

Odisha Judiciary - Prelims 2017

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

Q1. Indian Constitution is;

- (a) Unitary
- (b) Federal
- (c) Quasi-federal
- (d) None of the above

Q2. The words 'socialist' and 'secular' were added in the Preamble of the Indian Constitution by the ____ Constitutional Amendment.

- (a) 42nd
- (b) 32nd
- (c) 25th
- (d) 9th

Q3. "Equality of opportunity in matters of public employment" is provided under Article:

- (a) 14
- (b) 15
- (c) 16
- (d) 17

Q4. The President can make laws, when the Parliament is not in session by issuing:

- (a) Orders
- (b) Bills
- (c) Ordinance
- (d) Notification

Q5. In which of the following cases, the Supreme Court held that the Union Government cannot dismiss a duly elected State Government on the sole ground that the ruling party in the state suffered an overwhelming defeat in the election of the Lok Sabha?

- (a) S. R. Bommai v. Union of India
- (b) Karunanidhi v. Union of India
- (c) Jayalalitha v. State
- (d) None of the above

Q6. The power of the Supreme Court of India to decide disputes between the Centre and the States falls under its:

- (a) Advisory jurisdiction
- (b) Appellate jurisdiction
- (c) Original jurisdiction
- (d) Constitutional jurisdiction

Q7. In which of the following cases, the Supreme Court used its power of Judicial review ?

- (a) Golaknath Case
- (b) Bank Nationalization Case
- (c) Minerva Mills Case .
- (d) All of the above

Q8. The Supreme Court considered the scope of Freedom of speech and expression under Article 19(1)(a) for the first time in:

- (a) Cross Roads Case
- (b) K. A. Abbas Case
- (c) Bandit Queen Case
- (d) None of the above

Q9. In which of the following Cases, Supreme Court held that right to legal aid is a Fundamental Right ?

- (a) Sunil Batra Case
- (b) M. H. Hoskot Case
- (c) Prem Shanker Shukla Case
- (d) None of the above

Q10. Reservation of seats for the Scheduled Castes and Scheduled Tribes in every Panchayat is provided under Article _____ of Constitution of India.

- (a) 243D
- (b) 274D
- (c) 275D
- (d) 272D

Q11. In which of the following provisions mesne profit has been defined in the Code of Civil Procedure ?

- (a) Section 2(4)
- (b) Section 2(8)
- (c) Section 2(12)
- (d) Section 2(14)

Q12. Pecuniary jurisdiction of the court is contained in _____ of Code of Civil Procedure.

- (a) Section 6
- (b) Section 7
- (c) Section 8
- (d) Section 9

Q13. Principle of res judicata applies to

- (a) Suits only
- (b) Execution proceedings only
- (c) Arbitration proceedings only
- (d) Suits as well as execution proceedings

Q14. Which of the following Section of the Code of Civil Procedure, 1908 deals with stay of suits?

- (a) Section 9
- (b) Section 10
- (c) Section 11
- (d) Section 12

Q15. A suit for the partition of immovable property, shall be instituted in the court within the local limits of whose jurisdiction the _____

- (a) Property is situated
- (b) Plaintiff resided
- (c) Defendant resided
- (d) Any of the above

Q16. Which of the following provisions under the Code of Civil Procedure, 1908 deals with rejection of plaint ?

- (a) Order 7, Rule 7
- (b) Order 7, Rule 8
- (c) Order 7, Rule 10
- (d) Order 7, Rule 11

Q17. Which of the following order deals with issue and service of summons ?

- (a) Order V
- (b) Order VI
- (c) Order VII
- (d) Order IV

Q18. Defendant failed to file a written statement even after the stipulated time. The court pronounced the judgement. It is:

- (a) Legal
- (b) Illegal
- (c) Justifiable
- (d) Irregular

Q19. An application to set aside an ex parte decree shall be filed before_____

- (a) The High Court
- (b) The court which passed the decree
- (c) The court to which an appeal lies from the decree
- (d) None of the above

Q20. In a suit by A against B, C and Ds ex parte decree was passed, C and D were not served with summonses while B was served. In such a situation:

- (a) Decree against all of them can be set aside
- (b) Decree against B cannot be set aside
- (c) Decree against all of them cannot be set aside
- (d) None of the above

Q21. An accused arrested can be kept in custody without producing him before the magistrate, after his arrest for a period of_____

- (a) 12 hours
- (b) 24 hours
- (c) 48 hours
- (d) 90 days

Q22. Section 41 A, 41B, 41C and 41D were incorporated in the Code of Criminal Procedure, 1973 by:

- (a) The Code of Criminal Procedure (Amendment) Act, 2005
- (b) The Code of Criminal Procedure (Amendment) Act, 2006
- (c) The Code of Criminal Procedure (Amendment) Act, 2008
- (d) None of the above

Q23. In which of the following cases, the Supreme Court held that 'no arrest can be made because it is lawful for the police officer to do so. The existence of the power to arrest is one thing and the justification for the exercise of it is quite another. The police officer must be able to justify the arrest apart from his power to do so'?

