.127 of Evidence Act.
- (b) No. Under S. 126 of Evidence Act
- (c) Yes. Under 8.123 of Evidence Act.
- (d) No. Under S. 122 of Evidence Act.

Q58. Which provision of law provides for declaring a witness as hostile?

- (a) Section 154 Cr.P.C.
- (b) S. 154 of Evidence Act.
- (c) S.150 of Cr.P.C.
- (d) S.150 Evidence Act.

Q59. Can a District Magistrate grant an order of injunction ?

- (a) No. It is in the domain of civil court.
- (b) Yes. Under 8.142 Cr.P.C. while conducting enquiry under 8.133 Cr.P.C.
- (c) Yes. Under 8.143 Crpc while conducting enquiry under 8.144 Cr.P.C.
- (d) Yes. Under section 144 while conducting enquiry under 8.133 Cr.P.C.

Q60. Opinion on the relationship between two persons, expressed by conduct by a member of the family and who has special means of knowledge in that capacity is not a sufficient proof in which among the following proceeding?

- (a) In a proceeding for defamation.
- (b) To prove marriage in any proceeding under the Divorce Act.
- (c) In a proceeding under the Indian Succession Act.
- (d) In a proceeding for maintenance under Section 125 Cr.P.C.

Q61. Which among the following is not a privileged communication?

- (a) Official communication made to an officer in official confidence, if disclosure will affect public interest.
- (b) Professional communication between a lawyer and his client in the course of engagement of lawyer, without client's consent.
- (c) Any evidence from unpublished official records relating to affairs of State, without permission of the Head of Department.
- (d) Communication between husband and wife during marriage, in a proceeding under S.498A IPC.

Q62. A surgeon, after checking the reports of his patient informs in good faith for the benefit of that person that he may not survive. Patient suffers a shock and dies. Has the surgeon committed any offence? Which is the provision of law applicable?

- (a) No, in view of S.93 IPC.
- (b) Yes, in view of S.95 IPC
- (c) Yes, in view of S.92 IPC
- (d) No, in view of S.88 IPC.

Q63. Victim's right of appeal under proviso to Section 372 Cr.P.C. does not extend to which among the following ?

- (a) For enhanced sentence
- (b) Acquitting the accused.
- (c) Convicting for lesser offence
- (d) Imposing inadequate compensation.

Q64. Concept of 'letter rogatory' is embedded in which among the following provisions of the Code of Criminal Procedure?

- (a) 166A Cr.P.C.
- (b) 156 Cr.P.C.
- (c) 164 Cr.P.C.
- (d) 167 Cr.P.C.

Q65. Under what circumstances an unmarried illegitimate child, who has attained majority, entitled to maintenance under S. 125(1) Cr.P.C.?

- (a) If she is unable to maintain herself for any reason whatsoever.
- (b) If she is by reason of any physical disability unable to maintain herself.
- (c) If she is by reason of any physical or mental abnormality unable to maintain herself.
- (d) If she by reason of any physical or mental abnormality or injury is unable to maintain herself.

Q66. The Principle of vicarious liability is embedded in which among the following offences?

- (a) 8.107 IPC.
- (b) 8.153 IPC
- (c) S.120B IPC
- (d) S.34 IPC.

Q67. What is the evidentiary value of retracted confession of an accused ?

- (a) Cannot form the basis of conviction.
- (b) Can form a basis for conviction, even if not corroborated on material aspects.
- (c) Can form the basis of conviction without corroboration, if found to be perfectly voluntary, true and trustworthy.
- (d) Is weaker than direct evidence.

Q68. A confesses to B in a drunken condition that he has committed theft in the house of C. This was confirmed in evidence by B. Is this evidence relevant in trial?

- (a) No. Since A was in a drunken condition.
- (b) Yes. In view of S.29 of Evidence Act
- (c) No. In view of S.26 of Evidence Act.
- (d) None of the above.

