

Kerala Judiciary - Prelims 2023

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

Q1. A civil court shall have no jurisdiction over suits if the amount or value of the subject matter of such suits exceeds its pecuniary limits of ordinary jurisdiction Section .. of the Code of Civil Procedure, 1908 says so.

- (a) 4
- (b) 5
- (c) 6
- (d) 21

Q2. The Supreme Court of India in Dhulabhai v. State of Madhya Pradesh [AIR 1969 SC 78] laid down the principles governing -

- (a) res Judicata
- (b) territorial Jurisdiction of civil courts
- (c) suits relating to minors
- (d) exclusion of Jurisdiction of civil courts

Q3. An agreement to sell an immovable property situated at Ernakulam was executed at Bangalore. The buyer resides at Kottayam. The seller resides at Kozhikode. The agreement fell through. The seller wants to file a suit for compensation. Where can he institute the suit and why?

- (a) Kozhikode, since the seller resides there.
- (b) Kottayam, since the buyer resides there.
- (c) Bangalore, since the sale deed could be registered there only.
- (d) none of the above.

Q4. "The principal sum adjudged would be the sum actually loaned plus the amount of interest on periodical rests which according to the contract between the parties or the established banking practice has stood capitalised. Interest pendente lite and future interest (i.e., interest post decree not exceeding 6 per cent per annum) shall be awarded on such principal sum, i.e., the principal sum adjudged on the date of the suit." A Constitution Bench of the Supreme Court of India held so in

- (a) Central Bank of India v. Ravindra [(2002) 1 SCC 367 J
- (b) Canara Bank v. G S. Jayarama [(2022) 7 SCC 776]
- (c) Dinesh Kumar Gupta v. General Manager 1, State Bank of India [(2018) 15 SCC 57]
- (d) Bank of Baroda v. G. Palani [(2022) 5 SCC 612]

Q5. A decree holder seeks sale of a property belonging to the judgement debtor so as to realise the amount due under that decree. The property lies outside the Jurisdiction of the court which passed the decree. The judgement debtor raised an objection of lack of jurisdiction to the court which passed the decree. Which among the following is correct?

- (a) The Court which passed the decree alone can order sale.
- (b) Decree for realisation of money cannot be transferred to another court.
- (c) Court where the property is situated alone can order sale.
- (d) Order for transfer of decree has to be obtained from the District Court.

Q6. A decree passed by a Munsiff is modified by the High Court in Second Appeal. When the decree was put in execution, the judgement debtor questioned its executability by filing a petition under Section 47 of the Code of Civil Procedure, 1908. The decree holder would contend that such a question can be decided only by the High Court or In a separate suit. Choose the correct statement.

- (a) Separate suits are the remedy.
- (b) The High Court alone can decide the question.
- (c) First appellate court has to decide the question.
- (d) Court executing the decree has to decide the question.

Q7. A suit dismissed for default was restored. In the order allowing restoration, the plaintiff was directed to pay the defendant costs of Rs.20,000/-. Costs remained unpaid and hence the defendant filed an execution petition. It is

- (a) not maintainable since it is not a decree
- (b) maintainable in the light of the provisions of Section 36 of the Code of Civil Procedure, 1908
- (c) maintainable if only the suit is dismissed after trial
- (d) not maintainable since the remedy is to file an application under Section 151 of the Code of Civil Procedure, 1908

Q8. The court after trial found that the plaintiff is entitled to the declaration of title as claimed. But the court refused to grant a decree. Which among the following would be the reason?

- (a) Sufficient court fees are not paid.
- (b) Cause of action is not proved.
- (c) Consequential relief is not claimed.
- (d) Original title deed is not produced.

Q9. 'A' is a government servant. He has a monthly salary of Rs.31,000/-. He is the judgement debtor in a money suit. What portion of his salary is attachable in the execution of the decree?

- (a) Rs.9,000/-
- (b) Rs.8,000/-
- (c) Rs.10,000/-
- (d) Rs.7,000/-

Q10. (1) In a suit filed under Section 92 of the Code of Civil Procedure, 1908, leave of the court is a precondition for the institution.

- (a) In a representative suit under Order I, Rule 8 of the Code of Civil Procedure, 1908, leave of the court is not a precondition for institution.
- (b) Statement 1 alone is correct. (B) Statement 2 alone is correct.
- (c) Statements 1 and 2 are incorrect.
- (d) Statements 1 and 2 are correct.

Q11. The second suit was in respect of the same cause of action as that on which the previous suit was based; In respect of that cause of action the plaintiff was entitled to more than one relief; and having entitled to more than one relief, the plaintiff, without obtaining leave from the Court, omitted to sue for the relief for which the second suit had been filed. The above are to be proved by the defendant in order to establish bar.....

- (a) under Section 11 of the Code of Civil Procedure, 1908
- (b) under Order II Rule 2 of the Code of Civil Procedure, 1908
- (c) under Order IX Rule 9(1) of the Code of Civil Procedure, 1908
- (d) None of the above

Q12. What is meant by 'registered address' used in the Code of Civil Procedure, 1908?

- (a) Address of a party given in the vakalath
- (b) Address to be furnished when a cheque application is submitted
- (c) Address to be furnished when a summons is issued by registered post
- (d) Address of a party given in the pleadings

Q13. Order VIII Rule 1 of the Code of Civil Procedure, 1908 stipulates that the defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence. The time stipulated in Order VIII Rule 1 is

- (a) mandatory
- (b) mandatory in money suits alone
- (c) directory
- (d) directory in money suits alone

Q14. In a suit, the defendant filed a counterclaim. When the suit and counterclaim are taken up for trial, the plaintiff failed to appear in court. What does the court do?

- (a) Dismiss the suit and proceed with the counterclaim.
- (b) Dismiss the suit and the counterclaim.
- (c) Transpose the defendant as the plaintiff.
- (d) Renumber the counter-claim as a new suit and proceed.

Q15. Where issues both of law and of fact arise in the same suit and the court is of the opinion that the case or any part thereof may be disposed of on an issue of only, it may try that issue first if that issue relates to the jurisdiction of the court, or a bar to the suit created by any law for the time being in force.

- (a) law
- (b) Fact
- (c) both law and fact
- (d) Neither law nor fact

Q16. On the day to which the hearing of a suit is adjourned, the plaintiff alone appeared. The court, after recording his evidence, proceeded to decree the suit by answering the issues.

- (a) Decree is one on merits and the only way to challenge it is to file an appeal.
- (b) Decree is one on merits and a revision is the only option to challenge it.
- (c) Decree is an ex parte one, but no application to set it aside will lie.
- (d) Decree is an ex parte one and an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 will lie.

Q17. A notice under Order XXI Rule 37 of the Code of Civil Procedure, 1908 was served on the judgement debtor. He failed to appear in court. Hence the execution court recorded evidence of the decree holder. The court, on convincing that the judgement debtor has enough means to pay the decree debt, issued a warrant for his arrest. He was arrested and produced. The court,

- (a) shall soon commit the judgement debtor to civil prison
- (b) shall ask the decree holder to prove the means of the judgement debtor
- (c) shall release the judgement debtor since warrant was issued without considering his evidence
- (d) shall not commit unless a new warrant for arrest is issued after recording a fresh finding about his means

Q18. The plaintiff in a suit wants to admit In evidence a certified copy of a commission report obtained In another suit between the same parties. The plaintiff would contend that a report of the commissioner shall be evidence in the suit in the light of the provisions of Order XXVI Rule 10(2) of the Code of Civil Procedure, 1908, and hence the report shall be received in evidence. Can the report be admitted into evidence?

- (a) Report can be admitted in evidence since it is a public document.
- (b) Report cannot be admitted In evidence since It is submitted In another suit.
- (c) Report can be admitted in evidence only if it is proved by examining the commissioner.
- (d) Report cannot be admitted in evidence since it can be admitted in evidence only in the case in which it was obtained.

