

Maharashtra Judiciary - Mains 2021

17 questions. Source: lawmock.com - free previous-year papers & mock tests.

Paper I

Q1. Write a judgment on following facts. You must pay attention to following points : (a) Judgment must be in proper format; (b) Frame proper issues and record findings on them; (c) Conclude the judgment with operative order. Facts for Judgment : Plaintiff's Case is as follows : Ram and Prakash are friends. Prakash is cloth merchant and Ram is L.I.C. agent. Both were having financial transactions in the past. Prakash was in need of money, therefore on dt. 5.2.2020 he approached Ram and requested to lend him an amount of 1,00,000/- for business purpose. Ram extended the said amount to Prakash on dt. 6.2.2020 by withdrawing it from his bank account. Prakash had promised to return the said amount within 6 months. It was agreed between them that no interest will be charged on the said amount, if the same is returned within stipulated period. Prakash failed to return the said amount within 6 months. Therefore on dt. 1.11.2020 Ram issued notice through his Advocate to Prakash calling upon him to return the amount within 7 days. Prakash received the said notice on dt. 5.11.2020. Thereafter Prakash issued a cheque bearing No. 56789 dt. 10.11.2020 drawn on Bank of Baroda, Gandhi Nagar branch, Kolhapur for 1,00,000/- in favour of Ram. On dt. 11.11.2020 Ram presented the said cheque in his bank. The said cheque came to be dishonoured due to "funds insufficient" in the account of Prakash. Again on dt. 15.11.2020 Ram issued notice through his Advocate to Prakash calling upon him to make full payment on or before dt. 25.11.2020. Prakash received the said notice on dt. 17.11.2020 but he failed to comply with the same. Hence Ram has filed the present suit against Prakash for recovery of 1,00,000/-. The claim includes interest from the date of expiry of 6 months and notice charges. Future interest is also claimed. Defence taken in the written statement Prakash admits that he had taken the amount from Ram in the past, but this time he denied to have taken the amount from Ram, as claimed. He had taken insurance policy through Ram and had issued blank signed cheque towards payment of policy premium. Ram has misused the said cheque. Ram has filed complaint under Sec. 138 of Negotiable Instrument Act against him in respect of the said cheque which is pending. He denied specifically all other adverse averments in the plaint. Parties have adduced evidence. Imagine the evidence and record findings. [20 Marks]

Q2. Write short notes on any four of the following : (a) Transfer of property for benefit of unborn person. (b) Rule against perpetuity under Transfer of Property Act. (c) In which cases plaint can be rejected ? (d) What are the consequences of disobedience or breach of injunction ? (e) When partner may be retired ? (f) Insolvency of a partner. [16 Marks]

Q3. Write short notes on any four of the following : (a) Conditional transfer (b) Transfer by ostensible owner (c) When cancellation of instruments may be ordered ? (d) How dispute can be settled outside the court and modes of Alternate dispute resolution (e) Undue influence (f) Misrepresentation [16 Marks]

Q4. Answer any two of the following: (a) Right of mortgagor to redeem. Explain. (b) When court may pass an order of attachment before Judgment and when such attachment shall be void ? (c) What are the mutual rights and liabilities of partners ? [16 Marks]

Q5. Answer any two of the following : (a) When an injunction can not be granted under the Specific Relief Act ? (b) Perpetual injunction and Mandatory injunction. Explain in detail. (c) Define - "unpaid seller" and what is its right ? [16 Marks]

Q6. Write short notes on any four : (a) Transfer by one co-owner. (b) Rights and liabilities of the lessor. (c) Procedure for service of summons when defendant refuses to accept service or can not be found. (d) What is a sound mind of a person for the purpose of contracting ? (e) Sale of goods by a person not the owner. (f) Buyer's right of examining the goods. [16 Marks]

Paper II

Q1. Distinguish the following (Any four) : (a) Discharge and Acquittal (b) Presumptions of Fact and Presumptions of Law (c) F.I.R. and Complaint (d) Inquiry and Investigation (e) Common Intention and Common Object [10 Marks]

Q2. Write notes (Any two) : (a) Detention of accused in custody during Investigation. (b) Restrictive use of statement recorded by Police officer during investigation. (c) Disposal of property at conclusion of trial. [10 Marks]

Q3. Discuss trial of warrant cases by Magistrates, instituted on Police report. [10 Marks]

Q4. What is the general rule of law regarding the place of trial of an offender ? What are exceptions to it? State place of trial in case of theft. [10 Marks]

Q5. (a) What is confession? (b) What is its evidentiary value? (c) How much information received from the accused is provable ? Explain with example. [10 Marks]

Q6. Write differences between (Any two) : (a) Theft and extortion (b) Abetment and Criminal conspiracy. (c) Forgery and Making of False documents [10 Marks]

Q7. Write short notes (Any four) : (a) Mischief (b) Grievous Hurt (c) Dishonestly (d) Valuable Security (e) Fine [10 Marks]

Q8. (a) Presumptions as to offences under S.C. and S.T. (Prevention of Atrocities) Act, 1989. [05 Marks]

Q8. (b) When unlawful compulsory labour can be deemed to be a practice of untouchability under Protection of Civil Rights Act 1955. [05 Marks]

Q9. Write an Essay on. (Any one) : (a) Offences against children (b) Law of Sedition (c) Age of Marriage [20 Marks]

Q10. Write judgement on the following facts. (Candidates shall write the facts in detail and write the judgement based on their power of imagination for missing facts). 'A' is a married woman - used to reside with her husband 'B' at Pratap Nagar, Amravati. B runs a shop there - Accused C is distant relative of 'B' - He Frequently visits their house - On the date of incident 'A' raised shouts from her house - Neighbourers and 'B' came there - She revealed that 'C' has outraged her modesty. At trial, victim A and B stick up to their statements - Neighbourers did not support prosecution case - Defence of accused is that of false implication on count of hand loan given to 'B'. [20 Marks]