

Telangana Judiciary - Mains 2019

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

Paper-I (Civil Laws)

- Q1. (a) Who are competent to contract? Define 'Free consent' and 'Coercion'. Under what circumstances a contract becomes voidable? (5 marks) (b) Define 'Easement' and 'Licence'. What are customary easements, and when Licence is transferable? (5 marks)**
- Q2. (a) Narrate the amendments made to the Specific Relief Act, 1963, by Act No. 18 of 2018, w.e.f. 1-10-2018? (5 marks) (b) What are the provisions under 'The Limitation Act, 1963, governing the computation of period of limitation to file a suit, appeal or application? How such period is to be reckoned? (5 marks)**
- Q3. Answer the following: (2 marks each) (i) Define "mesne profits"? (ii) What is "Probate"? (iii) What is "intestate succession"? (iv) Who is a "testamentary guardian"? (v) Name any two fundamental duties under the Constitution of India.**
- Q4. (a) In a suit, who may be joined as plaintiffs and defendants? Whether the Court has power to strike down the parties to the suit, if so under what circumstances? (5 marks) (b) Whether the court has power of disposal of Suit at the first hearing? If so, narrate the circumstances. (5 marks)**
- Q5. (a) Narrate the circumstances under which the marriage can be declared as null and void, and further state the legitimacy of children born of void or voidable marriage, with reference to the Hindu Marriage Act, 1955? (4 marks) (b) Write a short note on: i) Interpleader Suit. (3 marks) ii) Essential requirements of a valid sale. (3 marks)**
- Q6. Answer the following (2 marks each) (a) What is "lis pendens"? (b) What is "Holding Over" under Transfer of Property Act? (c) What is a 'leading question'? (d) When is the 'opinions of third persons' relevant in Law? (e) What are the differences between 'primary evidence' and 'secondary evidence'.**
- Q7. Define the principle of "res judicata". Explain the difference between "res judicata" and "estoppel". (10 marks)**
- Q8. (a) When can a Mandatory injunction and damages in lieu of, or in addition to, injunction be granted under Specific Relief Act, 1963? (5 marks) (b) What is a judgment? What is a decree? Whether the judgment, decree or order be reviewed, amended or corrected by the same Court? (5 marks)**
- Q9. (a) How shall the property of a female Hindu dying intestate devolve? (5 marks) (b) What are the rights of a minor in the ancestral property? (5 marks)**
- Q10. 'A' borrowed Rs.3000/- from 'B' against a promissory note. He acknowledged the debt within three years. He refused to pay the debt. 'B' wants to sue 'A'. Draft a 'plaint', and a 'written statement' taking all possible defences. (10 marks)**

Paper-II (Criminal Laws)

- Q1. (a) Write a short note on "charge". What are the contents and particulars of the charge, and what is the effect of errors or omissions that occasion while framing a charge? (5 marks) (b) State the difference between "Summary Trials" and "Warrant Trials". Explain the procedure to be followed in Summary Trials and Warrant Trials with reference to the relevant provisions of Criminal Procedure Code? (5 marks)**

Q2. (a) What is the evidentiary value of the testimony of an approver? Can a conviction be based solely on the testimony of an approver? (3 marks) (b) Who is a 'Chance Witness'? Who is a 'Stock Witness'? (3 marks) (c) Write a brief note on the probative value of the following: (i) Injured witness (ii) Accomplice (2 marks each)

Q3. Write a short note on the following: (2 marks each) (i) Double Jeopardy (ii) Rights of an arrested person (iii) Difference between 'Examination-in-Chief' and 'Cross-examination'. (iv) Distinguish between 'Wrongful Loss' and 'Wrongful Gain'. (v) When can a person be arrayed as an additional accused under Section 319 Cr.P.C.?

Q4. (a) Define Domestic violence and Domestic relationship with reference to the specific provisions of Protection of Women from Domestic Violence Act, 2005? (5 marks) (b) Explain the provisions regarding maintenance under the Code of Criminal Procedure. Who are entitled for maintenance? Is there any provision for enhancement of the maintenance (quote the relevant provision) and under what provision the awarded maintenance amount can be enforced? (5 marks)

Q5. Explain the following: (2 marks each) (a) The difference between 'anticipatory bail' and 'regular bail'. (Write relevant Provisions) (b) Victim compensation (c) The power of the State Government under Section 432 and 433 of Cr.P.C. (d) The difference between 'Bail bond' and 'surety bond'. (e) Plea Bargaining.