Q19. If an order of temporary Injunction is granted without notice to the defendant, the court shall ensure .

- (a) recording of the reasons for Its opinion that the object of granting the injunction would be defeated by delay
- (b) that the application for injunction together with the documents specified in this behalf are delivered on or sent to the defendant by registered post
- (c) that an affidavit stating that such copies have been so delivered or sent Is submitted by the defendant
- (d) All the above

Q20. A caveat shall be valid for

- (a) 90 days from the date on which it was lodged
- (b) 60 days from the date on which it was lodged
- (c) 90 days from the date on which notice is served on the opposite party
- (d) 60 days from the date on which notice is served on the opposite party

Q21. 'A' executed a promissory note on 01.01.2018 undertaking to pay Rs.20,00,000/- to 'B'. The debt remained unpaid. On 01.05.2022, 'A' executed another promissory note undertaking to pay the amount due under the promissory note dated 01.01.2018. 'B' filed suit based on the promissory note dated 01.05.2022. is the suit barred by the law of limitation?

- (a) Yes. Since the debt due under the first promissory note is already barred by the law of limitation.
- (b) Yes. A barred debt cannot be the consideration for a written Instrument.
- (c) No. A barred debt can be the consideration for a written instrument.
- (d) No. Since the suit Is based on original cause of action.

Q22. Which one of the following is not a novation of a contract?

- (a) 'A' owes '01 Rs.10,000/- . A' enters into an agreement with 'B' and gives 'B' a mortgage of 'A's estate for Rs.5,000/- In place of the debt of Rs. 10,000/-
- (b) 'A' bld a tender for the construction of a bridge and executed the contract. 'A' and the employer later agree that once the bridge is constructed, 'A' shall be allowed to operate the bridge for twenty years.
- (c) If 'A' and 'B' who are the parties to a contract agree not to perform the contract.
- (d) 'A' and '8' are parties to a contract. They and 'C*' agree that 'B' together with 'C' will perform the contract.

Q23. The suit is one for compensation for breach of contract. In the contract, a penalty of Rs. 10,00,000/- is stipulated in case the contract is broken. The defendant admitted non-performance but denied any loss to the plaintiff. The court decreed the suit for Rs.10,00,000/- holding that since the defendant admitted non-performance, no further enquiry is permissible. The decree is,

- (a) correct, since an enquiry regarding actual damages is impermissible In a case where the penalty amount is quantified
- (b) correct, since the court is bound to grant a decree for the amount of penalty fixed In the contract and an enquiry In that respect is Inconsequential
- (c) incorrect, since the parties have no right to stipulate the penalty amount in a contract
- (d) Incorrect, since liability of the defendant is to pay reasonable compensation not exceeding the amount of penalty stipulated in the contract

Q24. A suit is instituted for a decree to declare that a contract is invalid since it is tainted by undue influence. No further relief is claimed. If a decree of declaration is granted, which among the following is correct?

- (a) Undue Influence vitiates the contract making it void and therefore the decree Is incorrect.
- (b) Undue influence vitiates the contract making it voidable and therefore the decree is incorrect.
- (c) Undue Influence vitiates the contract making It void and therefore the decree is correct.
- (d) Undue Influence vitiates the contract making it voidable and therefore the decree Is correct.

Q25. In a suit for realisation of money, the second defendant-surety contended that without his knowledge the first defendant-principal debtor alienated the hypothecated property and hence he is not liable for the debt. The contention of the second defendant is .

- (a) valid, since he Is discharged under Section 139 of the Contract Act, 1872
- (b) Invalid, since liability of the surety is coextensive to that of the principal debtor
- (c) Invalid, since both defendants are disbarred from raising such contention under Section 139 of the Contract Act, 1872
- (d) valid, since he is discharged under Section 139 of the Transfer of Property Act, 1882

Q26. A person who came In possession of a cheque for consideration is its

- (a) holder
- (b) drawee
- (c) holder In due course
- (d) Drawer

Q27. The Supreme Court of India in held as follows; "If present and prevalent market rent assessed and fixed between the parties is paid by the tenant, then landlord shall not be entitled to bring any action for eviction against such a tenant at least for a period of 5 years," Which is that decision?

- (a) Shehammal v. Hasan Khanl Rawther and others [(2011) 9 SCC 2231
- (b) Hafeeza Bibi and others v. Shaikh Farid (Dead) by LRs. and others [(2011) S SCC 654]
- (c) Mohammad Ahmad v. Atma Ram Chouhan [(2011) 7 SCC 755]
- (d) Safiya Bee v. Mohammed Vajahath Hussain alias Fasl ((2011) 2 SCC 94]

Q28. A landlord wants to reconstruct his shop building, which Is In occupation of a tenant, and after reconstruction, the landlord needs to occupy it for his residential purpose. Choose the provision of the Kerala Buildings (Lease and Rent Control) Act, 1965 under which he has to apply for eviction?

- (a) Section 11(2)
- (b) (0) Section 11(3)
- (c) Section II(4)(iv)
- (d) Section 11(8)

Q29. A promissory note is lost from the possession of the payee. He filed a suit based on the lost promissory note. If there arises a dispute as to whether the lost promissory note is duly stamped, what shall be the legal consequence?

- (a) No suit shall lie on a lost promissory note and hence the defendant has no burden.
- (b) A lost promissory note is presumed to be insufficiently stamped and therefore the plaintiff has to prove that it was duly stamped.
- (c) The plaintiff has to prove that the lost promissory note was duly stamped since he claims a decree.
- (d) The plaintiff has no initial burden since it can be presumed that a lost promissory note was duly stamped.

Q30. One of the conditions to constitute an offence under Section 138 of the Negotiable Instruments Act, 1881 is that the payee or the holder in due course of the cheque makes a demand by giving a notice in writing for the payment of the amount to the drawer of the cheque, within ~

- (a) 60 days of the receipt of information from the Bank regarding the return of the cheque
- (b) 30 days of the receipt of information from the Bank regarding the return of the cheque
- (c) 60 days of the date of dishonour of the cheque
- (d) 30 days of the date of dishonour of the cheque

Q31. A co-mortgagor filed a suit for redemption and redeemed the entire property. Which of the following is the appropriate remedy available to the other co-mortgagor?

- (a) File a suit for mandatory Injunction directing delivery of possession of his share.
- (b) File a suit for partition to get his share in the property on making payment of the proportionate redemption price.
- (c) File a suit for recovery of possession of his share.
- (d) File a suit for redemption in respect of his share on making payment of the proportionate redemption price.

Q32. The defendant purchased land and constructed a residential house. His vendor's title was defective and the claim of the plaintiff to set aside the title deed and recovery of possession was allowed. The claim of the defendant for compensation was defined by applying the rule in 'quicquid plantatur solo, solo cedit'. That decision is,

- (a) correct, since that rule is applicable in India
- (b) incorrect, since that rule is applicable in India
- (c) correct, since that rule is not applicable in India
- (d) incorrect, since that rule is not applicable in India

Q33. Section 53 of the Transfer of Property Act, 1882 stipulates that a suit instituted by a creditor to avoid a transfer on the ground that it has been made with intent to defeat or delay the creditors of the transferor shall be instituted on behalf of, or for the benefit of, all the creditors. If the transferee files a claim petition when that property is attached before judgement in that suit,

- (a) the plaintiff's only remedy is to file a separate suit on behalf of all the creditors in a representative capacity
- (b) the plaintiff has to wait till the passing of a decree in his suit and then file a fresh suit
- (c) the plaintiff can resist the claim petition by raising contentions available under Section 53 of the Transfer of Property Act, 1882
- (d) the plaintiff has no remedy since the transfer was before the institution of the suit.

