

## Rajasthan Judiciary - Mains 2017

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### PAPER-I

- Q1.** A person, who creates resistance in execution of a decree, what remedies are available to decree holder against such person?
- Q2.** Explain the circumstances, in which subsequent pleading (rejoinder) may be filed. Is there any limitation provided in law for filing subsequent pleading?
- Q3.** Under the provisions of Specific Relief Act, 1963, what remedies are available to a person dispossessed from the immovable property, Explain.
- Q4.** What is "Privileged Communication" under Indian Evidence Act? Describe its kinds, in brief.
- Q5.** Section 45 and 73 of Indian Evidence Act are complementary to each other. Discuss
- Q6.** Distinguish "Invalid Decree" and "Void Decree". Whether a void decree can be challenged in collateral proceedings, explain.
- Q7.** "A" filed a criminal Complaint against "B" for robbery. "A" and "B" enter in to an agreement whereby, "A" agrees to withdraw the prosecution on "B's" promise to give value of the stolen property. Is this agreement enforceable? Answer with reasons.
- Q8.** A woman, during her live-in-relationship with a man, subjected to Domestic Violence. Can such woman get remedy under the Protection of Women from Domestic Violence Act, 2005? Answer with support of judgment of Hon'ble Supreme Court.
- Q9.** The plaintiff, on 15.07.2015 instituted a suit for recovery of money for price of goods sold to the defendant. It was pleaded that the goods were sold vide invoice dated 15.04.2012. The defendant had given a cheque on 06.05.2015 for the invoice amount. The said cheque was returned unpaid by bank on 13.05.2015. The defendant filed written statement and raised preliminary objection that the suit is barred by Limitation. The Court framed preliminary issue of Law that "As to whether the suit is barred by Limitation" Decide the issue with support of relevant law.
- Q10.** The application of the plaintiff under Order XXXIX rule 1 and 2 of the CPC, was rejected by the trial court on 10.01.2017. The plaintiff preferred an appeal against the order. However, the appeal was dismissed as withdrawn. The plaintiff, thereafter, applied to the trial court to review the rejection order dated 10.01.2017. The defendant raised a preliminary objection that since, the appeal has been dismissed as withdrawn, hence, the review application is not maintainable. Decide the preliminary objection.

### PAPER-II

- Q1.** How and when a Magistrate of First Class can issue process in a private complaint.
- Q2.** "F", wife of "M", living in state of adultery. "P", father of, M, files a written complaint before Magistrate against, "F" under section 494 IPC. Whether, criminal proceedings can be initiated against "F"? Explain with reason.

- Q3.** A Court of Sessions, while convicting the accused for offence under section 325, 307 IPC, imposes a sentence of 10 years simple imprisonment and fine of Rs. 50,000/-, out of which Rs. 30, 000/- to be given to injured-victim as compensation. Briefly, examine the legality of the order for compensation, after applying relevant provisions of Cr.P.C.
- Q4.** Summarize, the "Power of a Judge" under section 165 Evidence Act.
- Q5.** Hari, prosecutes Kalu for adultery with his wife Neelu. Kalu denies that Neelu is wife of Hari. The Court convicts Kalu for the adultery. Afterwards, Neelu is prosecuted for bigamy in marrying Kalu during Hari's lifetime. Neelu says that she never married to Hari. Hari produced copy of judgment, wherein, Kalu was convicted for adultery with Neelu. Whether, judgment in case of Kalu is relevant against Neelu? Explain in brief with relevant provision.
- Q6.** 'A', just for enjoyment and fun with labours working in his field, drives a tractor around them in rash and negligent manner. Next day he repeats the same act in same mood and manner. A labour gets hit by the tractor and resultantly, dies. Whether, 'A' has committed any offence on both the days? Explain with brief reasons.
- Q7.** Madan married Geeta as per Hindu rites and ceremonies in year 2001. Just after 9 months of marriage, they began to live separately in different towns due to rift. After 7 years, Geeta married with an unmarried person Suresh, after disclosing all the facts to him. Madan, after knowing about the marriage of Geeta, also get married with a legally divorcee Hindu lady Babita, concealing the facts about his previous marriage. State with brief reasons regarding criminal liability (if any) of Madan, Geeta, Suresh and Babita.
- Q8.** What is the definition of "Sexual Harassment", under the Protection of Children from Sexual Offences Act, 2012.
- Q9.** 'A', filed a complaint before a Magistrate against B for house trespass. During inquiry made by Court under section 202 of Cr.P.C., 'A' produced and examined 'C' as his witness. Afterwards, due to death of C he could not be examined during the trial. Whether, statement of C, recorded during inquiry is relevant as previous statement and can be used against B in the trial? Explain in brief with reasons.
- Q10.** What are the salient features of the offence "Giving false evidence" and "Fabricating false evidence". Explain in brief.
- Q11.** Explain in short, the definition of "Domestic Violence" under the Protection of Women from Domestic Violence Act, 2005.
- Q12.** Whether, is it mandatory for Juvenile Justice Board to release the child-in-conflict with law on bail, alleged to have committed an offence? When and for which offences bail can be denied, explain rationally.
- Q13.** Discuss the provisions relating to recording of statement of a child by Police and a Magistrate, under Protection of Children from Sexual Offences Act, 2012.
- Q14.** Make a comparative discussion in brief, with regard to mode of recording of evidence and power to award sentence in summary trial cases, as embodied in provisions of Cr.P.C. and Negotiable Instruments Act, 1881.
- Q15.** Discuss in detail the provisions of Cr.P.C. with regard to contents of charge and the alteration and addition of charge, during the trial with consequence thereto.

**Q16. A gives a cheque of Rs. 10 lacks to B on 01.01.2014, for the discharge of his debt, knowingly that sufficient fund is not in his bank account. Cheque returned by bank unpaid and A is prosecuted by B for offence u/s 138 Negotiable Instruments Act. But, after trial, A is acquitted by court on 01.02.2018. Afterwards, on 05.02.2018, 'B' files another complaint before magistrate against 'A', u/s 420 IPC (cheating), for the same cheque. Whether, plea of double jeopardy, as provided in section 300 Cr.P.C. can be taken by A? Discuss elaborately with reasons and precedent.**

**Q17. What is "Dowry Death"? Explain the presumption provided under section 113-B of Evidence Act. When it can be invoked and what is its effect on burden of proof.**