- (a) State of Gujarat v. Lai Singh
- (b) Joginder Kumar v. State of UP
- (c) Nandini Satpathy v. P. L Dahi
- (d) None of the above

Q24. When a police officer files a report under Section 195(1)(a) of CrPC, it is known as a:

- (a) Complaint
- (b) Refer Report
- (c) Police Report
- (d) None of the above

Q25. Offence for which, a police officer, has no authority to arrest without warrant is called a:

- (a) Bailable offence
- (b) Non-cognizable offence
- (c) Non-compoundable offence
- (d) None of the above

Q26. The accused filed an application before the magistrate to allow him to appear through his power of attorney holder. The magistrate allowed the petition. The order is:

- (a) Legal
- (b) Illegal
- (c) Improper
- (d) Irregular

Q27. Executive Magistrates are appointed under_____ of the Code of Criminal Procedure, 1973.

- (a) Section 20
- (b) Section 18
- (c) Section 14
- (d) Section 15

Q28. Which of the following Sections of the Code of Criminal Procedure, 1973 deals with conditional order for removal of nuisance ?

- (a) Section 133
- (b) Section 134
- (c) Section 135
- (d) Section .136

Q29. Chapter XI of the Code of Criminal Procedure, 1973 deals with:

- (a) Maintenance to wives, children and parents
- (b) Maintenance of public order and tranquillity
- (c) Preventive action of police
- (d) None of the above

Q30. A new proviso was added to Section 157(1) of the Code of(Criminal Procedure, 1973 by the Code of Criminal Procedure (Amendment) Act, 2008 in relation to an offence of:

- (a) Murder
- (b) Rape
- (c) Terrorist Acts
- (d) None of the above

Q31. Which of the following Sections of the Indian Evidence Act deals with the relevancy of admissions and confessions ?

- (a) Sections 6-16
- (b) Sections 17-31
- (c) Sections 32 - 33
- (d) Sections 34-39

Q32. Motive is insignificant when_____

- (a) Direct evidence is available
- (b) Direct evidence is not available
- (c) Only circumstantial evidence is available
- (d) None of the above

Q33. An admission may be_____ in nature.

- (a) Oral
- (b) Documentary
- (c) Oral and Documentary
- (d) Oral or documentary or contained in electronic form

Q34. In order to make the confession admissible, the person_____

- (a) May not be an accused at the time of making confession
- (b) Must be an accused at the time of making the confession
- (c) Must be a suspect at the time of making the confession
- (d) None of the above

Q35. In which of the following cases did the Supreme Court held that a retracted confession can be used against the accused and it is not against Article 20(3) of the Constitution of India?

- (a) Mubarak Ali v. State
- (b) Palwinder Kaur v. State of Punjab
- (c) Kalawati and another v. State of HP
- (d) None of the above

Q36. A and B are jointly tried for the murder of C. It is proved that A said, 'Band I murdered C'. The court may consider the effect of this confession as against_____

- (a) A only
- (b) B only
- (c) Both A and B
- (d) None of the above

Q37. Section 114A was introduced by the Criminal Law Amendment Act, 1983, following the widespread protest against the judgement in the_____

- (a) Mathura Case
- (b) Vishakha Case
- (c) Narlavati Case
- (d) None of the above

Q38. The examination of a witness by the party who calls him shall be called_____

- (a) Re-examination
- (b) Cross examination
- (c) Examination-in-chief
- (d) None of the above

Q39. Previous judgments are relevant to support the plea of_____ in civil cases.

- (a) Res judicata
- (b) Res-subjudice
- (c) Limitation
- (d) None of the above

Q40. The contents of a document can be proved by_____

- (a) Primary evidence only
- (b) Direct evidence only
- (c) Primary or secondary evidence
- (d) None of the above

Q41. A, who knows swimming, failed to save the life of a drowning child and the child died as a result of A's omission.

- (a) A is liable for not saving the drowning child
- (b) A is not liable for not saving the drowning child
- (c) Act is protected by general exceptions of the Indian Penal Code
- (d) None of the above

Q42. A person who consents, suffer no injury is known as:

- (a) De minimis non curat iex
- (b) Actus non facit reum nisi mens sit rea
- (c) Voienti non fit injuria
- (d) None of the above

Q43. Which of the following Sections of the Indian Penal Code deals with right of private defence of the body and of the property?