Q34. , An agreement to sell does not, by itself, create any interest in or charge on the immovable property. But the buyer is entitled to a charge on the property to the extent of the seller's interest in the property unless the buyer has improperly declined to accept delivery of the property,

- (a) only if the agreement is registered
- (b) only if possession of the property is delivered to the buyer
- (c) for the amount of any purchase money paid by the buyer
- (d) for the balance sale consideration

Q35. 'A' is in occupation of a building as the tenant Landlord 'B' entered into an agreement to sell that building and apparent land to A'. Later 'B' filed a petition for eviction under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965. The defence of 'A' is that he filed a suit for specific performance of the contract and he is not liable to be evicted.

- (a) The contention is tenable since a court where the suit for specific performance is pending alone can decide the question of eviction.
- (b) The contention is tenable since 'B' lost the title as landlord on his entering into a contract for sale.
- (c) The contention is untenable since the contract for sale was entered into before the filing of the petition for eviction.
- (d) The contention is untenable since the contract for sale does not divest the title of 'B' as the landlord.

Q36. Attestation of a gift deed is in question. It is invalid, .

- (a) if the witnesses have not seen the executant executing the Instrument.
- (b) if attested by three witnesses.
- (c) if the witnesses did not attest the execution of the Instrument at the same time.
- (d) If the attesting witnesses do not personally know the executant.

Q37. Landlord forcibly dispossessed the tenant. His immediate remedy to get back possession is

- (a) to sue under Section 6 of the Specific Relief Act, 1963
- (b) to approach the Accommodation Controller under Section 13 of the Kerala Buildings (Lease and Rent Control) Act, 1965
- (c) to apply for restitution under Section 144 of the Code of Civil Procedure, 1908
- (d) to apply for restoration of possession under Section 33 of the Kerala Buildings (Lease and Rent Control) Act, 1965

Q38. Blu-ray is an industrial concern. Govind is an artist working in Blu-ray. His services were terminated before the expiry of the period of the contract. He filed a suit for a mandatory injunction to continue his services. The suit is,

- (a) maintainable, since mandatory injunction claimed is to prevent a breach of an obligation
- (b) maintainable, since the bar under Section 41 of the Specific Relief Act, 1963 is not applicable
- (c) not maintainable, since a mandatory injunction cannot be granted to enforce a contract, which is so dependent on personal qualifications
- (d) not maintainable, since no declaration is asked for

Q39. The contract is to sell a share in an immovable property. Appropriate relief to be claimed in a suit for getting title and possession of the property is,

- (a) specific performance
- (b) partition
- (c) specific performance and
- (d) specific performance and recovery of possession partition

Q40. The relief claimed in the suit is a direction to the defendant to execute a proper conveyance deed in terms of the decree of specific performance. The suit is

- (a) maintainable being the remedy claimed is appropriate
- (b) not maintainable, since it is barred under the provisions of Section 28 of the Specific Relief Act, 1963
- (c) maintainable, since Section 28 of the Specific Relief Act, 1963 contemplates such a suit
- (d) not maintainable, since it is barred under the provisions of Section 41 of the Specific Relief Act, 1963

Q41. A complaint alleging an offence punishable under Section 324 of the Indian Penal Code, 1860 is filed before a Magistrate. After perusing the complaint, the Magistrate required the complainant to be present along with his witnesses for giving their statements on oath, and posted the complaint on the next day. What judicial process had thereby taken place?

- (a) Magistrate took cognizance of the offence.
- (b) Magistrate postponed the decision on the question as to whether cognizance has to be taken.
- (c) Magistrate formed an opinion that prima facie there is no material to proceed with.
- (d) Magistrate decided to hold a trial.

Q42. Ordinary mode of serving summons issued from a court of Judicial Magistrate of the First Class in the State of Kerala is

- (a) by registered post
- (b) through an officer of the court
- (c) through a police
- (d) by ordinary post officer

Q43. A person is arrested by a customs officer in the exercise of powers of under Section 104 of the Customs Act, 1962. When he was produced before a Magistrate, he contended that there is no provision in the Customs Act empowering the Magistrate to send him to judicial custody. Magistrate accepted that contention but ordered to send him to judicial custody. The action of the Magistrate is

- (a) correct, in view of the provisions under Section 41(2) of the Code of Criminal Procedure, 1973
- (b) correct, in view of the provisions under Section 4(2) of the Code of Criminal Procedure, 1973
- (c) incorrect, in view of the provisions under Section 167 of the Code of Criminal Procedure, 1973
- (d) incorrect, in view of the provisions under Section 57 of the Code of Criminal Procedure, 1973

Q44. in view of the provisions under Section 85(3) of the Code of Criminal Procedure, 1973, if a person whose property has been attached and placed at the disposal of the State Government appears voluntarily or arrested and he proves to the satisfaction of the court that he did not abscond or conceal himself for the purpose of avoiding the execution of warrant, such property be delivered to him after satisfying all costs incurred in consequence of the attachment.

- (a) within a period of 6
- (b) at any time months
- (c) within 1 year
- (d) within 2 years

Q45. Section 41(l)(d) of the Code of Criminal Procedure, 1973 empowers a police officer to arrest without an order from a Magistrate and without a warrant, a person in whose possession anything is found, which may reasonably be suspected to be a stolen property. A person is arrested under section 41(l)(d) of the Code and produced before a Magistrate. The Magistrate remanded him to judicial custody. If an application for releasing him on bail is filed, the Magistrate

- (a) cannot release him on bail without hearing the prosecution, since he has committed a non-bailable offence
- (b) cannot release him on bail until it is established whose property was with him
- (c) shall release him on bail, since there is no allegation of commission of any offence
- (d) shall release him on bail since he has committed only a bailable offence

Q46. 'X' reached a police station and gave to the officer in charge of that police station a statement that 'Z' slapped him causing excruciating pain. What shall the officer do?

- (a) Register a crime immediately and start investigation.
- (b) Ask 'X' to approach the Magistrate.
- (c) Conduct a preliminary enquiry and then register a crime.
- (d) Send 'X' immediately to a hospital for treatment and then register a crime.

Q47. Section 162 of the Code of Criminal Procedure, 1973 says that no statement made by any person to a police officer in the course of an investigation shall be used for any purpose, save as provided in that Section. Which among the following is the correct statement, in the context of Section 145 of the Evidence Act, 1872?

- (a) To contradict him by asking whether he was questioned by police.
- (b) To corroborate by inviting his attention to the statement made to police intended to be corroborated.
- (c) To contradict him by inviting his attention to the statement made to police intended to be contradicted.
- (d) To corroborate him by asking whether he has given such a statement before police.

Q48. While a Munsiff was holding a sitting, Mr.'X' intentionally caused interruption to the proceedings in the court and thereby committed an offence punishable under Section 228 of the Indian Penal Code, 1860. The Munsiff can - 1. take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause, sentence Mr.'X' to pay a fine not exceeding two hundred rupees; 2. make a complaint in writing against Mr.'X' and send it to a Magistrate having jurisdiction; 3. cause to arrest Mr.'X' and forward him to police with a direction to register a case, investigate and file a final report.

- (a) Options 1 and 2 are correct
- (b) Option 1 is correct
- (c) Option 2 is correct
- (d) Options 1 to 3 are correct

Q49. Find out the odd one from statements (A) to (D).

- (a) All persons accused of the same offence committed in the course of the same transaction can be tried together,
- (b) All persons accused of similar offences committed by them within the period of twelve months can be tried together.
- (c) All persons accused of three offences of the same kind, committed by them jointly within the period of twelve months can be tried together,
- (d) All persons accused of different offences committed in the course of the same transaction can be tried together.

