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**MANIPUR JUDICIAL SERVICE GRADE - I
MAIN WRITTEN EXAMINATION, 2020**

Subject:- LAW PAPER - I

DURATION: 3 Hrs.

FULL MARKS: 100 MARKS

INSTRUCTIONS:

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Manipur Judicial Service, Grade-1 Examination

PAPER II- 2020

This part contains 30 questions and each question carries one mark.

{1x30=30 marks}

(Write the question number with the corresponding answer with the alphabetical serial of the answer on the answer sheets to be supplied.)

1. Generally dying declarations are admissible as evidence under-

- a. Section 20 of the Indian Evidence Act, 1872
- b. Section 25 of the Indian Evidence Act, 1872
- c. Section 32 of the Indian Evidence Act, 1872
- d. Section 35 of the Indian Evidence Act, 1872

2. Definition of secondary evidence has been given under _____ of the Indian Evidence Act, 1872?

- a. Section 61
- b. Section 62
- c. Section 63
- d. Section 64

3. Which of the following statements are true under section 10 of the Indian Evidence Act, 1872?

- I. There should be prima facie evidence in support of the existence of conspiracy
- II. A confessional statement by itself can be taken to be prima facie evidence of conspiracy with the persons named
- III. The confession made to the third party after the common intention has ceased to exist will be admissible
- IV. Conspiracy cannot be proved with circumstantial evidence
- V. A confession by a conspirator made to the magistrate after arrest is not admissible under this section

- a. I and V
- b. I, II and IV
- c. II, III and V
- d. III and IV

4. Which of the following are admissible under section 27 of the Indian Evidence Act, 1872?

- a. Recovery of weapon of offence at the pointing of the accused when he was not in police custody
- b. Recovery of articles buried at the public road at the pointing of the accused
- c. Recovery of the weapon made by the pointing of the accused while he was handcuffed
- d. The weapon of offence found lying in the house when the house was opened

5. The maxim "*Acta in uno judicio non probant in alio nisi inter easdem personas*"

means:

- a. Things done in one action cannot be taken as evidence in another, unless it is not between the same parties
- b. Things done in one action cannot be taken as evidence in another, unless it is between the same parties
- c. Things done in one action can be taken as evidence in another, unless it is between the same parties
- d. None of them

6. Provision for interpleader suit is contained in which of the following sections of C.P.C.?

- a. Section 87
- b. Section 88
- c. Section 89
- d. Section 90

7. Which of the following deals with the procedure when party fails to present written statement called for by Court in the Code of Civil Procedure?

- a. Order 5, Rule 30
- b. Order 8, Rule 10
- c. Order 6, Rule 10
- d. Order 10, Rule 22

8. Under section 13 of CPC, a foreign judgment can be challenged on the grounds of:

- a. competency of the court pronouncing the judgment
- b. being obtained by fraud
- c. sustaining a claim founded on a breach of law in force in India
- d. all the above.

9. Which of the following tests are to be applied in cases where the plea of bar of the suit under O. 2, r 2 is raised?

- a. Whether the cause of action in the previous suit and that in the subsequent suit are identical
- b. Whether the relief claimed in the subsequent suit could have been given in the previous suit on the basis of the pleadings filed in that suit
- c. Whether the plaintiff omitted to sue for a particular relief on the cause of action which had been disclosed in the previous suit
- d. All of these

10. A suit relating to partnership may be instituted at a place:

- a. where the partnership was constituted
- b. where the partnership business was carried on
- c. where partnership accounts are maintained
- d. all the above.

11. "A" is accused of a theft on one occasion and of causing grievous hurt on another occasion. Applying Section 218 Cr. P.C.:

- a. "A" must be charged and tried for the theft and causing grievous hurt
- b. "A" must be separately charged and separately tried for the theft and causing grievous hurt
- c. "A" can be charged and tried only for the theft
- d. none of them

12. Who among the following is not entitled to claim maintenance under Section 125, Cr. P. Code:

- a. Divorced wife so long as she does not marry
- b. Unmarried sister
- c. Step mother
- d. Illegitimate minor child.