- (a) Section 98
- (b) Section 96
- (c) Section 97
- (d) Section 99

Q44. A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound:

- (a) A is guilty of instigating B to commit murder
- (b) A is guilty of attempt to murder
- (c) A is not guilty since intended act did not happen
- (d) None of the above

Q45. Obstructing public servant in discharge of public functions is an offence punishable under_____ of the Indian Penal Code.

- (a) Section 186
- (b) Section 187
- (c) Section 188
- (d) Section 189

Q46. A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. Under which of the following Sections of the Indian Penal Code can A be punished ?

- (a) Section 200
- (b) Section 201
- (c) Section 202
- (d) Section 203

Q47. A doctor registered as a medical practitioner and entitled to practice in Homoeopathy only, prescribed an allopathic medicine to the patient. The patient died. The doctor is guilty of:

- (a) Death by rash and negligent act
- (b) Murder
- (c) Culpable homicide not amounting to murder
- (d) None of the above

Q48. Criminal Breach of Trust is defined under _____ of the Indian Penal Code.

- (a) Section 403
- (b) Section 404
- (c) Section 405
- (d) Section 406

Q49. In which of the following cases, the Supreme Court held that legal and valid marriage is not a necessary ingredient to attract Section 498A of the Indian Penal Code ?

- (a) Reema Agarwal v. Anupam and others
- (b) Sushil Kumar Sharma v. Union of India and others
- (c) Arun Vyas v. Anita Vyas
- (d) None of the above

Q50. A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket.

- (a) A is guilty under Section 511 of , the Indian Penal Code
- (b) A is not guilty under Section 511 of the Indian Penal Code
- (c) A is guilty of no offence
- (d) None of the above

Q51. Which of the following Sections of the Limitation Act, 1963 deals with expiry of prescribed period when court is closed ?

- (a) 2
- (b) 3
- (c) 4
- (d) 5

Q52. An order made on an application filed beyond the period of limitation is:

- (a) Illegal
- (b) Without jurisdiction
- (c) Irregular
- (d) None of the above

Q53. In a suit for recovery of possession of a house from a deemed trustee of wakf property:

- (a) No limitation applies
- (b) Limitation is applicable
- (c) Depends
- (d) None of the above

Q54. The period of limitation for filing an application for the execution of any decree (other than a decree granting a mandatory injunction) or order of any civil court is:

- (a) 1 year
- (b) 2 years
- (c) 3 years
- (d) 12 years

Q55. Exclusion of time under Section 14 is :

- (a) Mandatory
- (b) Discretionary
- (c) Directory
- (d) None of the above

Q56. Which of the following Sections of the Limitation Act, 1963 deals with the 'Effect of substituting or adding new plaintiff or defendant'?

- (a) 21
- (b) 22
- (c) 23
- (d) 24

Q57. In case of a suit for compensation for an act which does not give rise to a cause of action unless some specific injury actually results there from, the period of limitation shall be computed from the time:

- (a) When the injury results
- (b) When the act occurred
- (c) Depends
- (d) None of the above

Q58. The jurisdiction to grant exemption under Section 14 of Limitation Act, 1963 is given exclusively to:

- (a) Civil Court
- (b) High Court
- (c) Supreme Court
- (d) None of the above

Q59. The period of limitation for a suit for compensation for infringing copyright or any other exclusive privilege is :

- (a) 1 year
- (b) 2 years
- (c) 3 years
- (d) 12 years

Q60. The period of limitation for filing an application to set aside a decree passed ex parte to rehear an appeal heard ex parte, is:

- (a) 10 days
- (b) 30 days
- (c) 90 days
- (d) 1 year

Q61. A vested interest created in favour of an unborn person comes under:

- (a) Section 20
- (b) Section 24
- (c) Section 19
- (d) None of the above

Q62. Actionable claim means claim to any:

- (a) Debt or beneficial interest
- (b) Debt alone
- (c) Beneficial interest, other than debt
- (d) All of the above

Q63. Doctrine of Election in the Transfer of Property Act, 1882 is provided under:

- (a) Section 35
- (b) Section 38
- (c) Section 34
- (d) None of the above

Q64. The term 'Transfer of Property' is defined in the Transfer of Property Act, 1882 in :

- (a) Section 3
- (b) Section 5
- (c) Section 2(a)
- (d) Not defined in the Act

Q65. The registration of mortgage is not required where the mortgage is:

- (a) Simple mortgage
- (b) Anomalous mortgage
- (c) English mortgage
- (d) Mortgage by deposit of title deeds

Q66. Any provisions made as a clog on redemption is:

- (a) Void
- (b) Voidable
- (c) Valid
- (d) Enforceable

Q67. The lease of immovable property is terminable by either party by a notice of:

- (a) 15 days
- (b) 3 months
- (c) 1 month
- (d) 6 months

Q68. Puisne mortgagee is the:

- (a) Assignee of the equity of redemption
- (b) Co-mortgagee
- (c) Subsequent mortgagee
- (d) All of the above

Q69. In a lease of immovable property what is transferred, is the:

- (a) Interest in the property
- (b) Right to enjoy the property
- (c) Mesne profit
- (d) Possession alone

Q70. Transfer of immovable property made with intent to defeat or delay the creditors of the transferor is known as:

- (a) Feeding the grant
- (b) Transfer lis pendens
- (c) Fraudulent transfer
- (d) Transfer by ostensible owner

Q71. The rule in Pinnel's Case relates to:

- (a) Part performance
- (b) Minor's contract
- (c) Fraud .
- (d) Undue influence

Q72. When an offer is addressed to the public at large, the offer is called:

- (a) Advertisement
- (b) Specific offer
- (c) General offer
- (d) Auction

Q73. X makes a proposal to Y, which Y accepts. But before the acceptance comes to the knowledge of X, Y revokes his acceptance by telegram. When is the revocation complete ?

- (a) When the telegram is despatched
- (b) When the telegram is received by X
- (c) When the contents of the telegram come to the knowledge of X
- (d) When X accepts the revocation

Q74. 'A' threatened to commit suicide his wife and son if refused to execute a deed in his favour. They executed the deed. The deed is said to have been obtained by:

- (a) Fraud
- (b) Undue influence
- (c) Coercion
- (d) Misrepresentation

Q75. Wagering agreements are void but collateral transactions will be:

- (a) Void
- (b) Voidable
- (c) Valid
- (d) Valid, at the discretion of court

Q76. Owner of a cinema-hall contracts to exhibit a film in the month of October. In the month of September, the hall collapsed during an earthquake. The contract:

- (a) Is valid and binds the owner of the cinema-hall to exhibit the film
- (b) Is not frustrated
- (c) Has become impossible to perform
- (d) Has to be honoured and so the owner should reconstruct the hall to exhibit the film

Q77. If a person accepts a lesser sum of money than what was contracted for a discharge of the whole debt, it is known as:

- (a) Remission
- (b) Alteration
- (c) Rescission
- (d) Waiver

Q78. Under English law a contract of insurance other than life insurance is :

- (a) Contract of agency
- (b) Contingent contract
- (c) Contract of guarantee
- (d) Contract of indemnity

Q79. The leading case Carlill v. Carbolic Smoke Ball Co. relates to:

- (a) Capacity of parties
- (b) Minor's agreement
- (c) General offer
- (d) Tender

Q80. 'Consensus ad idem' means:

- (a) Consent of the parties obtained illegally
- (b) Parties identified the same thing in the same sense
- (c) Contract between the same parties
- (d) Contract without consent

Q81. Distribution of property among heirs in Class II of the Schedule under Section 11 shall be divided between them:

- (a) One share
- (b) Equally
- (c) 1/3rd share
- (d) 1/4th share

Q82. Who among the following is a Class-1 heir?

- (a) Brother's son
- (b) Sister's son
- (c) Brother's daughter
- (d) None of the above

Q83. Coparcenary is_____

- (a) A creature of Hindu law
- (b) Created by agreement between parties
- (c) Created by act of parties
- (d) None of the above

Q84. A person who dies without making testamentary disposition in respect of his property under Section 3(g) is_____

- (a) Coparcener
- (b) Intestate
- (c) Testator
- (d) Legatee

Q85. General rules of succession in the case of the succession of the female Hindus are dealt with under_____

- (a) Section 16
- (b) Section 20
- (c) Section 21
- (d) Section 15

Q86. A widow inherits property of her husband on his death. Whether a subsequent re-marriage would divest her of property in view of Section 24 and Section 14 of the Hindu Succession Act, 1956 ?

- (a) Yes
- (b) No
- (c) Depends
- (d) None of the above

Q87. One who shares (equally) with others in inheritance in the estate of a common ancestor is called a _____

- (a) Cognate
- (b) Coparcener
- (c) Agnate
- (d) None of the above

Q88. As per Section 14 of the Hindu Succession Act, 1956 any property possessed by a female Hindu, whether acquired before or after the commencement of the Act shall be held by her as _____

- (a) A full owner
- (b) A limited owner
- (c) Joint owner
- (d) None of the above

Q89. Which Section of the Indian Succession Act, 1925 defines codicil ?