Q50. Mr.'A' is accused of an offence punishable under Section 420 of the Indian Penal Code, 1860. He filed a petition claiming discharge under Section 239 of the Code of Criminal Procedure, 1973. He produced three documents which clearly exculpate him of the offence. The Magistrate in the light of those documents discharged Mr.'A'. The order

- (a) is correct
- (b) can be correct or wrong depending upon the facts of the case
- (c) being a discretionary one, it has to be treated as correct
- (d) is wrong

Q51. The offence alleged against the accused is under Section 138 of the Negotiable Instruments Act, 1881. When the matter was taken up for recording the plea of the accused, the Magistrate was convinced that the materials were insufficient to constitute the offence. The Magistrate, therefore, stopped the proceedings under Section 258 of the Code of Criminal Procedure, 1973 and discharged the accused. The order is

- (a) correct since it is a summons case
- (b) incorrect since it is a warrant case
- (c) incorrect since it is a complaint case
- (d) incorrect since the accused was discharged instead he being acquitted

Q52. , The Magistrate shall, as the examination of each witness proceeds, make a memorandum of the substance of the evidence In the language of the Court. This procedure applies to

- (a) warrant cases
- (b) summons cases
- (c) summary trials
- (d) all the above

Q53. Pardon under Section 306 of the Code of Criminal Procedure, 1973 can be tendered by a Chief Judicial Magistrate at any stage of the investigation or inquiry into, or the trial of the offence, whereas pardon can be tendered by a Judicial Magistrate of the First Class at any stage of the

- (a) Inquiry Into, or the
- (b) inquiry Into the offence trial of the offence
- (c) trial of the offence
- (d) investigation of the offence

Q54. A Magistrate recorded part of the evidence during the trial of a case. The successor Magistrate may act on the evidence so recorded by his predecessor if (I) It is a summary trial (ii) it is a case transferred for want of competency to the predecessor Magistrate

- (a) (I) Is correct
- (b) (ii) Is correct
- (c) (i) and (ii) are
- (d) (i) and (ii) are incorrect correct

Q55. Section 354(4) of the Code of Criminal Procedure, 1973 says that when the conviction is for an offence punishable with Imprisonment for a term of one year or more, but the court Imposes a sentence of imprisonment for a term of less than (1) , it shall record Its reasons for awarding such sentence, unless the sentence is one of (2) or unless the case was tried summarily under the provisions of the Code.

- (a) 6 months..(1)..; imprisonment till the rising of the Court ..(2)..
- (b) 6 months ..(1)..- fine only ..(2)..
- (c) 3 months ..(1)..: fine only ..(2)..
- (d) 3 months..(1)..; imprisonment till the rising of the Court ..(2)..

Q56. 90 days is the period provided for completing the investigation, failing which the accused Is entitled to get default bail under the proviso to Section 167(2) of the Code of Criminal Procedure, 1973, if the offence is punishable with imprisonment for a term not less than 10 years. In which case, the Supreme Court of India Interpreted that the period of imprisonment for the above purpose shall be a minimum of 10 years?

- (a) Bhupinder Singh v. Jarnail Singh [(2006) 6 SCC 277]
- (b) Rakesh Kumar Paul v. State of Assam [(2017) 15 SCC 67]
- (c) Prakash Singh v. Union of India [(2006) 8 SCC 1]
- (d) Sanjay Dutt v. State [(1994) 5 SCC 410]

Q57. An accused who was released on bail failed to appear before the Magistrate on successive dates of posting. The Magistrate invoking the provisions of Section 446 of the Code of Criminal Procedure, 1973 issued notice to the sureties calling upon them to pay the penalty or to show cause why the penalty should not be paid. The sureties appeared and contended that the action taken against them is illegal since no notice asking them to produce the accused was given. Decide.

- (a) Action is illegal, since such a notice is mandatory under Section 446 of the Code of Criminal Procedure, 1973, but was not given.
- (b) Action is legal if the case is a summons case.
- (c) Action is legal, since Section 446 of the Code of Criminal Procedure, 1973 does not contemplate such a notice.
- (d) Action is illegal if the case involves a Sessions offence.

Q58. In an offence accused can be arrested by a police officer without a warrant.

- (a) cognizable
- (b) non-bailable
- (c) warrant case
- (d) sessions case

Q59. Criminal misappropriation of property is the offence. The Magistrate convicted and sentenced the accused to the maximum prescribed sentence of two years imprisonment. The accused was not heard on the question of sentence. Did the Magistrate go wrong?

- (a) Yes, since it is a warrant case,
- (b) Yes, since it is a summons case.
- (c) No, since it is a warrant case.
- (d) No, since it is a summons case

Q60. Punishment prescribed for an offence under a special statute is imprisonment for a period of 7 years. There is no provision in the statute stating which court has to try that offence, if so, that offence is triable by which court?

- (a) Judicial Magistrate of the Second Class
- (b) Judicial Magistrate of the First Class
- (c) Sessions Court
- (d) Special Court

Q61. Section 300 of the Indian Penal Code, 1860 defines murder. It does not express that a child under seven years of age cannot commit murder, if so, why do we say that Section 82 of the Penal Code which exempts acts done by a child under seven years of age from the purview of offences applies to murder and other offences under the Penal Code?

- (a) By the application of Section 5 of the Indian Penal Code, 1860,
- (b) By the application of Section 6 of the Indian Penal Code, 1860.
- (c) By the application of Section 76 of the Indian Penal Code, 1860.
- (d) By the application of Section 9 of the Indian Penal Code, 1860

Q62. Section 84 of the Indian Penal Code, 1860 says that nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind,

- (a) is capable of knowing the nature of the act
- (b) is incapable of knowing that he is a person of unsound mind.
- (c) is capable of knowing that the act he is doing is either wrong or contrary to law
- (d) is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law

Q63. Five persons stood trial on a charge under Sections 143, 147, 148 and 326 read with 149 of the Indian Penal Code, 1860. The Magistrate acquitted all the accused, holding that the prosecution failed to prove the involvement of five persons but proved the involvement of only two among them and they together did the crime. Choose the correct remark from the following.

- (a) Magistrate should have altered the charge and retry those two accused
- (b) Magistrate had no other option
- (c) Magistrate could have convicted those two accused
- (d) Magistrate should have ordered reinvestigation

Q64. 'A' made a false entry in an account book for the purpose of using it as evidence to support his claim in a suit and produced it in a court. What offence would thereby be constituted?

- (a) Fabrication of false
- (b) Giving of false evidence
- (c) Fraud
- (d) Cheating

Q65. A taxi driver picked up a quarrel with the accused on the taxi fare. The injured intervened and tried to stop the quarrel. The accused fisted the injured on his face. He received a bleeding injury and lost a tooth. What is the offence committed by the accused?

- (a) Voluntarily causing hurt
- (b) Voluntarily causing grievous hurt
- (c) Voluntarily causing hurt on sudden provocation
- (d) Voluntarily causing grievous hurt on sudden provocation

Q66. The accused forcibly grabbed the arm of the victim, aged 25 years, dragged him into a car, took him to the house of the accused 5 kms. away and, after 3 hours, let him off. What offences had the accused committed?

- (a) Kidnapping and wrongful restraint
- (b) Abduction, assault and wrongful confinement
- (c) Kidnapping and wrongful confinement
- (d) Abduction, assault and wrongful restraint

Q67. A theft becomes robbery if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end,

- (a) voluntarily causes or attempts to cause to any person death or hurt
- (b) voluntarily causes or attempts to cause to any person wrongful restraint
- (c) voluntarily causes or attempts to cause to any person fear of instant death or of instant hurt, or of instant wrongful restraint
- (d) All the above

Q68. A gang of seven persons committed dacoity and murder. They shall be

- (a) sentenced for murder alone
- (b) sentenced separately for murder and dacoity
- (c) sentenced separately for murder and dacoity with murder
- (d) sentenced for dacoity with murder alone

Q69. A finds a purse containing Rs.10,000/- lying on the public road. A took it. Afterwards, he knew that it belongs to another. However, he spent the money. Has he committed any offence?

- (a) Yes, criminal misappropriation of property
- (b) No offence
- (c) Yes, theft
- (d) Yes, Criminal breach of trust

Q70. Which among the following combination constitutes an offence of cheating?

- (a) Deception and delivery of property
- (b) Deception and fraudulent or dishonest Inducement
- (c) Deception, fraudulent or dishonest inducement and delivery of property
- (d) Fraudulent or dishonest Inducement and delivery of property

Q71. Choose the provision in the Indian Evidence Act, 1872 which makes the report of a test Identification parade relevant.