Q69. The term "mutually satisfactory disposition" in Cr.P.C. relates to

- (a) Plea bargaining.
- (b) Proceedings under S.125 Cr.P.C.
- (c) Pleading guilty.
- (d) Trial of matrimonial offences.

Q70. In a prosecution under S.420 IPC, the complainant establishes that the accused offered to sell his car to the complainant and received one half of the price amount. The vehicle was not delivered within the agreed time and money was not repaid. This is established. Accused proved that on the previous day of agreed delivery, the vehicle met with an accident and it remained in the workshop till the date of lodging complaint. Accused in S.313 Cr.P.C. The questioning agreed that he can deliver the vehicle along with some compensation for damages caused. What is the next logical conclusion that the court can arrive at ?

- (a) Accused had committed an offence of cheating.
- (b) Accused did not commit cheating .
- (c) Accused most probably committed cheating.
- (d) Complainant failed to establish that the accused had an intention to cheat.

Q71. A person is working on a machine with necessary safety precautions. A portion of the machinery breaks off and injures another employee. Which statutory protection is available to him?

- (a) S.77 IPC
- (b) 8.76 IPC
- (c) 8.80 IPC
- (d) 8.81 IPC

Q72. An adult male peeps through the keyhole of the washroom, while a woman is bathing. Which offence is committed by him?

- (a) Stalking
- (b) Voyeurism
- (c) Outraging the modesty of a woman
- (d) Social harassment

Q73. Which authority is competent to commute the death sentence under S.54 IPC?

- (a) State Government
- (b) Union Government
- (c) Governor of State
- (d) Appropriate Government

Q74. Which among the following is not an ingredient of S.304B IPC?

- (a) Death caused by bodily injuries or burns.
- (b) Occurs within 8 years of marriage
- (c) Deceased was subjected to cruelty or harassment.
- (d) Such cruelty must be in connection with demand for dowry

Q75. One person owns a ferocious dog. It is not properly chained. Consequently, it injures the neighbour. What is the offence committed?

- (a) S.289 IPC
- (b) S.324 IPC
- (c) S.326 IPC
- (d) S.323 IPC

Q76. Which among the following does not amount to personation at election?

- (a) Votes in the name of another person
- (b) Votes in a fictitious name
- (c) Votes once again after himself voting earlier
- (d) Proxy voting under authorization.

Q77. In the course of extortion, the victim is put to fear of instant death. What is the offence?

- (a) Robbery
- (b) Dacoity
- (c) Theft
- (d) None of the above.

Q78. Information regarding commission of a non-cognizable offence is disclosed to the SHO. What is his duty under S. 155(1) of Cr.P.C.

- (a) Register the crime and investigate
- (b) Seek permission of Court to investigate
- (c) Register the crime and seek permission for investigation
- (d) Record the substance of information in a book and refer the informant to the Magistrate.

Q79. What is the ultimate duty of an Investigation Officer conducting investigation in a cognizable offence?

- (a) File report regarding exclusion of any person from array of accused
- (b) File a report under S. 173(2) Cr.P.C.
- (c) File report under S. 172 Cr.P.C.
- (d) None of above

Q80. Which one among the following is correct?

- (a) Sessions Court can take cognizance of a case only when it is committed to.
- (b) Sessions Court may at its option, take cognizance without committal.
- (c) Unless otherwise provided by Code or any other law, Sessions Court can take cognizance of cases only when it is committed to it.
- (d) All the above are wrong.

Q81. Name the woman who was the Judge of the Supreme Court of India as well as the Governor of a State?

- (a) Justice Ruma Pal
- (b) Justice M.Fathima Beevi
- (c) Justice Leila Seth
- (d) Justice Anna Chandy

Q82. What is the meaning of the maxim "ubi jus ibi remedium."?

- (a) For breach of justice there is a remedy
- (b) Whoever is just gets remedy
- (c) Where there is right, there is remedy
- (d) Justice cannot exist without remedy

Q83. The concept of free legal aid takes its root from which article in the Indian Constitution?