- (a) Section 2(f)
- (b) Section 2(a)
- (c) Section 2(b)
- (d) Section 2(h)

Q90. A will or any part of a will, the making of which has been caused by fraud or coercion or by such importunity is:

- (a) Valid
- (b) Void
- (c) Voidable
- (d) None of the above

Q91. The specific performance of any contract specified in Section 10 of the Specific Relief Act may be enforced _____

- (a) As of right
- (b) As per discretion of court
- (c) Mandatorily
- (d) None of the above

Q92. What is the period of limitation fixed for filing a suit for specific performance of a contract ?

- (a) 2 years
- (b) 3 years
- (c) 7 years
- (d) 14 years

Q93. Which of the following Sections of the Specific Relief Act deals with specific performance of part of contract ?

- (a) Section 12
- (b) Section 13
- (c) Section 14
- (d) Section 15

Q94. In which of the following Cases has the Supreme Court held that when granting of damages is an adequate relief, the specific performance would be refused ?

- (a) Prakash Chandra v. Angadlal
- (b) Maria v. Bilkees
- (c) Chand Rani v. Kamal Rani
- (d) None of the above

Q95. A party who has rescinded a contract_____

- (a) Can recover damages
- (b) Cannot recover damages
- (c) Depends
- (d) None of the above

Q96. In a suit for specific performance of a contract, the plaintiff may also claim compensation for its breach_____

- (a) In addition to such performance
- (b) In substitution of such performance
- (c) Either in addition to" or in substitution of such performance
- (d) None of the above

Q97. A declaration made under Section 34 is binding on_____

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

Q98. Perpetual injunction is defined in Section_____ of the Specific Relief Act,

- (a) Section 36
- (b) Section 37
- (c) Section 38
- (d) Section 39

Q99. A party can file a suit for rectification

- (a) At any time when fraud is discovered
- (b) At any time a mistake has come to light
- (c) Within three years of execution of instrument
- (d) Either (A) or (B)

Q100. Which of the following contracts cannot be specifically enforced ?

- (a) A contract for the non-performance of which compensation in money is an adequate relief
- (b) A contract which runs into such minute or numerous details
- (c) A contract which is in its nature determinable
- (d) All of the above

Answer Key & Solutions

Q1. Answer: C

The Indian Constitution is described as quasi-federal (federal in form, unitary in spirit) per the Supreme Court in State of West Bengal v. Union of India and the classic K.C. Wheare characterisation.

Q2. Answer: A

The words 'Socialist' and 'Secular' were inserted into the Preamble by the Constitution (42nd Amendment) Act, 1976.

Q3. Answer: C

Article 16 guarantees equality of opportunity in matters of public employment.

Q4. Answer: C

Under Article 123, the President promulgates Ordinances having the force of law when Parliament is not in session.

Q5. Answer: A

S.R. Bommai v. Union of India (1994) held a State Government cannot be dismissed merely because the ruling party lost the Lok Sabha election; Article 356 is subject to judicial review.

Q6. Answer: C

Centre-State and inter-State disputes are decided under the Supreme Court's original jurisdiction under Article 131.

Q7. Answer: D

Golak Nath, Bank Nationalization (R.C. Cooper) and Minerva Mills all involved the Supreme Court exercising judicial review, so 'All of the above' is correct.

Q8. Answer: A

Romesh Thappar v. State of Madras, popularly the 'Cross Roads' case (1950), was the first to consider the scope of Article 19(1)(a) freedom of speech.

Q9. Answer: B

M.H. Hoskot v. State of Maharashtra (1978) held that the right to free legal aid is a fundamental right under Article 21.

Q10. Answer: A

Article 243D provides reservation of seats for Scheduled Castes and Scheduled Tribes in every Panchayat.

Q11. Answer: C

'Mesne profits' is defined in Section 2(12) of the Code of Civil Procedure, 1908.

Q12. Answer: B

Section 7 of the CPC deals with pecuniary jurisdiction (Provincial Small Cause Courts); it is the recognised provision addressing pecuniary jurisdiction among the listed options.

Q13. Answer: D

The principle of res judicata under Section 11 CPC applies to suits as well as execution proceedings (Explanation VII to Section 11).

Q14. Answer: B

Section 10 of the CPC deals with stay of suits (res sub judice).

Q15. Answer: A

Under Section 16 CPC, a suit for partition of immovable property must be instituted where the property is situated.

Q16. Answer: D

Order VII Rule 11 of the CPC deals with rejection of plaint.

Q17. Answer: A

Order V of the CPC deals with issue and service of summons.

Q18. Answer: A

Under Order VIII Rule 10 CPC, where a defendant fails to file a written statement within the permitted time, the court may pronounce judgment; doing so is legal.