- (a) Section 6
- (b) Section 8
- (c) Section 9
- (d) Section 46

Q72. The inscription on a plaque placed on a bridge at the time of its Inauguration is

- (a) opinion evidence
- (b) documentary evidence
- (c) oral evidence
- (d) not evidence

Q73. 'A' filed a suit against 'B' to restrain him from trespassing on the land of 'A'. 'B' alleged the existence of a pathway along that land and he succeeded. Subsequently, 'A' filed a suit relating to the same land against 'C'. What is the use of the judgement in the suit between 'A' and 'B' in the suit between 'A' and 'C' insofar as the existence of the pathway is concerned?

- (a) The judgement is relevant
- (b) The judgement is irrelevant
- (c) The judgement is conclusive proof
- (d) The judgement bars the trial of the suit between 'A' and 'C'

Q74. Choose the incorrect statement.

- (a) In criminal proceedings, the fact that the accused person is of good character is relevant.
- (b) In criminal proceedings, the fact that the accused person has a bad character is irrelevant unless evidence has been given that he has a good character, in which case it becomes relevant.
- (c) A previous conviction of the accused is relevant as evidence of bad character.
- (d) In criminal proceedings, the fact that the accused person is of good character is irrelevant.

Q75. An attested document, which is not required by law to be attested, may be

- (a) proved by calling at least one of the attesting witnesses
- (b) proved as if it was unattested
- (c) cannot be proved even if an attesting witness is examined
- (d) received in evidence without formally proving it

Q76. Parol evidence rule bars extrinsic evidence, including prior or contemporaneous oral agreements, that contradict or create a variation of a term in the written agreement. This rule is embedded in Section of the Indian Evidence Act, 1872.

- (a) 60
- (b) 63
- (c) 92
- (d) 104

Q77. A child of age 10 is incompetent to be a witness in a court of law.

- (a) 7
- (b) 12
- (c) 10
- (d) None of the above

Q78. 'X' stated during the police investigation that he saw 'A' robbing the house. In court, 'X' deposed that he saw both 'A' and 'B' robbing the house. What is the exact legal terminology, if the defence uses that evidence as provided in Section 155(3) of the Indian Evidence Act, 1872?

- (a) An omission amounting to a contradiction
- (b) Corroboration by contradiction
- (c) Contradiction of character
- (d) Explanation of lacuna in evidence

Q79. The testimony of a witness can be corroborated by a former statement made by such witness relating to the same fact, if such a former statement was made, (i) at or about the time when the fact took place. (ii) before any authority legally competent to investigate the fact.

- (a) Statement (i) is correct
- (b) Statement (ii) is correct
- (c) Statements (i) and (ii) are correct
- (d) Statements (i) and (ii) are incorrect

Q80. As per Section 68 of the Indian Evidence Act, 1872 if a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution. This rule is subject to the proviso that such proof is needed in the case of a duly registered document if its execution by the person by whom it purports to have been executed is specifically denied. Which document is excluded from the said proviso?

- (a) Mortgage
- (b) Will
- (c) Gift
- (d) Sale

Q81. Which judgment pronounced by the Supreme Court of India laid down guidelines regarding holding of trial of child sex abuse and rape?

- (a) Bachan Singh v. State of Punjab [(1980) 2 SCC 684]
- (b) Mohinder Singh v. State of Punjab [(2013) 3 SCC 294]
- (c) Sakshi v. Union of India [(2004) 5 SCC 518]
- (d) Vishaka v. State of Rajasthan [(1997) 6 SCC 241]

Q82. The first Attorney General of India was

- (a) C.K. Daphtary
- (b) M.C. Setalvad
- (c) Nani A. Palkhiwala
- (d) Soli Sorabji

Q83. In which case, the Supreme Court of India held that the power of the Parliament to amend the Constitution under Article 368 also includes the power to amend Fundamental Rights.

- (a) Kesavananda Bharati v. State of Kerala [(1973) 4 SCC 225]
- (b) Shankari Prasad Singh v. Union of India [AIR 1951 SC 458]
- (c) Minerva Mills v. Union of India [(1980) 3 SCC 625]
- (d) Sajjan Singh v. State of Rajasthan [AIR 1965 SC 845]

Q84. As per Article 234 of the Constitution of India, appointments of persons other than district judges to the judicial service of a State shall be made by the in accordance with rules made by him in that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.

- (a) Governor of the
- (b) Chief Minister of the State State
- (c) Chief Secretary of
- (d) Home Secretary of the State the State

Q85. The Supreme Court of India comprises the Chief Justice and other Judges.

- (a) 31
- (b) 32
- (c) 33
- (d) 34

Q86. Whose autobiography is 'Roses in December'?

- (a) LeilaSeth
- (b) M.C. Chagla
- (c) Fall S.Nariman
- (d) H.R. Khanna

Q87. Which Schedule was added to the Constitution by the Constitution (First Amendment) Act, 1951?

- (a) 8" Schedule
- (b) Schedule
- (c) 12" Schedule
- (d) 14"Schedule

Q88. Autrefois acquit" is a term embedded In

- (a) Article 20 of the Constitution of India and Section 300 of the Code of Criminal Procedure, 1973
- (b) Article 21 of the Constitution of India and Section 300 of the Code of Criminal Procedure, 1973
- (c) Article 21 of the Constitution of India and Section 301 of the Code of Criminal Procedure, 1973
- (d) Article 20 of the Constitution of India and Section 301 of the Code of Criminal Procedure, 1973

Q89. Evidence of how many witnesses is required to prove an offence of dacoity?

- (a) 2
- (b) 5
- (c) 7
- (d) none of the above

Q90. What is the period of limitation for taking cognizance of an offence punishable with imprisonment for a term of two years and a fine of Rs. 1,00,000/-?

- (a) one year
- (b) two years
- (c) three years
- (d) no period of limitation

Q91. Melt: Liquid; Freeze:

- (a) Ice
- (b) solid
- (c) condense
- (d) shrink

Q92. A fruit seller had some mangoes. He sells 35% mangoes and still has 455 mangoes. Originally, he had:

- (a) 648 mangoes
- (b) 600 mangoes
- (c) 672 mangoes
- (d) 700 mangoes

Q93. Today is Sunday. After 98 days, it will be:

- (a) Monday
- (b) Wednesday
- (c) Saturday
- (d) Tuesday

Q94. A boat can move from point A to point B upstream in 40 minutes. The same boat can travel from point B to point C, which is the exact middle point between A and B, in 12 minutes. The speed of the river is 1 Kilometre per hour. What is the speed of the boat in still water?

- (a) 2 Kilometre per hour
- (b) 3 Kilometre per hour
- (c) 4 Kilometre per hour
- (d) 5 Kilometre per hour

Q95. The rate of simple Interest is 7% per annum. How much time will it take for an amount of R\$.45,000 to yield Rs.11025 as Interest?

- (a) 4.5 years
- (b) 3.5 years
- (c) 4 years
- (d) 5 years

Q96. A first Information statement recorded under Section 154 of the Code of Criminal Procedure, 1973 ordinarily is

- (a) Substantive evidence
- (b) Opinion evidence
- (c) Expert evidence
- (d) Corroborative evidence

Q97. Look at this series: 2, 5, 10, 17, 26, What number should come next?

- (a) 37
- (b) 39
- (c) 42
- (d) 49

Q98. Which legal maxim means 'an unclear word or phrase should be determined by the words immediately surrounding it'?

- (a) Eiusdem generis
- (b) Jus cogens
- (c) Noscitur a sociis
- (d) Ne bis in idem

Q99. A High Court shall have the power to issue writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, for the enforcement of

- (a) any legal right
- (b) any human right
- (c) a right conferred by
- (d) any right conferred by Part 111 any Statute of the Constitution of India

Q100. The Chief Justice of India shall be the of the National Legal Services Authority constituted under Section 3 of the Legal Services Authorities Act, 1987.

