

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-I, PAPER-I**

JURISPRUDENCE AND LEGAL LANGUAGE

Total Marks 100
Time 3 hrs

PART I

Answer any ELEVEN questions. Each carries 5 marks

1. Briefly explain the concept of legal right
2. Briefly explain right in 'rem' and right in 'personam'
3. Write short note on subordinate legislation.
4. What is meant by vicarious liability.
5. Distinguish between lease and license.
6. Write short note on ratio decidendi
7. Distinguish between natural person and legal person.
8. Write short note on prospective overruling.
9. Distinguish between contracts and quasi contracts.
10. Write a note on the rule in the Heydon's Case.
11. Authorities to make laws under the Constitution of India.
12. Explain Audi Alteram Partem
13. What is a prescriptive right?
14. What is the golden rule of interpretation.?

[11x5=55]

PART II

Answer any THREE questions. Each carries 15 marks

1. Explain the modes of acquisition of Title.
2. What are the theories of law and justice?
3. What are basic rules of interpretation of statutes?
4. What is meant by locus standi? Examine its applicability in public interest litigations?
5. Define legal right and explain its several elements.

[3x15=45]

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-I, PAPER-II
CONSTITUTIONAL LAW**

Total Marks 100

Time 3 hrs

PART-A

Answer any SEVEN questions. Each carries 5 marks

1. What is preamble? How far is it useful in interpreting the Constitution?
2. What is the tenure of office of the Governor of a State? What is the doctrine of pleasure?
3. Write short note on the writ of habeas corpus.
4. What are the constitutional protections in India against infraction of personal liberty?
5. Briefly explain what is meant by double jeopardy?
6. Write short note on the writ of mandamus
7. What is meant by reasonable restriction on the exercise of freedom?
8. Who can apply for a writ of certiorari? Mention the class of persons to whom the writ is not available?

(7x5=35)

PART B

Answer any TWO questions. Give reasons. Each carries 10 marks.

(2x10=20)

1. A major political party in an Indian State called for a total Bundh from 6 AM to 6 PM claiming that it has the right to do so under Article 19 of the Constitution of India. This was challenged before the High Court under Article 226 of the Constitution of India. Decide on the Constitutionality of the issue.
2. A student 'X' has been denied of admission to the MBBS course. 'X' approached the High Court contending that he was eligible, and denial of admission was illegal and improper. High Court found that denial of admission to 'X' was illegal. But by that time, the period for admission was over. What are the reliefs 'X' is entitled to get?
3. X faced a prosecution for defamation. He challenged the constitutional validity of sections 499 and 500 of the Penal Code, 1860 and Sections 199(1) to 199(4) of the Code of Criminal Procedure, before the High Court. Is he entitled for the relief sought for ?

PART C

Answer any THREE questions. Each carries 15 marks.

- (3x15=45)**
1. What are the provisions incorporated in the Constitution of India to secure the independence of the judiciary.
 2. Give an account of the salient features of the Constitution of India.
 3. What is meant by the basic structure of the Constitution of India? Explain with reference to decided cases.
 4. Discuss the doctrine of separation of powers. How is the doctrine maintained in our Constitution?
 5. Write an essay on the protection of right and personal liberty guaranteed by Article 21 of the Constitution?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-1, PAPER-III**

PENAL LAWS

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

Write short notes.

1. Distinction between crime and tort.
2. False evidence
3. Grievous hurt
4. Criminal breach of trust
5. Reformatory theory of punishment.
6. Robbery
7. Criminal misappropriation of property.
8. Rape
9. Cheating
10. Distinction between wrongful restraint and wrongful confinement.

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. A makes a complaint about 'C' to 'B' who is C's master regarding his conduct as a servant. C claims that it is defamation. Decide.
2. 'Z' thief enters a house belonging to 'Y' to steal some property. Y's house is totally empty. Discuss the offences committed by Z, if any.
3. A surgeon performs an emergency operation on an unconscious patient before his relatives could come to the hospital. The patient dies. Discuss the defense available to the surgeon, if any, and the circumstances in which it is available.

PART C

Answer any THREE questions. Each carries 15 marks.