Q19. Answer: B

Under Order IX Rule 13 CPC, an application to set aside an ex parte decree is filed before the court which passed the decree.

Q20. Answer: A

Under the proviso to Order IX Rule 13 CPC, where the decree is of such a nature that it cannot be set aside against the non-served defendants (C and D) without affecting B, the decree against all may be set aside.

Q21. Answer: B

Under Section 57 CrPC (and Article 22(2) of the Constitution), an arrested person cannot be detained beyond 24 hours without being produced before a magistrate (excluding journey time).

Q22. Answer: C

Sections 41A, 41B, 41C and 41D were inserted into the CrPC by the Code of Criminal Procedure (Amendment) Act, 2008 (Act 5 of 2009).

Q23. Answer: B

Joginder Kumar v. State of U.P. (1994) held that no arrest should be made merely because it is lawful; the existence of the power to arrest is distinct from the justification for its exercise.

Q24. Answer: A

Under the Explanation/proviso to Section 2(d) CrPC, a report by a police officer in a case disclosing a non-cognizable offence (the situation under Section 195(1)(a)) is deemed to be a complaint, and the officer the complainant.

Q25. Answer: B

A non-cognizable offence is one in which a police officer has no authority to arrest without a warrant (Section 2(l) CrPC).

Q26. Answer: A

Under Section 205/273 CrPC a magistrate may dispense with personal attendance and permit appearance through a pleader/power of attorney holder; the order is legal.

Q27. Answer: A

Section 20 CrPC empowers the State Government to appoint Executive Magistrates in every district and metropolitan area.

Q28. Answer: A

Section 133 CrPC provides for a conditional order for removal of nuisance by a District/Sub-Divisional/Executive Magistrate.

Q29. Answer: B

Chapter XI CrPC (Sections 129-148) deals with maintenance of public order and tranquillity (unlawful assemblies, public nuisances, disputes as to immovable property).

Q30. Answer: B

The proviso to Section 157(1) added by the CrPC (Amendment) Act 2008 (Act 5 of 2009) concerns the offence of rape, requiring the victim's statement be recorded at her residence/place of choice, as far as practicable by a woman officer.

Q31. Answer: B

Sections 17-31 of the Indian Evidence Act, 1872 deal with the relevancy of admissions (17-23) and confessions (24-31).

Q32. Answer: A

Motive becomes insignificant/loses importance where there is direct (eye-witness) evidence; it assumes importance only in cases resting on circumstantial evidence.

Q33. Answer: D

Per Section 17 (as amended) an admission may be oral or documentary or contained in electronic form.

Q34. Answer: B

A confession under Sections 24-30 of the Evidence Act must be made by a person who is an accused; the statement is a confession only when made by the accused.

Q35. Answer: C

In *Kalawati v. State of H.P.* (AIR 1953 SC 131) the Supreme Court held a retracted confession can be used against the accused and does not violate Article 20(3).

Q36. Answer: C

Under Section 30 of the Evidence Act, when persons are jointly tried for the same offence and one confesses implicating himself and a co-accused, the court may take it into consideration against both A and B.

Q37. Answer: A

Section 114A (presumption of absence of consent in custodial rape) was inserted by the Criminal Law (Amendment) Act 1983 following protests over the Mathura rape case (*Tukaram v. State of Maharashtra*).

Q38. Answer: C

Section 137 of the Evidence Act: examination of a witness by the party who calls him is the examination-in-chief.

Q39. Answer: A

Section 40-43 (esp. Section 40) of the Evidence Act: a previous judgment is relevant to support the plea of *res judicata*, barring a second suit.

Q40. Answer: C

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

Q41. Answer: B

There being no legal duty to act, mere omission to save a stranger drowning child is not an offence; A incurs no criminal liability under the IPC.

Q42. Answer: C

The maxim is *volenti non fit injuria* - to one who consents no injury is done; reflected in Sections 87-90 IPC (consent).

Q43. Answer: C

Section 97 IPC confers the right of private defence of the body and of property.

Q44. Answer: A

Under Section 109/115 IPC, A who instigated B and the act (stabbing) was committed in pursuance is guilty of abetment of murder; D's recovery does not absolve A of the instigation that was acted upon.

Q45. Answer: A

Section 186 IPC punishes voluntarily obstructing a public servant in the discharge of his public functions.

Q46. Answer: B

Section 201 IPC: causing disappearance of evidence of an offence or screening the offender from punishment.

Q47. Answer: A

On facts of *Juggankhan* and *Poonam Verma* type cases, a homoeopath prescribing allopathic medicine causing death is liable for death by a rash/negligent act (Section 304A IPC), not murder or culpable homicide.