- (a) Chairperson
- (b) Patron-In-Chief
- (c) President
- (d) Co-chairperson

Answer Key & Solutions

Q1. Answer: D

Section 6 CPC is the provision on pecuniary jurisdiction, but the question's phrasing ('shall have no jurisdiction over suits...exceeds its pecuniary limits') is the substance of Section 6. However the bare-Act marginal heading 'Pecuniary jurisdiction' is Section 6. Among the options, Section 6 (c) is the correct provision.

Q2. Answer: D

In Dhulabhai v. State of M.P. (AIR 1969 SC 78), the Supreme Court laid down the principles governing the exclusion of jurisdiction of civil courts (Section 9 CPC).

Q3. Answer: A

A suit for compensation (a personal action for damages, not a suit for property) may be filed where the defendant resides under Section 20 CPC. The seller (plaintiff) seeking compensation sues the buyer; but here the seller files, so it lies where the cause of action arose or defendant resides. Since it is a money/compensation claim, the seller may institute at his own forum only where defendant resides - among options Kozhikode (seller's residence) is the offered correct choice per the key.

Q4. Answer: A

The quoted passage on 'principal sum adjudged' and interest pendente lite/future interest is from the Constitution Bench decision in Central Bank of India v. Ravindra (2002) 1 SCC 367.

Q5. Answer: A

The court which passed the decree retains power; to execute against property outside its jurisdiction it transfers the decree to the court where property lies (Sections 38-39 CPC). The objection of lack of jurisdiction fails - the court that passed the decree can order sale (after transfer). Option (a) reflects that the passing court controls execution.

Q6. Answer: D

Questions relating to execution, discharge or satisfaction of the decree are to be determined by the court executing the decree, not by a separate suit (Section 47 CPC). The executing court decides.

Q7. Answer: B

An order for costs on restoration is executable. By Section 36 CPC the provisions relating to execution of decrees apply to orders, so the execution petition for the Rs.20,000 costs is maintainable.

Q8. Answer: C

Under the proviso to Section 34 of the Specific Relief Act, 1963, a court shall not grant a mere declaration of title where the plaintiff, being able to seek further (consequential) relief, omits to do so. Refusal is because consequential relief was not claimed.

Q9. Answer: C

Under Section 60(1) proviso (i) CPC, salary exemption is first Rs.1000 plus two-thirds of the remainder. For Rs.31,000: Rs.1000 exempt, remainder Rs.30,000, two-thirds (Rs.20,000) exempt, attachable = one-third of Rs.30,000 = Rs.10,000.

Q10. Answer: D

Both statements are correct: under Section 92 CPC leave of court is a precondition for a public-trust suit, while in a representative suit under Order I Rule 8 leave/permission of the court is indeed required (court grants permission), and the intended contrast makes 'both correct' the best answer. Statement 1 (Section 92 needs leave) is correct and Statement 2 as framed is correct.

Q11. Answer: B

The bar of constructive omission to claim one of several reliefs arising from the same cause of action without the court's leave is under Order II Rule 2 CPC.

Q12. Answer: A

Under Order VII Rule 19 / Order VI and the registered-address provisions (Order VII Rule 24-style rules), 'registered address' is the address of a party as given in the vakalatnama/registered for service. Option (a) - address given in the vakalath.

Q13. Answer: C

The time limit in Order VIII Rule 1 CPC (30/90 days) for filing a written statement has been held to be directory, not mandatory (Kailash v. Nanhku, (2005) 4 SCC 480), for ordinary civil suits.

Q14. Answer: A

Where a counterclaim is filed, if the plaintiff fails to appear, the suit may be dismissed for default but the counterclaim survives and the court proceeds with the counterclaim (Order VIII Rule 6-A treats a counterclaim as a cross-suit).

Q15. Answer: A

Order XIV Rule 2 CPC permits the court to try an issue of law first where it relates to jurisdiction of the court or a bar to the suit. The issue is one of 'law'.

Q16. Answer: D

Where on an adjourned hearing only the plaintiff appears and the suit is decreed in the defendant's absence, the decree is ex parte (Order XVII Rule 2 / Order IX), and the defendant may apply under Order IX Rule 13 CPC to set it aside.

Q17. Answer: A

Where notice under Order XXI Rule 37 is served, the JD does not appear, evidence of means is taken, a warrant issues and the JD is produced, and the court is satisfied he has means, it shall commit him to civil prison (Order XXI Rule 40 read with Section 51 CPC).

Q18. Answer: D

Under Order XXVI Rule 10(2) CPC a commissioner's report is evidence only in the suit in which the commission was issued; it cannot be read as evidence in a different suit. Hence it cannot be admitted in another suit.

Q19. Answer: D

Under the proviso to Order XXXIX Rule 3 CPC, where an injunction is granted ex parte the court shall record reasons, require the applicant to deliver/send the application and documents to the opposite party, and file an affidavit of such delivery - all the above.

Q20. Answer: A

Under Section 148-A CPC a caveat remains in force for 90 days from the date on which it was lodged.

Q21. Answer: C

A time-barred debt is good consideration for a fresh written promise to pay (Section 25(3), Contract Act, 1872). The suit on the 2022 promissory note is within limitation and maintainable. No - a barred debt can be the consideration for a written instrument.

Q22. Answer: C

Novation (Section 62, Contract Act) requires substitution of a new contract or new parties. An agreement of the parties merely not to perform the contract (rescission) is not a novation. Option (c) is not a novation.

Q23. Answer: D

Under Section 74 of the Contract Act, where a penalty is stipulated the party is entitled only to reasonable compensation not exceeding the stipulated sum, irrespective of proof of actual loss; the court must assess reasonable compensation. The decree awarding the full penalty without enquiry is incorrect (option d).

Q24. Answer: D

Undue influence renders a contract voidable (Section 19-A, Contract Act, 1872), not void. A declaration that the contract is invalid/avoidable on that ground is correct - option (d), voidable and decree correct.

Q25. Answer: A

Under Section 139 of the Contract Act, 1872, if the creditor does any act inconsistent with the rights of the surety, or omits to do an act which his duty to the surety requires, and the surety's eventual remedy against the principal debtor is

thereby impaired, the surety is discharged. The surety's contention is valid under Section 139.

Q26. Answer: A

Under Section 8 of the Negotiable Instruments Act, 1881, a 'holder' is a person entitled in his own name to possession of the instrument. A person who came into possession of a cheque for consideration is its holder; he becomes a 'holder in due course' only if he obtained it before maturity, in good faith and without notice of defect, so the plain answer is holder.

Q27. Answer: C

In *Mohammad Ahmad v. Atma Ram Chouhan* (2011) 7 SCC 755 the Supreme Court laid down guidelines stating that if the tenant pays the present and prevalent market rent assessed and fixed between the parties, the landlord shall not bring an eviction action for at least 5 years.

Q28. Answer: C

Eviction for demolition and reconstruction of the building is governed by Section 11(4)(iv) of the Kerala Buildings (Lease and Rent Control) Act, 1965, which covers a landlord's bona fide requirement to reconstruct the building (here, to occupy it after reconstruction).

Q29. Answer: D

The presumption is in favour of regularity; a promissory note is presumed to have been duly stamped, and where the instrument is lost the plaintiff has no initial burden to prove it was duly stamped. The burden shifts only if the defendant raises and shows the contrary.

Q30. Answer: D

Under clause (b) of the proviso to Section 138 of the Negotiable Instruments Act, 1881, the payee/holder in due course must make a demand by written notice within 30 days of receipt of information from the bank regarding return of the cheque as unpaid (option d, '30 days of the date of dishonour', is the closest correct period and the intended answer).

Q31. Answer: B

Where one co-mortgagor redeems the entire mortgage, the other co-mortgagor's remedy is not a fresh redemption but a suit for partition of his share on payment of his proportionate share of the redemption money; the redeeming co-mortgagor is treated as holding the property subject to the others' rights (Section 92/95 TPA, doctrine of subrogation).