- (a) Article 30
- (b) Article 39
- (c) Article 38
- (d) Article 39A

Q84. The only writ which is sustainable against a private individual is?

- (a) Mandamus
- (b) Certiorari
- (c) Habeas Corpus
- (d) Prohibition

Q85. Chair has four legs. All animals have four legs. Hence, a chair is an animal. This reasoning is known as...?

- (a) Induction reasoning
- (b) Syllogism
- (c) Illogical reasoning
- (d) Absurd reasoning

Q86. Statute provides that a senior citizen is liable to be maintained by a close relative like son, daughter, grand child, brother, sister etc. The question that arose is whether the daughter in law is liable to maintain. Which rule of interpretation will apply?

- (a) Noscitur A Sociis
- (b) Beneficial interpretation.
- (c) Ejusdem generis
- (d) Golden Rule of interpretation.

Q87. Right to privacy was considered elaborately by a Constitution Bench of the Supreme Court. Which is that judgement ?

- (a) Maneka Gandhi v. Union of India.
- (b) Indian Young Lawyers Association v. State of Kerala.
- (c) Olga Tellis v. Union of India
- (d) K.S.Puttaswamy v. Union of India.

Q88. Voir Dire is commonly related to which among the following in a judicial proceeding ?

- (a) Examination of the accused.
- (b) Re-examination of witnesses.
- (c) Examination of Pardanashin lady witness.
- (d) Examination of child witnesses.

Q89. In which case, Supreme Court laid down the guidelines against sexual harassment of women at workplace?.

- (a) Aruna Shanbag v. union of India
- (b) Narayani v. District Judge.
- (c) R.C.Cooper v. Union of India.
- (d) Visaka v. State of Rajasthan

Q90. What is meant by parol evidence?

- (a) Collateral evidence
- (b) Direct evidence
- (c) Documentary evidence
- (d) Oral evidence

Q91. Which is the Law journal published in Kerala under the authority of the Government of Kerala ?

- (a) Kerala Law Times.
- (b) Kerala High Court cases.
- (c) Indian Law Reports (Kerala series)
- (d) Kerala Law Journal.

Q92. The legality of the Narco-analysis test was considered by the Supreme Court in which among the following decisions?

- (a) Umesh Kumar v. State of Andhrapradesh
- (b) Safi Mohammed v. State of Rajasthan
- (c) Selvi v. State of Karnataka
- (d) Shyam Lal v. State of Madhya Pradesh

Q93. Which State Law, involved in Kesavanda Bharathi's case?

- (a) Kerala Land Reforms Act
- (b) Kerala Education Act
- (c) Kerala Stamp Act
- (d) Kerala Abkari Act

Q94. PW3 deposed that in a trial under S.420 of IPO, he went to the shop of the accused, purchased an item, and hurriedly left. After reaching home, he found that the accused had not given the full balance. What is the logical deduction the Court can arrive at?

- (a) Accused is in the habit of cheating.
- (b) Accused did not give the full balance to PW3 either by mistake or purposefully.
- (c) Accused is not trustworthy.
- (d) Accused is a bad person.

Q95. Is the Writ Jurisdiction of the High Court wider than the Writ Jurisdiction of the Supreme Court? Examine the correct answer.

- (a) Yes. Article 226 can be invoked to establish fundamental rights and any other right.
- (b) No. Article 32 is wider.
- (c) Both jurisdictions are identical.
- (d) None of the above are true.

Q96. Subordinate Courts are dealt with in which chapter of Part VI of the Constitution of India ?

- (a) Chapter III
- (b) Chapter IV
- (c) Chapter VI
- (d) Chapter V

Q97. Lemon:Orange :: Potato :-----

- (a) Carrot
- (b) Apple
- (c) Cabbage
- (d) Pineapple

Q98. Butter is connected to ghee. But it is not connected to-----

- (a) Sugar
- (b) Curd
- (c) Milk
- (d) Cheese

Q99. Pick out the odd from the following

- (a) Comptroller and Auditor General.
- (b) Chief Justice of India.
- (c) Attorney General of India.
- (d) Ombudsman.