13. If the police do not take action on complaint in respect of cognizable offences, the complainant:

- a. has right under section 190 of Cr PC to complaint before local Magistrate
- b. has no right under section 190 of Cr PC to complaint before local Magistrate
- c. has right under section 290 of the Cr PC to complaint before Magistrate
- d. has right under section 390 of the Cr PC to complaint before Magistrate.

14. Consider the following statement and choose the correct answer with the help of code given below:

- a. Investigation is conducted by police officer
- b. Magistrate cannot interfere in investigation
- c. Investigation is a judicial proceeding
- d. Investigation is not a judicial proceeding

Codes:

- a. (i) and (iv) are correct
- b. (i), (ii) and (iv) are correct
- c. (ii) and (iv) are correct
- d. (ii), (iii) and (iv) are correct.

15. "Plea Bargaining" a new chapter was added in Criminal Procedure Code, 1973 by the Criminal Law Amendment Act, 2005 (2 of 2006) is contained in:

- a. Sections 265A to 265E
- b. Sections 265A to 265L
- c. Sections 265A to 265M
- d. Sections 265A to 265N

16. Voluntarily throwing or attempting to throw acid is an offence punishable under Indian Penal Code, 1860, under:

- a. Section 326A
- b. Section 326B
- c. Section 228A
- d. Section 228.

17. X added potassium cyanide into Y's drink intending to kill him. However, Z also happened to sip from Y's glass. They both died. The medical report claimed that Y actually died of a cardiac arrest, as the poisonous substance administered was insufficient to cause his death. In addition, Z died due to the effect of the poison. So:

- a. X is liable for the death of Y and not for the death of Z
- b. X is not liable for the death neither of Y nor of Z
- c. X is liable for the death of both Y and Z
- d. X is liable for the death of Z only

18. The Indian penal code is divided into...

- a. XIXIII Chapters and 512 Sections
- b. XXIXII Chapters and 511 Sections
- c. XIIXVI Chapters and 501 Sections
- d. XXIII Chapters and 511 Sections

19. Under section 82 and 83 of IPC an offence is punishable if it is done by child.

- a. of below of seven years of age.
- b. of above seven years of age but below twelve years of aged if he has not attained sufficient maturity and understanding.
- c. of above seven year of age but below 12 years having attained sufficient maturity and understanding.
- d. all the above.

20. Which of the following is false of Section 34 and Section 149 of the IPC?

- a. S. 34 does not by itself create any specific offence whereas S. 149 does so
- b. Some active participation in crime is required in S. 34 while it is not needed in S. 149
- c. S. 34 speaks of common intention while S. 149 contemplates common object
- d. S. 34 requires at least five persons who must share the common intention while S. 149 requires at least two persons to share the common intention

21. A quarrel arose between C on the one side and A and B on the other. C abused A, whereupon A struck him with a stick, and B struck him down with an axe on the head. He also received two other wounds with the axe on the other parts of the body. Any one of the three axe wounds was sufficient enough to cause death, especially the one on the head.

- a. C is guilty for voluntarily provoking the attack while B is guilty of culpable homicide
- b. A is guilty of culpable homicide, while B is guilty of voluntarily causing hurt
- c. B is guilty of culpable homicide, while A is guilty of voluntarily causing hurt
- d. Both A and B are guilty of culpable homicide

22. What is the minimum term of imprisonment in case of, at the time of attempting robbery or dacoity, the offender is armed with any deadly weapon, he is punished with imprisonment of not less than:

- a. four years under Section 397, IPC
- b. five years under Section 397, IPC
- c. six years under Section 397, IPC
- d. seven years under Section 397, IPC

23. Within the meaning of provisions of the Transfer of Property Act, 1882, the immovable property does not include:

- a. standing timber or grass
- b. standing timber, jewellery or crops.
- c. standing timber, growing crops or grass.
- d. only grass.