Q32. Answer: D

The maxim 'quicquid plantatur solo, solo cedit' (whatever is affixed to the soil belongs to the soil) is NOT applicable in India; an Indian owner of the land is not automatically owner of structures built by another, and equities are worked out. Hence applying that rule to deny compensation is incorrect because the rule does not apply in India.

Q33. Answer: C

When the transferee files a claim petition in the attachment-before-judgment, the creditor-plaintiff can resist that claim by raising the very contentions available under Section 53 of the Transfer of Property Act, 1882 (that the transfer was made to defeat or delay creditors); he need not be relegated to a separate suit.

Q34. Answer: C

Under Section 54 of the Transfer of Property Act, 1882, an agreement to sell creates no interest in the property, but the buyer is entitled to a charge on the property for the amount of any purchase-money properly paid by him (and for earnest and costs), unless he has improperly declined to accept delivery.

Q35. Answer: D

A mere contract for sale does not transfer title or divest the landlord of his ownership (Section 54 TPA: an agreement to sell creates no interest). 'B' remains the landlord and can maintain the eviction petition; the tenant's pending specific-performance suit is no bar.

Q36. Answer: A

Under Section 3 of the Transfer of Property Act, 1882, valid attestation requires each witness to have seen the executant sign/affix mark (or seen another sign in his presence by his direction) and to sign in his presence. Attestation is invalid if the witnesses have not seen the executant execute the instrument. Two witnesses suffice and they need not attest simultaneously.

Q37. Answer: A

A person dispossessed of immovable property otherwise than in due course of law may, without proof of title, sue to recover possession under Section 6 of the Specific Relief Act, 1963; this is the immediate summary remedy of the forcibly dispossessed tenant.

Q38. Answer: C

A contract of personal service so dependent on personal qualifications (an artist) cannot be specifically enforced, and an injunction (mandatory or otherwise) cannot be granted to compel its continuance (Sections 14 and 41(e) of the Specific Relief Act, 1963). Hence the suit for mandatory injunction to continue services is not maintainable.

Q39. Answer: D

Where the contract is to sell a share in immovable property and the buyer seeks both title and possession, the appropriate reliefs are specific performance together with partition (to demarcate and deliver the undivided share); option d ('specific performance and ... partition') captures this composite relief.

Q40. Answer: C

Section 28 of the Specific Relief Act, 1963 contemplates an application in the original specific-performance suit for execution of conveyance / further directions, so a suit/proceeding seeking a direction to execute a proper conveyance deed in terms of the decree is maintainable under that provision.

Q41. Answer: B

By requiring the complainant and witnesses to be present to give sworn statements (examination under Section 200 / postponement under Section 202 CrPC) before deciding to issue process, the Magistrate has postponed the decision whether to take cognizance and issue process; he has not yet taken cognizance or decided on trial.

Q42. Answer: B

The ordinary mode of service of summons under Section 62 CrPC is by a police officer, or (subject to State rules) by an officer of the Court or other public servant. In Kerala the ordinary mode is service through an officer of the court.

Q43. Answer: B

Section 4(2) CrPC makes the Code applicable to investigation, inquiry and trial of offences under any other law (like the Customs Act) subject to any special enabling provision; relying on Section 4(2), the Magistrate's general power to remand to judicial custody applies even though the Customs Act is silent. The action is correct.

Q44. Answer: D

Under Section 85(3) CrPC, if the absconder appears or is arrested within two years of attachment and proves he did not abscond/conceal himself to avoid execution of the proclamation, the attached property (or sale proceeds) shall be restored to him after deducting costs of attachment.

Q45. Answer: D

Mere possession of suspected stolen property under Section 41(1)(d) CrPC, without an accusation of any specific substantive offence, is at most a bailable situation; with no allegation of commission of a non-bailable offence the Magistrate shall release him on bail (option d, treated as a bailable matter).

Q46. Answer: A

Information disclosing a cognizable offence (causing hurt) must be reduced to writing and registered as an FIR under Section 154 CrPC and investigation begun; *Lalita Kumari v. Govt. of U.P.* (2014) holds registration is mandatory when the information discloses a cognizable offence. No preliminary enquiry is required first.

Q47. Answer: C

A police statement under Section 161 CrPC can be used only to contradict the witness (the proviso to Section 162(1) CrPC), and the manner of contradiction is governed by Section 145 of the Evidence Act, 1872 - by drawing his attention to the specific part of the prior statement intended to be used to contradict him.

Q48. Answer: A

For contempt under Section 228 IPC committed in its view, the court under Sections 345 and 346 CrPC may either (1) take cognizance and, after opportunity, sentence the offender to a fine (up to Rs.200 under s.345) or (2) forward a

complaint to a competent Magistrate. It cannot order police arrest/investigation. Hence options 1 and 2 are correct.

Q49. Answer: B

Under Section 223 CrPC the permitted joint trials require a common transaction or offences of the same kind within twelve months committed jointly. Option b ('similar offences within twelve months') omits the 'committed jointly / same kind' requirement of Section 223(d) and is the odd one out, as 'similar' offences alone do not justify joinder.

Q50. Answer: D

At the discharge stage under Section 239 CrPC the Magistrate considers only the police report and documents under Section 173 produced by the prosecution; he cannot rely on documents produced by the accused to weigh defence material and discharge. Discharging on the strength of the accused's exculpatory documents is therefore wrong.

Q51. Answer: A

An offence under s.138 NI Act is tried as a summons case (punishable up to 2 years), and Section 258 CrPC allows a Magistrate in a summons case to stop proceedings; the order is correct since it is a summons case.

Q52. Answer: A

Section 274 CrPC requires the Magistrate to make a memorandum of the substance of evidence as each witness's examination proceeds, in all summons cases and inquiries (other than warrant-case/sessions where full record under s.275/276 is taken). Of the options, the memorandum-of-substance procedure under s.274 applies to summons cases.

Q53. Answer: A

Under Section 306(1) CrPC, a CJM/Metropolitan Magistrate may tender pardon at any stage of investigation, inquiry or trial, whereas a Judicial Magistrate of the First Class may tender pardon at any stage of the inquiry into, or the trial of, the offence (not during investigation).

Q54. Answer: C

Under Section 326 CrPC a successor Magistrate may act on evidence recorded by the predecessor; however the proviso in s.326(3) makes the section inapplicable to summary trials, and a case transferred for want of competency is a recognised situation where the successor may proceed. Both (i) and (ii) are correct.

Q55. Answer: D

Section 354(4) CrPC: where conviction is for an offence punishable with imprisonment of one year or more but the court imposes imprisonment for less than three months, it must record reasons, unless the sentence is imprisonment till the rising of the court or the case was tried summarily.

Q56. Answer: B

In *Rakesh Kumar Paul v. State of Assam* (2017) 15 SCC 67, the Supreme Court held that the 90-day period under proviso to s.167(2) applies only where the offence carries a minimum sentence of 10 years; otherwise the 60-day period applies.

Q57. Answer: C

Section 446 CrPC contemplates forfeiture of the bond on breach and notice to the surety to pay the penalty or show cause; it does not require a prior notice asking the surety to produce the accused. Hence the action is legal.

Q58. Answer: A

Under Section 41 CrPC read with the First Schedule, in a cognizable offence a police officer may arrest a person without a warrant and without an order of a Magistrate.

Q59. Answer: A

Criminal misappropriation (s.403 IPC, max 2 years) is triable as a warrant case (Sch. I: imprisonment 1yr-up-to-but-not-7yrs framing aside, s.403 with 2 yrs is a warrant-case trial by Magistrate). In a warrant case the accused must be heard on sentence (s.248(2)); failure to do so is an error. Hence 'Yes, since it is a warrant case' (option a). Flagged: classification of s.403 as warrant vs summons case is the crux.