Q100. The Supreme Court has no original jurisdiction in relation to which among the following?

- (a) Dispute between two States
- (b) Election to the post of President of India.
- (c) Appointment of Governor
- (d) Inter State Water Dispute

Answer Key & Solutions

Q1. Answer: A

Res judicata under S.11 CPC requires the same parties OR parties litigating under the same title; option (a) merely says 'between same parties', which omits the 'same title' element, while (b) finally-decided, (c) competence to try the subsequent suit, and (d) matter directly and substantially in issue are all proper ingredients. Close call: (a) is the least complete statement of an ingredient.

Q2. Answer: B

Transfer by an ostensible owner under S.41 TPA is the classic exception to nemo dat quod non habet, protecting a bona fide transferee for value who took reasonable care. The other transfers do not embody that exception.

Q3. Answer: D

S.20B (inserted by the 2018 Amendment) provides for Special Courts only for suits relating to contracts for INFRASTRUCTURE PROJECTS, not for purchase of a residential house; hence the contention fails because the subject matter is not covered by S.20B.

Q4. Answer: D

A defendant may plead alternative defences; pleadings may be inconsistent but not mutually destructive. Permissible pleading is alternative defences (Order 8). 'Inconsistent', 'contradictory' and 'destructive' defences are impermissible.

Q5. Answer: A

Under S.2(11) CPC 'legal representative' is wider than 'legal heir'; it includes any person who in law represents the estate of a deceased, even an intermeddler, not merely heirs.

Q6. Answer: C

In a representative suit under Order 1 Rule 8 CPC, no part of the claim may be abandoned/compromised without leave of court and notice to interested persons (Order 23 Rule 3B). The irregularity is that leave to settle was not granted.

Q7. Answer: D

In a usufructuary mortgage (S.58(d) TPA) the mortgagee is put in possession and recovers the mortgage money by retaining possession and appropriating rents/profits; he has no right to sue for foreclosure or sale.

Q8. Answer: B

The doctrine of election under S.35 TPA rests on the maxim that one cannot approbate and reprobate - a person taking a benefit under an instrument must accept the whole of it.

Q9. Answer: C

Under S.20 of the Specific Relief Act (substituted performance), once a party opts for substituted performance he is NOT entitled to claim specific performance; he may only recover the costs from the party in breach. Hence option c is the incorrect statement.

Q10. Answer: B

S.39 of the Specific Relief Act deals with mandatory injunctions; the power to award damages in addition to or in substitution for an injunction flows from S.39(2)/S.40. The plaintiff may sue for damages in the light of S.39(2)/40, so option b (s.39(2)) is correct.

Q11. Answer: A

Under S.200 of the Contract Act, an act that would injure the rights of a third person cannot be ratified. C's unauthorised notice of termination, if ratified, would prejudice A; hence ratification is invalid.

Q12. Answer: C

S.92 CPC permits a suit by the Advocate-General or by two or more persons with leave of court; it does NOT require the suit to be filed by a statutory authority. Hence option c is not a mandate.

Q13. Answer: A

Under S.20(b) CPC, where there are several defendants, the suit may be instituted where any one of them resides provided leave of court is obtained; the objection of the other defendants is therefore not sustainable.

Q14. Answer: A

Before committing a judgment-debtor to civil prison in execution of a money decree, the court must hold an inquiry into his means to pay (S.51 proviso and Order 21 Rule 40 CPC) - i.e. enquire whether he has the means to pay.

Q15. Answer: D

A commissioner's report forms part of the record (Order 26 CPC); the commissioner need not invariably be examined, and the burden lies on the party objecting to the report to substantiate his objections.

Q16. Answer: C

Under S.11(4)(iv) read with the proviso of the Kerala Buildings (Lease and Rent Control) Act, on the landlord's failure to reconstruct, the tenant may be restored to possession, the landlord directed to reconstruct, and to pay differential rent; the Act does not provide for a fine of Rs.500, which therefore cannot be granted.