Q48. Answer: C

Criminal breach of trust is defined in Section 405 IPC; Section 406 prescribes punishment.

Q49. Answer: A

In *Reema Aggarwal v. Anupam* (2004) 3 SCC 199 the Supreme Court held a legal/valid marriage is not a necessary ingredient to attract Section 498A IPC.

Q50. Answer: A

Per Illustration (b) to Section 511 IPC, A thrusting his hand into an empty pocket is guilty of attempt under Section 511 even though completion was impossible (factual impossibility).

Q51. Answer: C

Section 4 of the Limitation Act, 1963 provides that where the prescribed period expires on a day when the court is closed, the suit/appeal/application may be instituted on the day the court reopens.

Q52. Answer: D

An order on a time-barred application is not per se 'illegal' or 'without jurisdiction' (the court has jurisdiction to decide limitation under Sec.3); the best fit among these flawed options is 'None of the above'. Flagged as the intended key is debatable.

Q53. Answer: B

A suit for recovery of possession from a deemed trustee of wakf property is governed by the ordinary Limitation Act; limitation is applicable (trusteeship of wakf does not give perpetual immunity from limitation).

Q54. Answer: D

Article 136 of the Schedule to the Limitation Act, 1963 prescribes 12 years for execution of any decree (other than a mandatory injunction) or order of a civil court, from when the decree becomes enforceable.

Q55. Answer: A

Once the conditions of Section 14 (bona fide prosecution in a court lacking jurisdiction etc.) are satisfied, exclusion of that time is mandatory - the court must exclude it; it is not discretionary.

Q56. Answer: A

Section 21 of the Limitation Act, 1963 deals with the effect of substituting or adding a new plaintiff or defendant; the suit is deemed instituted against him when he is so made a party.

Q57. Answer: A

Under Article 24/72 scheme of the Limitation Act, for an act not actionable without special damage, time runs from when the injury (special damage) actually results, not from the date of the act.

Q58. Answer: D

Section 14 confers no exclusive jurisdiction on any particular court; the exclusion is available before any court computing limitation, so 'None of the above' is correct.

Q59. Answer: C

Article 88 of the Schedule to the Limitation Act, 1963 prescribes 3 years for a suit for compensation for infringing copyright or any other exclusive privilege, from the date of infringement.

Q60. Answer: B

Article 123 of the Schedule to the Limitation Act, 1963 prescribes 30 days to set aside an ex parte decree or to rehear an appeal heard ex parte, from the date of the decree.

Q61. Answer: A

Section 20 of the Transfer of Property Act, 1882 deals with when an unborn person acquires a vested interest on a transfer for his benefit.

Q62. Answer: A

Per Section 3 of the Transfer of Property Act, 1882, an 'actionable claim' means a claim to any debt (other than one secured by mortgage/pledge) or to any beneficial interest in movable property not in possession of the claimant.

Q63. Answer: A

The doctrine of election is contained in Section 35 of the Transfer of Property Act, 1882.

Q64. Answer: B

'Transfer of property' is defined in Section 5 of the Transfer of Property Act, 1882 as an act by which a living person conveys property to one or more other living persons, or to himself.

Q65. Answer: D

A mortgage by deposit of title deeds (equitable/English 'memorandum' mortgage) under Section 58(f) does not require registration, unlike simple, English, etc. mortgages which need a registered instrument.

Q66. Answer: A

A clog on the equity of redemption is void; the right to redeem under Section 60 cannot be fettered (once a mortgage always a mortgage).

Q67. Answer: A

Under Section 106 of the Transfer of Property Act, a lease of immovable property (other than for agricultural/manufacturing purposes, i.e. month-to-month) is terminable by 15 days' notice.

Q68. Answer: C

A puisne mortgagee is a subsequent (later-in-time) mortgagee of the same property, ranking after the prior mortgagee.

Q69. Answer: B

Under Section 105 of the Transfer of Property Act, a lease transfers a right to enjoy the immovable property for a term in consideration of rent/premium; it is not a transfer of ownership interest.

Q70. Answer: C

Section 53 of the Transfer of Property Act deals with fraudulent transfer - a transfer made with intent to defeat or delay creditors is voidable at their option.

Q71. Answer: A

The rule in Pinnel's Case (1602) holds that payment of a lesser sum is not satisfaction of a larger debt - it concerns part-payment/part performance of an obligation (accord and satisfaction / consideration).

Q72. Answer: C

An offer addressed to the public at large is a general offer (e.g. Carlill v. Carbolic Smoke Ball Co.); it can be accepted by anyone fulfilling its terms.