[3x15=45]

1. Make comparison between joint liability under Section 34 (common intention) and group liability under section 149 (common object) IPC.
2. Discuss the scope and extent of the right of private defence under the Penal Code.

3. Distinguish between culpable homicide not amounting to murder and amounting to murder and the punishments provided for them.
4. Discuss the offences relating to public servants.
5. Discuss the offences relating to marriage under the IPC. Do you consider them to be appropriate in the present social conditions?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018.
PART-I, PAPER-IV
LAW OF TORTS**

Marks 100

Total

Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

(7X5=35)

Write short notes.

1. Explain Act of God as a defense to tortious liability.
2. Distinguish between libel and slander.
3. Contributory negligence.
4. Rylands v. Fletcher.
5. Malicious Prosecution
6. Doctrine of acquiescence
7. Explain the liability for false imprisonment
8. False imprisonment
9. Discuss Donoghue v. Stevenson
10. General features of Consumer Protection Act. 1986

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. John was a spectator at a motor car race, which was held on a track owned by Barclay's Company. During the race there was collision between two cars and one of the cars was thrown among a section of spectators, where John was sitting and as a result of this John sustained injuries. What is the remedy for John?. Decide on the liability of the company.
2. A driver of the bus was driving the bus on a rainy day. While so, a cyclist suddenly came in front of the bus. The driver had to apply sudden brake to save the cyclist. Since the road was wet, the bus skidded on the road and hit another bus, coming from the opposite direction even though both the buses were being driven at a moderate speed. This resulted in injury to passengers of both buses. Decide on the liability of the owners of the buses.
3. A lion escaped from a circus tent and attacked a small child causing it injuries. The father of the child wants to sue the owner of the circus for damages. Will he succeed? Give reasons.

PART-C

Answer any THREE questions. Each carries 15 marks.

[3x15=45]

1. Explain the tort of Nuisance.
2. Elucidate vicarious liability.
3. Discuss private defense as a general defense available to all torts.
4. Examine the concept of remoteness of damage in tort.
5. Explain the law relating to the liability of the master for the acts of the servant?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-I, PAPER-V
LAW OF CONTRACT**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

(7X5=35)

Write short notes on:

1. Consensus ad idem
2. Unlawful objects and considerations.
3. Sale and agreement for sale.
4. Valid and voidable contracts.
5. Rescission of contract.
6. Presumptions available to a negotiable instrument.
7. Write short note on the contracts which cannot be specifically enforced?
8. Compensation for dishonour of cheque.
9. Damages for breach of contract
10. Incidents of Agency

PART B

Answer any TWO questions. Give reasons for your answer. Each carries 10 marks

[2x10=20]

1. M/s Wolf and Company was engaged in the manufacture of conveyor belt. The company later sold its business to Hofe Man and Company. In the Agreement for sale between the two, the seller company through its Director Wolf had agreed to certain restrictions in regard to their future activities. Wolf promised with the purchaser that he will not engage in the business of manufacturing of conveyor belts for the next 25 years. This occurred in 1963. In 1970 Wolf entered into agreement with a rival company engaged in the manufacturing and supply of conveyor belts. Hofe Man and Company sought for injunction to restrain Wolf from doing the business. Wolf and Company had business relations all over India. Decide as to whether Hofe Man and Company is entitled to injunction? Support your reasoning with decided cases.

2. Arumughan was the owner of a flour mill at Chennai. The functioning of the mill was stopped owing to the breakage of a crank shaft. The shaft was entrusted with Muruga Transports, a common carrier for taking the same to the manufacturer at Madurai to be used as a model for the manufacture of a new shaft. Muruga transport was informed by Arumughan that the article entrusted with the carrier was a damaged shaft and it must be delivered immediately to the manufacturing company. But Muruga transport was not informed that the article entrusted with them is to be used as a model and that the working of the mill was stopped. Due to some negligence on part of Muruga transport the shaft was not forwarded to Madura for about one month. This resulted in delay in getting new shaft from the manufacturer by Arumughan. During the interval the mill remained closed. Arumughan brings action against Muruga transport claiming damages for the loss of business etc. Decide whether Arumughan is entitled to succeed.