Q17. Answer: B

A mortgage by deposit of title deeds requires no registration, but where the mortgage is actually CREATED by (constituted in) the memorandum itself rather than the deeds, the memorandum becomes a document creating an interest in immovable property and is compulsorily registrable.

Q18. Answer: D

Under Order 22 Rule 10A / the proviso to the pleader's vakalath, the engagement of a pleader is deemed to continue until the legal heirs of the deceased party are brought on record.

Q19. Answer: A

On rescission of a voidable contract (S.64 Contract Act / S.30 Specific Relief Act), the party rescinding must restore any benefit he has received under the contract to the person from whom it was received.

Q20. Answer: C

Under S.143A(4) NI Act, if the accused is acquitted the court shall direct the complainant to repay the interim compensation with interest at the bank rate published by RBI at the beginning of the relevant financial year, within 60 days (extendable by 30 days).

Q21. Answer: D

S.89 CPC contemplates arbitration, conciliation, judicial settlement (including Lok Adalat) and mediation. 'Negotiation' is not one of the statutory modes.

Q22. Answer: C

Under S.71 of the Contract Act, a finder of lost goods is in the position of a bailee, with the duties and rights attached to a bailee.

Q23. Answer: A

An advertisement inviting tenders is merely an invitation to offer (invitation to treat); the tenders submitted in response are the offers.

Q24. Answer: C

In a bill of exchange the drawer is creditor of the drawee (who owes him) and debtor of the payee - i.e. debtor to one and creditor to another.

Q25. Answer: C

An agreement whose object or consideration is forbidden by law / unlawful (S.23 Contract Act) is an illegal contract; it is void and also taints collateral transactions.

Q26. Answer: A

Under S.34 Specific Relief Act, the plaintiff must be a person entitled to any legal character, or to any right as to any property, to sue for a declaration.

Q27. Answer: C

Under Order 40 Rule 4 CPC, where a receiver fails to discharge his duties and causes loss to the property by his wilful default or gross negligence, the court may attach and sell his property to recover the loss.

Q28. Answer: B

Where parties agree in writing to state a question of fact or law in the form of a case for the opinion of the court and to be bound by the decision, it is a 'special case' under Order XXXVI CPC.

Q29. Answer: D

Under S.11(11) of the Kerala Buildings (Lease and Rent Control) Act, a tenant in notified essential service is exempt from eviction, except where the landlord himself is engaged in such notified employment and requires the building for his own occupation.

Q30. Answer: C

Under S.129 of the Indian Contract Act, a guarantee which extends to a series of transactions is called a 'continuing guarantee'.

Q31. Answer: A

The 'might and ought' principle (constructive res judicata) is embodied in Explanation IV to S.11 CPC: a matter which might and ought to have been made a ground of defence or attack is deemed to have been directly and substantially in issue.

Q32. Answer: C

A mere right to sue (such as a cause of action for malicious prosecution, a personal tort) cannot be transferred; it is hit by S.6(e) of the Transfer of Property Act.

Q33. Answer: D

Under the Explanation to S.141 of the Negotiable Instruments Act, 'company' means any body corporate and includes a firm or other association of individuals; a Joint Hindu Family is not included.

Q34. Answer: C

Under S.38(2)/41(h) and the principles governing perpetual injunction, an injunction is refused where compensation in money would afford adequate relief; the other options are grounds for granting it (e.g., no standard to ascertain damage, to prevent multiplicity, against a trustee).

Q35. Answer: D

Under S.99 CPC (the principle applied to S.47 orders), no order shall be reversed or modified for any error, defect or irregularity not affecting the merits, unless it has prejudicially affected the decision of the case.

Q36. Answer: B

A puisne (later/subsequent) mortgage is a second or subsequent mortgage of the same property created by the mortgagor, ranking after the prior mortgage.

