

## QUESTION BOOKLET

**SD : LDCE**

Booklet Series

Booklet No.

B

Date: 20<sup>th</sup> August, 2017

Total Questions: 100

Time : 90 minutes.

Total Marks : 200

### INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately on receiving the question booklet, the candidate should check that the booklet does not have any unprinted or torn or missing pages or items, etc. If it is so found, the candidate should get it replaced by a complete Booklet. Question booklet will not be replaced after marking answers in answer-sheet.
3. Encode clearly the booklet series A,B,C or D, as the case may be, and indicate the series of question booklet, by completely shadowing the appropriate circle, **by black ink ball pen**, in the appropriate place in the answer-sheet. Any failure to shadow the appropriate circle will result in non evaluation of the answer-sheet.
4. If a candidate shadows the circle in the answer sheet which does not match the series of his/her question booklet, no marks will be allotted to such answer-sheet.
5. The candidate shall enter his Roll number on the Booklet in the box provided alongside.
6. The candidate has to mark his choices **Only** on the separate answer-sheet provided for the same. Please see instructions on last page of the answer-sheet.
7. Penalty for wrong answer:

There will be penalty for wrong answers marked by candidate.

- (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, **one fourth** of the marks assigned to that question (**0.50**) will be deducted as penalty.
- (ii) If a candidate gives more than one answer, it will be treated as a wrong answer, even if one of the given answers happens to be correct and there will be same penalty as above to that question.
- (iii) If a question is left blank, i.e., no answer is given by the candidate, there will be no penalty for that question.

1. State which of the following categories of offences may be tried summarily?
  - a. Offence punishable u/s. 505 of the Indian Penal Code.
  - b. Offence u/s. 454 of the Indian Penal Code.
  - c. Offence constituted by an act in respect of which complaint may be made u/s. 20 of the Cattle Trespass Act, 1871.
  - d. Both 'b' and 'c'.
  
2. Which of the following classes of suits may be tried by summary procedure?
  - a. Suit, on an enactment, to recover penalty amount.
  - b. Suit for malicious prosecution.
  - c. Suit to recover a debt from defendant arising on a written contract.
  - d. Suit for perpetual injunction.
  
3. Power u/s. 249 of Cri.P.C. to discharge the accused can be exercised if \_\_\_\_\_.
  - a. the offence is non-cognizable or compoundable.
  - b. the offence is non-compoundable.
  - c. the offence is compoundable and non-cognizable.
  - d. the offence is cognizable and non-compoundable.
  
4. I. The Court may direct the attachment of the whole or any portion of the property at any stage of the suit, if the Court is satisfied, by affidavit or otherwise that the defendant is about to dispose of the whole or any part of his property with intent to obstruct or delay the execution of any decree which may be passed against him.  
  
II. The Court may issue a warrant to arrest any person other than defendant at any stage of the suit, if the Court is satisfied, by affidavit or otherwise that such person has absconded or left the local limits of the jurisdiction of the Court with intent to obstruct or delay the execution of any decree which may be passed against defendant.

Choose correct option in respect of above statements:

- a. 'I' is incorrect and 'II' is correct.
  - b. 'I' is correct and 'II' is incorrect.
  - c. both are correct.
  - d. both are incorrect.
5. Which of the following statements is true?
- Power under section 311 of the Code of Criminal Procedure cannot be exercised\_\_\_\_\_.
- a. to recall any witnesses already examined.
  - b. to examine any person in attendance of the Court.
  - c. to summon any person who has not been cited as a witness.
  - d. none of the above.
6. I. Where a decree is for payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit till date of the decree.
- II. Where the liability in relation to the sum so adjudged has arisen out of a commercial transaction based on contract, the Court may, while decreeing the suit, order the interest on such principal sum adjudged exceeding the contractual rate of interest.

Choose correct option in respect of above statements:

- a. 'I' is incorrect and 'II' is correct.
  - b. 'I' is correct and 'II' is incorrect.
  - c. both are correct.
  - d. both are incorrect.
7. Compensation for accusation without reasonable cause can be awarded by the Magistrate\_\_\_\_\_.
- a. under section 357(3) of the Code of Criminal Procedure.
  - b. under section 357-A of the Code of Criminal Procedure.