Q6. (a) State briefly the difference between "Robbery" and "Dacoity"? (4 marks) (b) Distinguish between "Burden of Proof" and "Onus of Proof"? (3 marks) (c) Distinguish between "Dismissal of a Complaint", "Discharge" and "Acquittal"? (3 marks)

Q7. (a) Which is the proper Court having territorial jurisdiction for filing a private complaint for an offence under Section 138 of the Negotiable Instruments Act? (4 marks) (b) Define 'Juvenile'? Whether a person below the age of 18 years at the time of commission of the crime can claim the benefit of the provisions of Juvenile Justice (Care and protection of Children) Act, 2015 at any stage of the proceedings? (3 marks) (c) Define Dying Declaration and its evidentiary value. (3 marks)

Q8. (a) What is reformatory theory of punishment? (3 marks) (b) Distinguish between "Common Intention" and "Common Object"? (3 marks) (c) Write a short note on the following: (i) Presumption against the husband in a dowry death case (2 marks) (ii) Voluntarily causing grievous hurt by use of acid (2 marks)

Q9. (a) Explain the procedure to be followed by a Magistrate while conducting Test Identification Parade of a suspect, with reference to the provisions of Criminal Rules of Practice and Circular Orders of the State? (5 marks) (b) Narrate five exceptions to Section 300 of the Indian Penal Code. When does a culpable homicide not amount to murder? (5 marks)

Q10. (a) What is First Information Report (FIR)? State the procedure to be followed by a Police Officer after receiving the F.I.R. What is the evidentiary value of the FIR in a Criminal trial, and the effect of delay in lodging the F.I.R. (4 marks) (b) Distinguish between "Criminal Breach of Trust" and "Criminal Misappropriation" (3 marks) (c) Write a short note on right of private defence. (3 marks)

Paper-III (English Translation and Essay Writing)

Q1. English Translation - 30 marks - Two questions (15 marks each) But who are the violators of human rights? Ironically, the leader of this tribe of marauders is the State itself. Wanting to hold on to political power, the leaders of various countries have plunged their nation either in a civil war, or in an international conflict. But, during these conflicts, the human rights of women, children, and old persons are constantly violated. President Assad of Syria continues to use deadly forces to quell the rebellion in his country. On August 21st, 2013, his regime used gas and artillery to target the suburbs of Damascus, killing over 1,000 people. Millions of people have left Syria as refugees. While many have entered Europe, others have entered the neighbouring countries of the Mid-East. Presently, Syria ranks at the top of the list on the Human Rights Index. The State, unfortunately, employs various methods for suppressing its own people: from draconian laws to absence of laws. If we have law for sedition for arresting people, there are no laws for arresting the police for atrocities committed against the sex workers. Thus, not only the existence of laws, but even the absence of laws can violate human rights. 1,20,000 persons were imprisoned, starved, executed by firing squad in North Korea. The President of North Korea, Kim Jong-Un, is more ruthless than his father. He continues not only to be a threat to his own people, but also threatens global peace. For, repeatedly, he proclaims that he will use nuclear weapons to teach America a lesson. Thus, leaders like him may plunge the world into a nuclear holocaust. The State also utilises the police force, the paramilitary force, and the armed forces for oppressing its people. In Sudan, the security services continue to commit unlawful and extra-judicial killings. The warring factions in the said country continue to recruit children for their Forces, thus violating the human rights of the children. On the other hand, the tribes in and around Darfur region have been massacred systematically. Yet, the Government has turned a blind eye to such atrocities. The UNO projects that in case the internal conflict continues in Sudan, half of the Sudanese population would be displaced, or dead by the end of this year. The modern Indian legal system has existed for the last two hundred years. During this period, the judiciary has undergone tremendous changes in its roles and scope. Today, the judiciary has seven different roles to play: i) the traditional role of resolving disputes between two individual parties (civil courts), ii) as a forum to punish the offender (criminal courts), iii) guarantor of the civil and fundamental rights of the people (the writ courts), iv) as an archangel of human rights for the masses (the emergence of the PIL), v) as a check on the Executive and the Legislature (exercising the power of judicial review), vi) as the People's court (Legal Service Authority), and vii) as an Alternate Dispute Resolution forum (arbitrators, mediators, and conciliators). Since time immemorial, the courts have been the arbitrator of private disputes between two parties. In the Bible, King Solomon had to resolve the dispute between two women fighting over the custody of a child; in Shakespeare's play *The Merchant of Venice*, the dispute was over recovery of money. Traditionally, the courts are seized with either civil disputes, or with criminal trials. In the former, the dispute is between two private parties; in the latter, the battle is between the State, as the prosecutor, and the individual, as the defender. Both during the British Raj and even after our independence, the judiciary continues to play the twin traditional roles. In Plato's *Republic*, the question was asked, "Who guards over the guardians?" If the Executive is the guardian, then who would oversee the action of the Executive? Throughout history, there has always been a tussle between the people and the State. In democratic countries, the endeavour has been to safeguard the people from the colossal power of the State. In order to protect the people from the avarice of the State, the Constitution has guaranteed certain rights-called the fundamental rights. The Apex Court and the High Courts have been entrusted with the responsibility of protecting and promoting these fundamental rights. Article 32 of the Constitution, bestowing the writ jurisdiction upon the Apex Court, is itself a fundamental right; the people have been given a fundamental right to approach the Apex Court whenever their fundamental rights are violated. Once the violation is established, the Honourable Supreme Court has no option but to hear the case. On the other hand, Article 226 of the Constitution, bestows the writ jurisdiction upon the High Court. However, the power under Article 226 is larger in its scope than the power under Article

32 of the Constitution of India: the High Court can issue a writ not only when a fundamental right is violated, but also when a civil right has been trampled upon.

Q2. English Essay Writing (not less than 1500 words) - 70 marks - Two questions (35 marks each) Role of Judiciary in protecting the environment. Women empowerment and the laws