24. The provision of vested interest is provided in:

- a. section 18 of the Transfer of Property Act, 1882
- b. section 19 of the Transfer of Property Act, 1882
- c. section 20 of the Transfer of Property Act, 1882
- d. section 21 of the Transfer of Property Act, 1882.

25. The equitable rule under Section 53A of the Transfer of Property Act, 1882 was originally laid in

- a. Walsh v. Lonsdale
- b. Ariff v. Jadunath
- c. Ranchoddas v. D S Dorik
- d. None of the above.

26. In which of the following cases is rule against perpetuity not applicable under the Transfer of Property Act, 1882?

- a. In case property is transferred for the benefit of lineal decedents
- b. In case property is transferred for the purpose of construction of a winery
- c. In case property is transferred for the purpose of creating a temple promoting Sati
- d. In case property is transferred for building a library for comic books

27. The provision of section 3 of the Limitation Act are

- a. mandatory
- b. directory
- c. discretionary
- d. optional.

28. Legal disabilities are

- a. minority
- b. insanity
- c. idiocy
- d. all of the above

29. Under section 19, Limitation Act, 1963

- a. payment by cheque which is dishonoured on presentation amounts to party payment and shall save limitation
- b. payment by cheque which is dishonoured on presentation does not amount to part payment and will not save limitation.
- c. mere handing over the cheque which is dishonoured on presentation amounts to acknowledgment.
- d. either (a) or (c)

30. Acknowledgement after the period of limitation

- a. is of no effect.
- b. gives rise to an independent and enforceable contract.
- c. both (a) and (b)
- d. neither (a) nor (b).

PART B

Write short notes on any ten among the following questions.

{2x10=20 marks}

31. Define 'Dacoity'. When does robbery become dacoit?
32. Distinguish between Common Intention and Common object.
33. Explain the expression causes death by "rash or negligent" as contemplated under Section 304-A of the IPC.
34. Distinguish between Lease and License with the help of relevant case law.
35. Discuss the essentials of a valid gift under the Transfer of Property Act, 1882.
36. Define 'Judgment' and its essentials. Differentiate between 'Judgment' and 'Decree'.
37. "Courts to try all civil suits unless barred". Comment.
38. Explain the fundamental rules of pleadings. How pleadings can be amended.
39. Discuss impact of part payment on to the acknowledgement?
40. Limitation extinguishes remedy and not right. Explain.
41. Define "presumption", what do you mean by 'May Presume', 'Shall presume' and 'Conclusive proof'?
42. Explain:-
 - i. Accused to be a competent witness
 - ii. Tender of pardon to Accomplice.
43. "Persons once convicted or acquitted of an offence are not to be tried for the same offence again" Explain with reference to relevant provisions of Code of criminal procedure.
44. What is meant by compoundable offence? What are its legal effects? Can a prosecution be withdrawn? What is the procedure regarding it?

PART C

Answer any five among the following questions. Each question 10 marks and answer preferably not exceeding 200 words.

{10x5=50 marks}

45. What is an *ex parte* decree? State the remedies available against *ex parte* decree.
46. Describe the extent to which the plea of grave and sudden provocation may mitigate the liability of an accused person for the offence of murder.
47. What is the concept of property? What is the distinction between movable and immovable property? Explain with relevant case law.
48. "When a limitation period starts it can't stop". Explain with its exceptions.
49. What are pre-conditions to be followed in institution of suits by or against the government? Explain.
50. State the essentials of valid acknowledgment as per section 18 of limitation Act.
51. What is meant by First Information Report? Is delay in F.I.R is fatal to case of prosecution? What is the evidentiary value of F.I.R?
52. Explain the provisions related to maintenance of wives, children and parents under Code of Criminal Procedure.