3. A is an employee of a company. After leaving the service of that company, he agrees with the company that he will not employ himself in any similar company within a distance of 10 Kilometers of the town in which that company is located. Is this restraint valid? Give reasons.

PART-C

Answer any THREE questions. Each carries 15 marks.

[3x15=45]

1. Minor's contract is void ab initio. Explain with reference to the relevant case laws.
2. What do you mean by penalty and liquidated damages? Is there any difference under English and Indian Laws on this point?
3. Agreement without consideration is void. Explain. State whether there are exceptions to this rule.
4. Past consideration is not valid consideration. Are there exceptions and state whether there is any difference between English law and Indian law on this aspect?
5. What are the circumstances under which an agency can be terminated.?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-II, PAPER-I
ADMINISTRATIVE LAW**

Total Marks 100
Time 3 hrs

PART I

Answer any SEVEN questions. Each carries 5 marks

(7X5=35)

Write short notes.

1. Difference between Constitutional Law and Administrative Law.
2. Procedural ultra vires.
3. Rule against bias.
4. Maladministration.
5. The concept of right to know
6. Delay and latches.
7. Discuss "Acting under dictation"
8. Unreasonableness as a ground of judicial review.
9. Natural Justice

PART II

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. A provision in the Passport Act authorised the Central Government to impound the transport of a person in public interest. There was no provision for an appeal against the order of the Government. Further, there was no requirement of hearing also. 'M' whose passport was impounded contended that the impounding of the passport without hearing or giving opportunity for filing appeal rendered the order illegal and inoperative. Discuss & decidé.
2. The Minister of Transport of a State heard objections against some schemes of nationalization of bus routes. The Minister, a few days later presided over a meeting of an official committee which decided in favour of nationalization of some of these routes. The hearing by the Minister is challenged on the ground that he had already pre-determined the issue of the nationalization by participation in the committee and so was disqualified to decide the dispute between the petitioner and the Transport Corporation. Decide.

3. The parent Act stipulated that the Notification to be published under the Act shall be published in the official gazette (English) as well as in a local daily newspaper in Malayalam having circulation in the locality concerned. The Notification was published only in the official gazette. The Notification was challenged. Decide.

PART-III

Answer any THREE questions. Each carries 15 marks.

[3x15=45]

1. Rule of law is the paramount goal of a democratic socialist republic. Comment.
2. What do you mean by the doctrine of proportionality? Explain its importance in the administrative law.
3. Enumerate the powers of a single Judge as provided in the Kerala High Court Act, 1958.
4. Explain the doctrine of legitimate expectation. Trace the development of the doctrine in India?
5. Elucidate the Principle "No one should be made a Judge in his own cause" or the rule against bias.

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-II, PAPER-II
COMPANY LAW**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

(7X5=35)

Write short notes on:

1. Distinction between a Company and a partnership.
2. Share warrants and share certificates.
3. Lifting of Corporate veil.
4. Annual general meeting.
5. Forfeiture of shares.
6. Creditor's Voluntary Winding up
7. Government companies
8. Special resolution
9. Disqualification of Directors
10. Shareholder

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. ABCL Ltd. Is a company incorporated under the Act engaged in the business of film making. Now the company wants to enlarge its business by doing some activity not provided for in its Memorandum. Is it possible for the company do so? Advise.
2. XYZ Ltd. was incorporated as a Public Limited Company in March 2006. The Company fails to hold Annual General Meeting till September, 2007. Examine the consequences that may follow.
3. A, B, C, D and E are the only members of a Private Ltd. Company holding all its shares. They together went for a pleasure trip and were killed in an accident. What happens to the Company? Will the Company continue to be in existence after their death.?
4. X was appointed a director of ABC Ltd. The terms of the appointment provided that he cannot be removed from his office by ordinary resolution. The company by ordinary resolution tries to remove him from office before the expiry of his term of office. Will the company succeed? Decide giving reasons.

PART-C

Answer any THREE questions. Each carries 15 marks.

[3x15=45]

1. Briefly explain the characteristics of a company incorporated under the Companies Act.
2. Examine the importance of Memorandum of Association in relation to a proposed company.
3. Law relating to oppression and mismanagement is an alternative of winding up. Explain.
4. Elucidate the duty of care expected of an auditor of a company.
5. When can a company be wound up by the Court/Tribunal? Who all are the persons entitled to file a petition for such winding up and when?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-II, PAPER-III
PROPERTY LAWS**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

(7X5=35)

Write short notes.