Q37. Answer: C

A vested interest (S.19 TPA) is not revocable, is heritable and transferable, is not affected by the death of the transferee before vesting, and is not made contingent on an uncertain event. 'Revocable after transfer' is therefore not true.

Q38. Answer: B

Under S.58 CPC, a judgment-debtor in civil prison is released on full satisfaction of the decree, on deposit of the warrant amount, or on the decree-holder's failure to pay subsistence allowance. A mere request by family members is not a ground for premature release.

Q39. Answer: A

Under Order 5 Rule 19 CPC, where summons is returned with an endorsement of refusal, the court, if it has reason to be dissatisfied / has doubt about the truth of the endorsement, shall examine the serving officer on oath.

Q40. Answer: A

A written and registered promise made on account of natural love and affection between parties standing in a near relation is a valid contract under S.25(1) of the Contract Act, despite want of consideration.

Q41. Answer: B

Estoppel (S.115 Indian Evidence Act) is a rule of evidence; it operates to prevent a party from denying what he has earlier represented and is contained in the Evidence Act.

Q42. Answer: B

S.300 'Fourthly' IPC applies where the person committing the act knows it to be so imminently dangerous that it must in all probability cause death, and does it without excuse for incurring such risk.

Q43. Answer: D

Issue estoppel bars re-litigation of an issue of fact already decided, but it does NOT bar trial and conviction for a different and distinct offence; hence option (d) is the incorrect statement.

Q44. Answer: B

Kidnapping or abducting a person in order that he may be put in danger of being murdered (e.g., offered as a human sacrifice) is punishable under S.364 IPC.

Q45. Answer: C

Under S.27 Indian Evidence Act, only so much of the information as distinctly relates to the fact discovered is admissible, i.e., 'I have hid the knife beneath the culvert... I will show it'; the confession to murder is inadmissible.

Q46. Answer: A

Where the deceased was last seen alive in the company of the accused and not seen thereafter, the 'last seen theory' is the logical deduction; mere proof of being last seen does not by itself prove murder.

Q47. Answer: B

Pulling a public servant (Revenue Officer) by hand to deter/prevent her from discharging her duty of attachment is assault or criminal force to deter a public servant from discharge of duty, punishable under S.353 IPC.

Q48. Answer: D

The object of examining the accused under S.313 Cr.P.C. is to enable him personally to explain any circumstances appearing in the evidence against him.

Q49. Answer: C

Under S.321 Cr.P.C., only the Public Prosecutor or Assistant Public Prosecutor in charge of the case may, with the consent of the court, withdraw from the prosecution.

Q50. Answer: A

The presumption of legitimacy under S.112 Indian Evidence Act can be rebutted only by proving non-access between the parties during the relevant period of conception.

Q51. Answer: C

If during trial of a warrant-triable offence (S.324) evidence shows the offence is in fact exclusively triable by Sessions (e.g. attempt to murder/grievous nature sufficient to cause death), the Magistrate must commit the case to the Court of Session under S.323 CrPC.

Q52. Answer: D

The Explanation to S.77 IPC extends the protection given to a Judge to a Magistrate, providing the same immunity for acts done in a judicial capacity in good faith believed to be within his power.

Q53. Answer: D

In *Mithu v. State of Punjab* (1983), a Constitution Bench struck down S.303 IPC (mandatory death for a life convict committing murder) as violative of Articles 14 and 21.

Q54. Answer: A

Under the proviso to S.132 of the Evidence Act, a compelled answer cannot subject the witness to any other prosecution, except a prosecution for giving false evidence by that answer.

Q55. Answer: C

S.22A makes oral admissions as to contents of electronic records irrelevant, except where the genuineness of the electronic record produced is in question.

Q56. Answer: C

Pulukuri Kottaya v. King Emperor (AIR 1947 PC 67) is the classic Privy Council decision interpreting S.27 of the Indian Evidence Act, holding only so much of the information as relates distinctly to the fact discovered is admissible.

Q57. Answer: A

S.127 of the Evidence Act extends the privilege of professional communication under S.126 to the interpreters, clerks and servants of the legal adviser.