- c. under section 359 of the Code of Criminal Procedure.
  - d. under section 250 of the Code of Criminal Procedure.
8. Which of the following statements is/are false?
- a. Reference to the High Court can be made in pending civil case.
  - b. There cannot be reference to the High Court in Criminal cases.
  - c. Both 'a' and 'b'.
  - d. There can be a reference in execution proceeding of a decree.
9. Section 311-A of the Code of Criminal Procedure empowers the Magistrate of First Class to \_\_\_\_\_.
- a. summon material witness.
  - b. postpone or adjourn proceedings.
  - c. order person to give specimen signature.
  - d. visit and inspect any place in which an offence is alleged to have been committed.
10. State which of the following statements is/are correct?
- a. Agreement to commit an act which furnishes ground for civil action amounts to criminal conspiracy.
  - b. Agreement to commit an offence amounts to criminal conspiracy.
  - c. Agreement to commit an act which is prohibited by law amounts to criminal conspiracy.
  - d. All the above.
11. Which of the following statements is/are false?
- a. In mortgage suit when the possession of mortgage property is with the mortgagee, if the mortgagor during the pendency of the suit deposit the sum due on the mortgage, which is substantially sufficient to satisfy the mortgage, the Court shall direct the mortgagee to pay the mortgagor, mesne profits as may be determined, till the actual delivery of possession by the mortgagee to the mortgagor.

- b. Where any property the sale of which is directed under order XXXIV of CPC is subject to prior mortgage, the Court may, with the consent of prior mortgagee, direct that property be sold giving to such prior mortgagee, the same interest in the proceeds of the sale as he had in the property sold.
  - c. Both 'a' and 'b'.
  - d. None of the above.
12. In the crime of adultery, the wife is \_\_\_\_\_.
- a. punishable as a co-accused.
  - b. punishable as an abettor.
  - c. not punishable.
  - d. punishable as an accomplice.
13. Under section 97 of the Code of Criminal Procedure search warrant to find out a person can be issued if \_\_\_\_\_.
- a. the person is absconding.
  - b. the person is unlawfully confined.
  - c. the person is missing.
  - d. whereabouts of such person are not known.
14. A suit under Section 92 of the Code of Civil Procedure is being instituted. Which of the following statements is true?
- a. Suit may be instituted by the Attorney General with the previous assent of the Government.
  - b. Suit may be instituted by two or more persons having an interest in the Trust with the permission of the Advocate General.
  - c. Suit may be instituted by two or more persons having an interest in the Trust with the leave of the Court.
  - d. Suit may be instituted by the Advocate General but only with the leave of the Court.
15. If 'A' having pawned his watch to 'Z', takes it out of Z's possession without his consent, not having paid what he had borrowed on watch.

'A' has committed an offence of \_\_\_\_\_.

- a. criminal breach of trust.
- b. theft.
- c. criminal misappropriation.
- d. no offence.

16. Which of the following statements is/are false?

- a. When a person, already undergoing a sentence of imprisonment, is sentenced on a subsequent conviction to imprisonment for life, such imprisonment for life shall commence at the expiration of the imprisonment to which he has been previously sentenced.
- b. The Court may direct that such subsequent sentence (as at 'a') shall run concurrently with the previous sentence.
- c. When a person, already undergoing a sentence of imprisonment for life, is sentenced on subsequent conviction to imprisonment for life, the subsequent sentence shall run concurrently with such previous sentence.
- d. None of the above.

17. Which of the following statements is incorrect ?

Under Order II Rule 2 of the Code of Civil Procedure \_\_\_\_.

- a. Every suit shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action.
- b. The plaintiff is entitled to relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court.
- c. Where the plaintiff omits to sue in respect of any portion of his claim, afterwards he can sue in respect of the portion so omitted.
- d. Where the plaintiff intentionally omits any relief, he shall not, without leave of the Court, afterwards sue for such relief.

18. What is transferred in the immovable property by mortgage?

- a. ownership.
- b. possession.
- c. interest.
- d. right.

19. 'A', on grave and sudden provocation, fires a pistol at 'Z', under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. 'A' has committed an

offence of \_\_\_\_\_.

- a. murder.
- b. attempt to murder.
- c. attempt to commit culpable homicide.
- d. culpable homicide not amounting to murder.