1. Lis pendens
2. Fraudulent transfer
3. Determination of Lease
4. Eviction of unauthorized occupants under Land Conservancy Act.
5. Compulsorily registrable Documents
6. Benefits available to a party whose property is acquired under the Land Acquisition Act, 1894.
7. Use of insufficiently stamped documents.
8. Charge.
9. Actionable claim
10. Lease and License.

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. Peter executes a gift deed in the name of Sojan in respect of three different items of properties. One is 30 cents of land with a building thereon, in which Peter is residing. The second item is 75 cents of agricultural land and the third is four cents of land on the side of national highway. All the three items are gifted on the basis of a single gift deed. Of the three items, four cents of land is subject to a mortgage with a bank for a loan availed by Peter. In the gift deed Peter directs Sojan to discharge the liability over the four cents. Sojan has accepted the Gift with respect to the two items of properties over which there are no encumbrances and refuses to accept the gift of four cents which is encumbered. Peter objects and wants Sojan to take all the three items. Can Sojan succeed and accept the two items excluding the third one?

2. The property of a Hindu minor Subhash was sold by the mother without the permission of the Court on 1.01.2001, immediately before the minor attaining majority. The minor is aware of the sale transaction and keeps silence about it. The minor attained majority on 26.1.2001. Can he challenge the sale as one violative of his rights in 2008? If not why?

3. Sri. Ramesh executed a deed in favour of Sri.Krishnan leasing out his building for 13 months. The lease deed is not registered. Can Sri.Ramesh get eviction of the tenant Sri.Krishnan who has defaulted the payment of rent relying on the unregistered sale deed?

PART-C

Answer any THREE questions. Each carries 15 marks.

[3x15=45]

1. What are the essential ingredients of sale of immovable property.
2. What is a gift? How is a valid gift of immovable property effected?
3. Who is a co-owner? What are the legal effects of sale by a co-owner?
4. What is an easement of necessity? How can a person perfect easement rights over the servient tenement?
5. What are the rights that can be acquired by prescription? Explain with reference to two illustrations?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-II, PAPER-IV
SERVICE LAWS**

Total Marks 100
Time 3 hrs

PART I

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

1. Which are the different kinds of services which would count for probation?
2. Who are the competent authorities under the Kerala High Court Service Rules 2007 to place an employee under suspension and to impose punishments?
3. Briefly explain compulsory retirement under Rule 60 Part I KSR.
4. Define Lien.
5. What is the Rule regarding seniority of a candidate appointed on advice by P.S.C.?
6. Distinguish between promotion and appointment by transfer.
7. What is increment? When does an increment fall due?
8. Briefly state the concept of Notional Promotion?
9. Which are selection categories for promotion as per Kerala High Court Service Rules 2007?
10. Can the Government continue or initiate proceedings under Rule 3 Part III K.S.R. even in the absence of allegations of pecuniary loss to Government?
11. A widow who was receiving pension remarry-State whether she is entitled to receive pension?

PART II

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. A person is awarded punishment of withholding promotion for two years during which period his juniors are promoted to higher category. On expiry of period of punishment he is promoted. State whether on such promotion he will get seniority over those juniors promoted during the said period of punishment.
2. An officer holding a post in a time scale is promoted to another post carrying identical scale of pay. His pay on promotion is fixed by applying Rule 28A Part-I K.S.R. Is the fixation of pay correct?

3. In a notification inviting applications for direct recruitment as Assistants in the service of the High Court it is specified that only first and second class graduates need apply while the minimum qualification prescribed in the rules is only a university degree. Is the notification valid?

4. A is appointed on probation for 2 years on duty within a continuous period of 3 years and he has to pass the prescribed test within the period of probation. He continues in service even beyond the extendable period of probation without passing the tests. Whether he can be deemed to have satisfactorily completed the probation?

PART III

Answer any THREE questions. Each question carries 15 marks.