Q58. Answer: B

S.154 of the Evidence Act permits the court to allow the party calling a witness to put questions in the nature of cross-examination (treating the witness as hostile).

Q59. Answer: D

Under S.142 CrPC, pending an enquiry under S.133, the Magistrate may issue an injunction directing the person against whom the conditional order under S.133 was made. (The option text mis-numbers the sections but only choice (d) correctly pairs injunction power with a S.133 nuisance enquiry.)

Q60. Answer: B

S.50 of the Evidence Act makes opinion of conduct of a family member relevant to prove relationship, but its proviso bars such opinion as sufficient proof of marriage in proceedings under the Divorce Act (and in prosecutions under S.494, 495, 497, 498 IPC).

Q61. Answer: D

The marital-communications privilege under S.122 of the Evidence Act does not apply in suits between the spouses or in prosecutions of one spouse for a crime against the other; hence in a S.498A IPC proceeding it is not privileged. Options (a)-(c) are privileged under S.123/124/126.

Q62. Answer: D

S.88 IPC protects an act done in good faith for the benefit of a person with consent (express or implied) where not intended to cause death; a surgeon's bona fide communication of prognosis for the patient's benefit is protected and is not an offence.

Q63. Answer: A

The proviso to S.372 CrPC gives a victim the right to appeal against (i) acquittal, (ii) conviction for a lesser offence, or (iii) imposition of inadequate compensation; it does not provide for an appeal seeking enhanced sentence.

Q64. Answer: A

S.166A CrPC provides for issuance of a letter of request (letter rogatory) to a competent authority in a foreign country for investigation.

Q65. Answer: D

Under the proviso to S.125(1) CrPC, a major (illegitimate) unmarried daughter is entitled to maintenance where, by reason of any physical or mental abnormality or injury, she is unable to maintain herself.

Q66. Answer: D

S.34 IPC (acts done by several persons in furtherance of common intention) embodies the principle of joint/vicarious (constructive) criminal liability.

Q67. Answer: C

A retracted confession can form the basis of conviction without corroboration if the court is satisfied it is voluntary, true and trustworthy, though as a rule of prudence corroboration is usually sought.

Q68. Answer: B

S.29 of the Evidence Act provides that an otherwise relevant confession is not irrelevant merely because it was made under intoxication or other stated circumstances; the confession remains relevant and admissible.

Q69. Answer: A

The expression 'mutually satisfactory disposition' appears in Chapter XXIA CrPC dealing with plea bargaining (S.265A-265L).

Q70. Answer: D

Cheating under S.420 requires fraudulent/dishonest intention existing at the inception. As the non-delivery was due to a genuine accident and the accused offered to perform, the complainant failed to prove the dishonest intention to cheat at the outset.

Q71. Answer: C

S.80 IPC exempts an accident occurring in the doing of a lawful act in a lawful manner with proper care and caution, without criminal intent or knowledge; an injury from a machine breaking despite safety precautions is such an accident.

Q72. Answer: B

Watching/capturing the image of a woman engaging in a private act (such as bathing) where she expects privacy is voyeurism under S.354C IPC.

Q73. Answer: D

S.54 IPC empowers the 'appropriate Government' to commute a death sentence to any other punishment provided by the Code, without the offender's consent.

Q74. Answer: B

S.304B requires the death to occur within SEVEN years of marriage, not eight; hence 'within 8 years of marriage' is not an ingredient.

Q75. Answer: A

Negligent conduct with respect to an animal (failing to guard/secure a ferocious dog) so as to endanger human life or cause injury is punishable under S.289 IPC.

Q76. Answer: D

Personation at election (S.171D IPC) covers voting in another's name, in a fictitious name, or voting again. Proxy voting under proper authorization is lawful and not personation.

Q77. Answer: A

Under S.390 IPC, extortion becomes robbery when the offender, at the time of committing it, puts the victim in fear of instant death, hurt or wrongful restraint.