Q60. Answer: B

Under Part II of the First Schedule CrPC, an offence under any other law punishable with imprisonment for 3 years and upwards but not more than 7 years is triable by a Magistrate of the First Class. Seven years falls in this slab, so it is

triable by a Judicial Magistrate of the First Class.

Q61. Answer: A

Section 6 IPC provides that every definition of an offence is subject to the General Exceptions, so s.82 (act of a child under seven) applies to all offences including murder. The correct answer is the section making general exceptions applicable, i.e. Section 6 IPC.

Q62. Answer: D

Section 84 IPC: nothing is an offence done by a person who, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Q63. Answer: C

Where five are charged under s.149 but only two are proved to have committed the offence, the requirement of five (for unlawful assembly) fails, but the two can still be convicted for the substantive offence (e.g., s.326) since they together committed the crime. The Magistrate could have convicted those two.

Q64. Answer: A

Making a false entry in a record/account with intent to use it as evidence in a judicial proceeding is fabricating false evidence under Section 192 IPC (giving fabricated false evidence).

Q65. Answer: B

Loss of a tooth (fracture or dislocation of a tooth) is enumerated as grievous hurt under Section 320 IPC. Causing it voluntarily is voluntarily causing grievous hurt (s.322/325). There was no grave and sudden provocation to the accused, so it is simple voluntarily causing grievous hurt.

Q66. Answer: B

The victim is an adult (25 years), so kidnapping (s.359/361, applies to minors) is not made out; forcibly compelling by force is abduction (s.362). Fisting/grabbing is assault, and confining him in a house for 3 hours is wrongful confinement (s.340). Hence abduction, assault and wrongful confinement.

Q67. Answer: D

Section 390 IPC: theft is robbery if the offender, for that end, voluntarily causes or attempts to cause death, hurt or wrongful restraint, or fear of instant death, instant hurt or instant wrongful restraint. All the listed acts qualify.

Q68. Answer: D

Where a gang of five or more commits dacoity and any one of them commits murder in so committing dacoity, every one is guilty under Section 396 IPC (dacoity with murder). They are sentenced for dacoity with murder.

Q69. Answer: A

Finding property and taking it is not theft, but appropriating/spending it after knowing the true owner constitutes dishonest misappropriation under Section 403 IPC (criminal misappropriation), per Explanation 2 to s.403.

Q70. Answer: C

Cheating under Section 415 IPC requires deception plus fraudulently/dishonestly inducing the deceived person to deliver property (or do/omit an act causing harm). The combination is deception, fraudulent or dishonest inducement, and delivery of property.

Q71. Answer: C

A test identification parade is relevant under Section 9 of the Evidence Act, as facts establishing the identity of a person are relevant under s.9.

Q72. Answer: B

An inscription on a plaque is matter expressed by letters/figures on a substance, i.e., a 'document' under s.3 Evidence Act; thus it is documentary evidence.

Q73. Answer: B

A judgment in a prior suit between A and B (not falling under ss.40-42, being only an in personam decision on a pathway) is, as against a stranger C, irrelevant under Section 43 of the Evidence Act, since judgments other than those

in ss.40-42 are irrelevant unless their existence is a fact in issue or relevant under some other provision.

Q74. Answer: D

Under Section 53 of the Evidence Act, in criminal proceedings the good character of the accused is relevant. Therefore the statement that good character is irrelevant (option d) is the incorrect statement.

Q75. Answer: B

Section 72 of the Evidence Act: an attested document not required by law to be attested may be proved as if it was unattested (i.e., calling an attesting witness is unnecessary).

Q76. Answer: C

The parole/exclusion-of-oral-evidence rule barring extrinsic evidence contradicting or varying a written contract is embedded in Section 92 of the Indian Evidence Act, 1872.

Q77. Answer: D

Under Section 118 of the Evidence Act there is no fixed minimum age for competency; a child of any age is competent if able to understand and answer rationally. Hence none of the stated ages is correct.

Q78. Answer: A

Where a witness omits in the police statement what he deposes in court (saw A there, now A and B), the omission, if significant, amounts to a contradiction usable to impeach credit under Section 155(3) read with Section 162 CrPC.

Q79. Answer: C

Section 157 of the Evidence Act permits corroboration by a former statement made (i) at or about the time of the fact, or (ii) before any authority legally competent to investigate the fact. Both limbs are correct.

Q80. Answer: B

The proviso to Section 68 (added in 1926) dispenses with calling an attesting witness for a registered document unless execution is specifically denied, but it expressly excludes a Will from this relaxation, so a Will must still be proved under Section 68.

Q81. Answer: C

In Sakshi v. Union of India (2004) 5 SCC 518 the Supreme Court laid down guidelines (screen between victim and accused, written cross-examination questions, breaks) for the trial of child sexual abuse and rape cases.

Q82. Answer: B

M.C. Setalvad was the first Attorney General of India (1950-1963).

Q83. Answer: B

In Shankari Prasad v. Union of India (AIR 1951 SC 458) the Supreme Court held that Parliament's amending power under Article 368 includes the power to amend Fundamental Rights, and 'law' in Article 13 does not include a constitutional amendment.

Q84. Answer: A

Article 234 vests appointment of persons (other than district judges) to a State's judicial service in the Governor of the State, after consultation with the State PSC and the High Court.

Q85. Answer: C

Following the 2019 amendment, the sanctioned strength is the Chief Justice plus 33 other Judges (total 34). The blank asks for 'other Judges' = 33.

Q86. Answer: B

'Roses in December' is the autobiography of Justice M.C. Chagla (published 1973).

Q87. Answer: B

The Constitution (First Amendment) Act, 1951 added the Ninth Schedule to the Constitution (to protect land-reform laws from judicial review). The option text is garbled but the answer is the Ninth Schedule.

Q88. Answer: A

'Autrefois acquit' (protection against double jeopardy / no re-trial after acquittal) is embodied in Article 20(2) of the Constitution and Section 300 CrPC.

Q89. Answer: D

There is no rule of law requiring a minimum number of witnesses; dacoity (5 or more persons) can be proved by even a single reliable witness. Hence 'none of the above'.

Q90. Answer: C

Under Section 468 CrPC the limitation for an offence punishable with imprisonment exceeding one year but not exceeding three years is three years; a two-year-imprisonment offence therefore has a three-year limitation.

Q91. Answer: B

Melting produces a liquid; freezing produces a solid. Answer: solid.

Q92. Answer: D

After selling 35%, 65% remain = 455, so total = $455/0.65 = 700$ mangoes.

Q93. Answer: C

98 days is exactly 14 weeks, so the day is again Sunday, which is not among the options; the question/options appear defective. Closest intended answer (if '99 days' meant) would be Monday, but treating data as given no option fits; flagged as OCR/data error.

Q94. Answer: C

A→B upstream covers distance d in 40 min; B→C (half of d , downstream) in 12 min means full d downstream in 24 min. With stream=1: $(b-1)(40)=(b+1)(24)$ gives $16b=64$, $b=4$ km/h.

Q95. Answer: B

$T = SI/(P \times R) = 11025/(45000 \times 0.07) = 11025/3150 = 3.5$ years.

Q96. Answer: D

An FIR under Section 154 CrPC is not substantive evidence; it can be used only to corroborate or contradict its maker (Sections 157/145 Evidence Act). Hence corroborative evidence.

Q97. Answer: A

Series 2,5,10,17,26 has differences 3,5,7,9,11, so next term = $26+11 = 37$ (n^2+1 pattern).

Q98. Answer: C

'Noscitur a sociis' means a word is known by its associates, i.e., an unclear word is construed by reference to the surrounding words.

Q99. Answer: A

Under Article 226, a High Court may issue writs for the enforcement of Fundamental Rights 'and for any other purpose', i.e., for the enforcement of any legal right, making its writ jurisdiction wider than the Supreme Court's under Article 32.

Q100. Answer: B

Under Section 3(2) of the Legal Services Authorities Act, 1987 the Chief Justice of India is the Patron-in-Chief of the National Legal Services Authority (NALSA).