[3x15=45]

1. Enumerate the various penalties that can be imposed on government servants and officers and servants of the High Court of Kerala.
2. Explain the provisions of K.C.S (CC & A) Rules regulating imposition of major penalties on government servants? Refer to the relevant decisions of Supreme Court regarding furnishing copy of enquiry report to the government servant.
3. Explain the provisions of Rule 3 Part-III K.S.R. regarding continuance and conclusion of disciplinary proceedings instituted against a government servant while in service and pending at the time of his retirement.
4. State and explain the different classes of pension which the government servants are eligible.
5. Explain the various kinds of leave which can be applied for and availed by male and female government servants as per the provisions of the Kerala Service Rules.

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-II, PAPER-V
FAMILY LAW**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

Write short notes on:

1. Distinction between void and voidable marriages.
2. Cruelty as a ground for divorce among Christian couples.
3. Mary Roy v. State of Kerala
4. Essential requisites of adoption under the Hindu Adoptions and Maintenance Act.
5. The sources of Muslim Law.
6. Domicile
7. Escheat
8. Proof of will
9. Obligation for maintenance of children and aged parents.
10. Intestate succession.
11. Alimony pendente lite.

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. A female Hindu dies intestate leaving behind her husband, two sons, one daughter and mother. Distribute the property among legal heirs.
2. A Muslim girl was given in marriage during her minority. Consummation of marriage took place before she attained the age of puberty. The girl wants to repudiate the marriage. Advise her.
3. A Hindu converts to Christianity. Later, he marries a Hindu woman in accordance with the customs and ceremonies of the Hindu community. Is it a valid marriage? Give reasons.

4. Mr.Rajan, a Hindu male, aged 35 years and not married wants to adopt Miss Bindu, who is aged 15 years. Can Rajan lawfully adopt her?

PART C

Answer any THREE questions. Each question carries 15 marks.

[3x15=45]

1. What are the grounds of divorce to both parties under Hindu Marriage Act?
2. What are the disqualifications under the Hindu Succession Act for inheriting the property of the deceased?
3. Can a Muslim woman get a decree of divorce against her husband? If so under what grounds?
4. Who is a natural Guardian? Explain the powers and functions of a natural Guardian?
5. Explain the rules of intestate succession of Christians under the Indian Succession Act.

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-III, PAPER-I
LAW OF ELECTIONS**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

Write short note on:

1. Disqualifications for voting at elections to House of People/legislative Assemblies.
2. Election and Elector.
3. The grounds for declaring an election to be void.
4. The procedure in contested and uncontested elections.
5. Appeals from orders of courts deciding election disputes under Kerala Municipalities Act.
6. Briefly state the provisions regarding preparation and revision of Electoral Rolls.
7. What is withdrawal of candidature? Which is the stage at which candidature can be withdrawn?
8. Briefly state the provisions of R.P.Act 1951 regulating recording of votes by voting machines.
9. What is the provision for appeal against order of the High Court in an election petition?
10. State Election Commission.
11. What are the general duties of a District Election Officer?

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. A contractor who was awarded work by a State Government was nominated as a candidate for election to Legislative Assembly of the said State. At the time of nomination, the candidate had already performed his part of the contract, but the Government was yet to perform their part by paying the amounts due to him. Decide whether the nomination is legally valid.
2. A candidate not set up by a political party is nominated for election from a constituency by two electors of the constituency who subscribed to the nomination papers. Is the nomination valid? If not, give reasons.

3. A candidate is elected to both houses of Parliament. But he does not give notice in writing to the Secretary to Election Commission within the prescribed time limit as to which house he wishes to serve. Examine whether he will be deemed to have vacated seats in both the houses or only one of the houses, and which is the house in which the seat will be deemed to be vacated.

PART C

Answer any THREE questions. Each question carries 15 marks.

[3x15=45]

1. Explain the provisions of Kerala Panchayat Raj Act and Kerala Municipalities Act regarding reservation of seats in the Panchayat Committees/Councils of Municipalities and Corporations for women candidates.
2. Explain the composition of the House of People and the method of election/nominations to the House of the People (Lok Sabha).
3. What are the qualifications and disqualifications for becoming a Member of the Legislative Assembly and Legislative Council of a State?
4. What are direct and indirect elections? Briefly state and explain the direct and indirect elections under the Constitution of India.
5. State the qualifications prescribed for election to the office of the President of India and explain the method of election to the office of the President of India.