Q73. Answer: C

Under Sections 4-5 of the Indian Contract Act, an acceptance may be revoked before the communication of acceptance is complete against the proposer, i.e. before its contents come to the knowledge of X; revocation here is complete when the telegram's contents reach X.

Q74. Answer: C

A threat to commit suicide is 'coercion' within Section 15 of the Indian Contract Act (Ammiraju v. Seshamma); the deed was obtained by coercion and is voidable.

Q75. Answer: C

Under Section 30 of the Indian Contract Act, wagering agreements are void, but collateral transactions remain valid (a wager being void, not illegal).

Q76. Answer: C

Destruction of the subject-matter (cinema hall) before performance makes the contract impossible to perform and void under Section 56 of the Indian Contract Act (doctrine of frustration / supervening impossibility).

Q77. Answer: A

Acceptance of a lesser sum in full discharge of the whole debt is remission of performance under Section 63 of the Indian Contract Act, 1872.

Q78. Answer: D

Under English law, every contract of insurance except life insurance is a contract of indemnity, since the insured is indemnified only to the extent of actual loss.

Q79. Answer: C

Carlill v. Carbolic Smoke Ball Co. (1893) is the leading authority on a general offer made to the public at large, which can be accepted by anyone fulfilling its conditions.

Q80. Answer: B

Consensus ad idem means the parties have agreed upon the same thing in the same sense; it is the essence of a valid agreement under Section 13 of the Indian Contract Act.

Q81. Answer: B

Under Section 11 of the Hindu Succession Act, 1956, the property is divided equally among the Class II heirs who take simultaneously in the same entry.

Q82. Answer: D

None of the listed relations (brother's son, sister's son, brother's daughter) is a Class I heir under the Schedule to the Hindu Succession Act, 1956.

Q83. Answer: A

Coparcenary is a creature of Hindu law; it cannot be created by agreement or act of parties, as held in numerous decisions (e.g. on Mitakshara coparcenary).

Q84. Answer: B

Under Section 3(g) of the Hindu Succession Act, 1956, a person who dies without making a testamentary disposition is said to die intestate.

Q85. Answer: D

Section 15 of the Hindu Succession Act, 1956 lays down the general rules of succession in the case of female Hindus.

Q86. Answer: B

Section 24 (now omitted by the 2005 Amendment) and Section 14 make the widow a full owner; re-marriage does not divest property already vested in her, so the answer is No.

Q87. Answer: B

A coparcener shares with others in the inheritance of the estate of a common ancestor under Mitakshara law.

Q88. Answer: A

Section 14(1) of the Hindu Succession Act, 1956 converts a female Hindu's limited estate into absolute ownership; she holds property as a full owner, not a limited owner.

Q89. Answer: C

Codicil is defined in Section 2(b) of the Indian Succession Act, 1925.

Q90. Answer: B

Under Section 61 of the Indian Succession Act, 1925, a will or part of a will obtained by fraud, coercion or importunity is void.

Q91. Answer: B

Specific performance under Section 10 (as it stood in 2017, pre-2018 amendment) is a discretionary remedy granted at the discretion of the court (Section 20).

Q92. Answer: B

Article 54 of the Limitation Act, 1963 prescribes a 3-year limitation period for a suit for specific performance, from the date fixed for performance or when the plaintiff has notice of refusal.

Q93. Answer: A

Section 12 of the Specific Relief Act, 1963 deals with specific performance of part of a contract.

Q94. Answer: A

In Prakash Chandra v. Angadlal (AIR 1979 SC 1241), the Supreme Court held that specific performance is the ordinary rule but should be refused where damages would constitute an adequate relief.

Q95. Answer: A

Under Section 75 of the Indian Contract Act / Section 30 of the Specific Relief Act, a party rightfully rescinding a contract can recover compensation (damages) for any loss sustained through non-fulfilment.

Q96. Answer: C

Under Section 21 of the Specific Relief Act, 1963, in a suit for specific performance the plaintiff may claim compensation for breach either in addition to or in substitution of such performance.

Q97. Answer: D

Section 35 of the Specific Relief Act, 1963 makes a declaration binding on the parties, persons claiming through them, and (where parties are trustees) the persons for whom they would be trustees - all of the above.

Q98. Answer: C

Perpetual injunction is defined in Section 37(2) and granted under Section 38 of the Specific Relief Act, 1963.

Q99. Answer: C

A suit for rectification of an instrument is governed by Article 59 of the Limitation Act, 1963, prescribing three years from the date the facts entitling the plaintiff become known - i.e. within three years of execution/discovery.

Q100. Answer: D

Under Section 14 of the Specific Relief Act, 1963 (pre-2018), all of these - contracts where damages are adequate, those requiring minute/numerous details, and determinable contracts - cannot be specifically enforced.