20. Which of the following statements is false?

- a. Any accused before a criminal Court against whom proceedings are instituted under the Code of Criminal Procedure may of right be defended by a pleader of his choice.
- b. In a trial before the Court of Session, if the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State.
- c. The Assistant Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under inquiry, trial or appeal.
- d. None of the above.

21. With reference to execution proceedings, which of the following statements is/are false?

- a. The share of the judgment debtor in movable property can be attached by notice to the judgment debtor prohibiting him from transferring the share.
- b. When the negotiable instrument is not deposited in Court nor is in the custody of a public officer, the attachment of such instrument shall be made by actual seizure and the instrument shall be brought into the Court.
- c. Where the property to be attached is in the custody of public officer the attachment shall be made by notice to such officer requesting that such property may be held subject to the further orders of the Court.
- d. None of the above.

22. Where a dependent has a right to receive maintenance out of an estate and such estate is transferred then the right to receive maintenance may be enforced against \_\_\_\_\_.

- a. the transferee for consideration without notice of the right.
- b. the transferee for consideration who has notice of the right.

- c. the gratuitous transferee.
  - d. both 'b' and 'c'.
23. In reference to examination of a witness, which of the following statements is incorrect?
- a. The credit of a witness may be impeached by proof that he has been bribed to give evidence.
  - b. The Court shall forbid any question which appears to be intended to insult.
  - c. If a man is prosecuted for rape, where the question of consent is an issue, it may be shown that the prosecutrix was of generally immoral character.
  - d. When a witness is cross examined, he may be asked any question which tend to discover who he is.
24. To constitute an offence of kidnapping from lawful guardianship the age of kidnapped minor must be \_\_\_\_\_.
- a. under 18 years if male or under 16 years if female.
  - b. under 16 years if male or under 18 years if female.
  - c. not more than 21 years in case of both male and female.
  - d. under 18 years in case of both.
25. Which of the following statements is/are true ?
- a. Whenever a Magistrate is of opinion that the accused ought to receive a punishment different in kind from that which such Magistrate is empowered to inflict, he may submit the proceeding and forward the accused to the Chief Judicial Magistrate.
  - b. When more accused than one are being tried together, and the Magistrate considers to proceed against any of such accused, for receiving more severe punishment than he is empowered to inflict, he shall forward only such accused who is in his opinion guilty, to the Chief Judicial Magistrate.
  - c. Both 'a' and 'b'.
  - d. None of the above.
26. Where a decree has been passed against a firm, which of the following statements is/are correct in respect of execution of such decree?
- a. execution may be granted against any person who has been individually served as a partner with a summons and has failed to appear.



- c. under section 404 of the Indian Penal Code.
  - d. under section 409 of the Indian Penal Code.
31. If the trial of under trial accused is adjourned, the accused shall be remanded to custody for a term not exceeding\_\_\_\_\_.
- a. 7 days.
  - b. 15 days.
  - c. one month.
  - d. the next date of the hearing.
32. A plaint was rejected under Order VII, Rule 11 of the Code of Civil Procedure, 1908, for non payment of Court fee. The remedy available to the aggrieved party, is \_\_\_\_\_.
- a. to file an appeal u/s.96 of CPC.
  - b. to file an appeal u/s. 104 read with order XLIII of CPC.
  - c. to file a revision petition.
  - d. all the above.
33. Which of the following acts will not amount to 'fraud' within the meaning of section 17 of the Indian Contract Act, 1872?
- a. The active concealment of a fact by one having knowledge or belief of the fact.
  - b. A promise made without any intention of performing it.
  - c. The suggestion, as a fact, of that which is true, by one who does believe it to be true.
  - d. none of the above.
34. Section 16 of the Hindu Marriage Act, 1955 confers legitimacy on the children of \_\_\_\_\_.
- a. a void marriage.
  - b. a voidable marriage.
  - c. a valid marriage.
  - d. both void and voidable marriages.
35. The pendency of a suit as contemplated under u/s. 52 of Transfer of Property Act shall be deemed to commence from the date of presentation of the plaint and continues till \_\_\_\_\_.
- a. the suit has been disposed of by a final decree.
  - b. complete satisfaction or discharge of such final decree has been obtained.