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-III, PAPER-II
CIVIL PROCEDURE**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

Write short note on:

1. Pecuniary jurisdiction in suits.
2. Refund of Court fees
3. Temporary injunction
4. Preliminary decree and final decree
5. Multifarious Suits
6. Arrest before judgment
7. Cause title of plaint
8. Amendment of pleadings
9. Who is a garnishee and state the procedure regarding garnishee proceedings
10. Foreign judgment, its conclusiveness and presumptions attached thereto.
11. Appointment of receivers

PART B

Answer any TWO questions. Give reasons. Each carries 10 marks

[2x10=20]

1. In a suit for partition of immovable property a preliminary decree was passed. No appeal was filed against it. Later, a final decree also was passed. One of the defendants filed an appeal challenging the preliminary decree and the final decree. Decide.
2. A suit was filed in a Munsiff Court for recovery of an immovable property. After perusing the plaint and hearing the plaintiff's counsel the Munsiff rejected the plaint on the ground that the plaint does not disclose cause of action. The plaintiff approaches you to file a Civil Revision Petition before the Hon'ble High Court challenging the order of rejection. Advise.

3. 'A' files a suit against 'B' for injunction stating that he is in possession and enjoyment of the Plaint Schedule property. 'B' files written statement denying his possession and claiming title over the plaint schedule property. Suit was tried and finding that 'A' is in possession of the property grants decree for injunction against 'B'. As regards title of the plaint schedule property, there is no finding by the court. Whether the Court was justified in granting a decree for injunction against 'B'? If 'B' files a suit for declaration of his title whether the subsequent suit can be said to be barred by res-judicata.

PART C

Answer any THREE questions. Each question carries 15 marks.

[3x15=45]

1. Briefly discuss the principle of Res judicata and constructive res judicata.
2. Explain the importance of affidavits in interlocutory proceedings. Highlight the proceedings in which affidavits could be acted upon for passing orders?
3. Explain with special reference to the Civil Rules of Practice, how costs in a suit is to be tabulated and the extent to which advocate fees could be claimed as costs.
4. Different modes of execution of a decree passed by the civil court.
5. What are the remedies available to a person affected by a wrongful attachment of the immovable property belonging to him?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-III, PAPER-III
CRIMINAL PROCEDURE**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

Write short note on:

1. FIR
2. Cognizable and non cognizable cases
3. Withdrawal from prosecution
4. Particulars to be shown in the endorsement on certified copies of judgments as provided under Rule 240 of Criminal Rules of Practice.
5. Compensation under the Cr.P.C.
6. Section 482 Cr.P.C.
7. Juvenile Justice (C &P of Children) Act 2000
8. Double Jeopardy
9. Sanction to prosecute a public servant.
10. Magistrate's power to order further investigation

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. 'X' has committed an offence against 'Y'. They have compromised and want withdrawal from prosecution. Advise.
2. An accused was charged with the offence of voluntarily causing hurt to a boy aged 10 years. On receiving summons from the Court, the accused files an application for plea bargaining. Can it be allowed. Give reasons.
3. What is the procedure prescribed under the Criminal Rules of Practice with regard to cases where process has been issued for the attendance of the accused, but has remained pending for a long time owing to the non-appearance of the accused?

PART C

Answer any THREE questions. Each question carries 15 marks.

[3x15=45]

1. Explain the procedure for recording confessions.
2. Explain the powers and hierarchy of criminal courts under the Cr.P.C.
3. Explain the procedure to be followed on taking cognizance on a complaint by Magistrate?
4. What do you understand by bail? Discuss the factors to be considered for grant of regular and anticipatory bail.
5. Discuss the powers of the Government regarding suspension, remission and commutation of sentences?

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-III, PAPER-IV
LAW OF EVIDENCE & LIMITATION**

Total Marks 100
Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

Write short note on:

1. Dying declaration
2. Res gestae
3. Doctrine of estoppel
4. Acknowledgement of debt
5. Confession to Police
6. Rebuttable and Irrebuttable presumptions
7. Material object
8. Continuing breach and period of limitation
9. Hostile witness
10. Identification Parade.