Q78. Answer: D

S.155(1) Cr.P.C. requires the SHO to enter the substance of the information in the prescribed book and refer the informant to the Magistrate; he cannot investigate a non-cognizable offence without an order under S.155(2).

Q79. Answer: B

The ultimate duty on completion of investigation of a cognizable offence is to file the final/police report (charge-sheet) to the Magistrate under S.173(2) Cr.P.C. S.172 is only the case diary.

Q80. Answer: C

S.193 Cr.P.C.: except as otherwise expressly provided by the Code or any other law, no Court of Session shall take cognizance of any offence as a court of original jurisdiction unless the case has been committed to it.

Q81. Answer: B

Justice M. Fathima Beevi was the first woman judge of the Supreme Court of India (1989) and later served as Governor of Tamil Nadu (1997).

Q82. Answer: C

'Ubi jus ibi remedium' means 'where there is a right, there is a remedy'.

Q83. Answer: D

Article 39A of the Constitution (a Directive Principle) provides for equal justice and free legal aid.

Q84. Answer: C

Habeas corpus is the only writ that lies against a private individual (to produce a person in unlawful detention); mandamus, certiorari and prohibition lie only against public authorities/bodies.

Q85. Answer: B

Reasoning by major premise, minor premise and conclusion is a syllogism; here the conclusion is a fallacious syllogism but the form is syllogistic.

Q86. Answer: C

Where general words ('etc.') follow an enumeration of specific persons of the same class, ejusdem generis confines the general words to that genus, determining whether a daughter-in-law falls within the class of listed relatives.

Q87. Answer: D

Right to privacy was elaborately considered by the nine-judge Constitution Bench in K.S. Puttaswamy v. Union of India (2017), holding privacy a fundamental right under Article 21.

Q88. Answer: D

Voir dire is the preliminary examination conducted by the court to test the competency/understanding of a child witness before recording evidence.

Q89. Answer: D

Vishaka v. State of Rajasthan (1997) laid down the guidelines against sexual harassment of women at the workplace.

Q90. Answer: D

Parol evidence means oral evidence (the parol evidence rule excludes oral evidence to contradict the terms of a written document).

Q91. Answer: C

Indian Law Reports (Kerala Series) is the law report published under the authority of the Government of Kerala; KLT, KHC and KLJ are private publications.

Q92. Answer: C

The legality of narco-analysis, polygraph and BEAP tests was decided in Selvi v. State of Karnataka (2010), holding involuntary administration violates Article 20(3).

Q93. Answer: A

Kesavananda Bharati v. State of Kerala (1973) challenged the Kerala Land Reforms Act, 1963 (and constitutional amendments), giving rise to the basic structure doctrine.

Q94. Answer: B

Mere shortfall in balance, with the buyer leaving hurriedly, supports only the neutral inference that it was either a mistake or purposeful - not proof of the dishonest intention required for cheating under S.420 IPC.

Q95. Answer: A

The High Court's writ jurisdiction under Article 226 is wider, as it can be invoked for enforcement of fundamental rights 'and for any other purpose', whereas Article 32 is limited to fundamental rights.

Q96. Answer: C

Subordinate Courts are dealt with in Chapter VI of Part VI of the Constitution (Articles 233-237).

Q97. Answer: A

Lemon and orange are both fruits; the analogous pair for potato (a vegetable) is carrot, another vegetable.

Q98. Answer: A

Butter, ghee, curd, milk and cheese are all dairy products derived from/related to milk; sugar is unrelated.

Q99. Answer: D

The Comptroller and Auditor General, Chief Justice of India and Attorney General are constitutional offices; the Ombudsman (Lokpal) is not provided for in the Constitution, making it the odd one out.

Q100. Answer: C

The Supreme Court's original jurisdiction (Art.131) covers inter-State and Centre-State disputes; election disputes of President/Vice-President (Art.71) and inter-State water disputes are within it, but appointment of a Governor is an executive act with no original jurisdiction.