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. There was a fight between A and B and in the course of fight A inflicted a fatal injury on B's chest and B succumbed to that injury. A was charged with murder. During investigation he made a statement to the police which was as follows:- "I stabbed B with a knife and I have hidden it in a pit in the compound of my house. I shall show it if I am taken there". The knife was recovered from that pit. The prosecution wants to prove the whole of that statement against A. Advise A.
2. Raman is accused of murdering Vasu. The prosecution cited a bystander as a witness to prove that when the murder was committed, the bystander shouted that Raman killed Vasu. Is this evidence admissible?

3. A deed of partition was effected in the family when Mr.Rajnish was only three years old. The permission of the Court was not taken before executing the deed. After attaining the age of 18, Mr.Rajnish challenged the deed of partition by filing a suit for declaration. Can Mr.Rajnish succeed?

4. 'A' intentionally and falsely leads 'B' to believe that a particular property belongs to him and induces 'B' to buy the said property by paying consideration. The land afterwards becomes the property of 'A'. Thereafter A filed a suit to set aside the sale deed on the ground that at the time of executing the sale deed he had no title over the said property. Whether 'A' is entitled to get a decree or not? Explain with reasons. What will be the period of limitation for filing such a suit?

PART C

Answer any **THREE** questions. Each question carries **15** marks.

[3x15=45]

1. Discuss the principles involved in computing limitation.
2. Relevancy of opinion evidence.
3. What is the legal validity of the evidence of an approver *vis a vis* other accused?
4. What is privileged communication? Who can claim such privilege and when?
5. Legal disability under Limitation Act. Discuss.

**HIGH COURT OF KERALA
JUDICIAL TEST (HIGHER) 2018
PART-III, PAPER-V
INTERPRETATION OF STATUTES &
GENERAL CLAUSES ACT**

Total Marks 100

Time 3 hrs

PART A

Answer any SEVEN questions. Each carries 5 marks

[7X5=35]

Write short note on:

1. Different parts of a Statute.
2. Ex post facto laws.
3. Modifying statute
4. Consolidating statute.
5. Casus omissus
6. Doctrine of occupied field
7. Retrospective operation of statute
8. Restrictive construction
9. Rule in Heydon's case
10. Statement of Objects and Reasons
11. Provision relating to operation of an enactment under the General Clauses Act..

PART B

Answer any TWO questions. Each carries 10 marks

[2x10=20]

1. A Municipal Act required a person to acquire a licence before he could use any place for sale of milk, butter or other milk product. A dealer in "ghee" was compelled to take out licence by the Municipal authority stating that ghee comes under other "milk products". He filed a case challenging the notice. Decide the legality of the notice in the light of the principles of statutory interpretation.
2. Raju is residing in his property, located adjacent to the property of Gopakumar. Gopakumar threatens to trespass into Raju's property. Prepare a plaint for Raju.
3. Iron and Steel are taxable at 4% as per the taxing statute. A manufacturing company produced steel products like steel vessels and buckets and claimed the rate of 4%. This was rejected by the assessing authority and tax at the rate of 8% under the residuary entry for goods not mentioned in the scheduled entries. The higher rate of tax is challenged by the company. Decide with reference to the Rules governing interpretation of statute.

4. Union of India has passed a law for regulating the trial of cases of campus violence including ragging. The State of Kerala finding that the Union Law is insufficient to meet the requirements of the education institutions in the State, enacted a law to curb the menace of ragging. Unlike the Union law, the State law casts the onus of proof on the accused. A, who allegedly ragged his juniors was charged under the provisions of the State law. Applying the principles of interpretation, write an opinion on the case.

PART C

Answer any THREE questions. Each question carries 15 marks.

[3x15=45]

1. Discuss various internal aid to interpretation of statute.
2. Prepare an agreement for sale of 20 cents of property situated in Elamkulam Village, Kanayannur Taluk, Ernakulam District between Razack and Jaseetha.
3. Discuss the advantages of rules of beneficial interpretation with illustrations.
4. Write an essay on the rules governing the construction of penal statutes.
5. 'Preamble is a legislative aid in construing the statutory provision'. Elaborate.