40. Which of the following statements is false?
- 'A', 'B' and 'C' jointly promise to pay 'D' Rs. 10,000/-. 'D' may compel either 'A' or 'B' or 'C' to pay him Rs. 10,000/-.
  - 'A', 'B' and 'C' are under a joint promise to pay 'D' Rs. 10,000/-. 'A' and 'B' being only sureties for 'C'. 'C' fails to pay. 'A' and 'B' are compelled to pay the whole sum. 'A' and 'B' are entitled to recover it from 'C'.
  - 'A', 'B' and 'C' are under a joint promise to pay 'D' Rs. 10,000/-. 'C' is unable to pay anything and 'A' is compelled to pay the whole. 'A' is not entitled to receive Rs. 5,000/- from 'B'.
  - None of the above.
41. Two persons are said to be related to each other by \_\_\_\_\_ when they are descended from a common ancestor but by different wives.
- full blood
  - half blood
  - uterine blood
  - none of the above.
42. Which of the followings is not a condition for a valid gift of immovable property ?
- Registered instrument signed by or on behalf of the donor.
  - Consideration.
  - Attestation by at least two witnesses.
  - Acceptance of gift by the donee during the lifetime of the donor.
43. How to prove a contract contained in several letters ?
- by proving all the letters in which it is contained.
  - it is sufficient if any one of such several letters is proved.
  - merely by tendering all such letters before the Court.
  - none of the above.
44. Which of the following statements is/are correct ?
- Nothing is an offence which is done by a person who is, or who by reason of mistake of fact in good faith believes himself to be, bound by law to do it.
  - Nothing is an offence which is done by a person who is, or who by reason of mistake of law in good faith believes himself to be, bound by law to do it.

- c. both 'a' and 'b'.
- d. none of the above.
45. Which of the following statements is/are true?
- a. In a criminal case when accused desires, a translation of judgment in his own language if practicable or in the language of the Court shall be given to him.
- b. A criminal Court may, if it thinks fit for some special reason, give the copy of judgment free of cost to any person affected by the judgment.
- c. Both 'a' and 'b'.
- d. None of the above.
46. According to section 21 of the Civil Procedure Code, when an objection as to the place of suing shall be taken?
- a. Any time.
- b. Can be taken for the first time at appellate or revisional stage.
- c. Before the Court of first instance at the earliest possible opportunity.
- d. None of the above.
47. If sufficient cause is shown for not filing proceeding in the Court, time can be extended if \_\_\_\_\_.
- a. the delay is for preferring appeal or making application under the Code of Civil Procedure.
- b. the delay is for filing suit.
- c. the delay is for filing any execution application.
- d. all of the above.
48. Assertion (A) : It is the legal and constitutional duty of the State to provide free legal aid to the poor.
- Reason (R) : No citizen shall be denied justice by reason of his poverty.
- a. Both (A) and (R) are true and (R) is the correct explanation of (A).
- b. Both (A) and (R) are true and (R) is not a correct explanation of (A).
- c. (A) is true but (R) is false.
- d. (A) is false but (R) is true.













- c. upon her mother.
  - d. upon the heirs of her husband.
77. Which of the following statements is/are false?
- a. The plaintiff in a suit for perpetual injunction may claim damages in addition to the relief of injunction.
  - b. The plaintiff in a suit for perpetual injunction cannot claim damages in substitution to the relief of injunction.
  - c. No relief for damages can be granted in such a suit unless plaintiff has claimed such relief in his plaint.
  - d. None of the above.
78. \_\_\_\_\_ is always appurtenant to the dominant tenement and inseparably attached to it and cannot be severed from it.
- a. Customary right
  - b. Easement
  - c. Adverse possession
  - d. None of the above
79. When the immovable property is sold to a male subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property, the condition or limitation is \_\_\_\_\_.
- a. valid.
  - b. void.
  - c. voidable.
  - d. none of the above.
80. Which of the followings is not a secondary evidence?
- a. A photograph of an original.
  - b. A copy compared with a copy of a letter made by copying machine, if it is shown that the copy made by the copying machine was made from the original.
  - c. A copy transcribed from a copy but afterwards compared with the original.
  - d. An oral account of a copy compared with the original.
81. Section 34 of the Indian Penal Code \_\_\_\_\_.
- a. embodies a rule of common law.
  - b. is a substantive offence.
  - c. does not create any substantive offence, but is only a rule of evidence and lays down the principle of joint criminal liability.
  - d. provides for strict liability.

82. As per section 376 of Cri.P.C., there shall be no appeal by convicted person \_\_\_\_\_.
- where the High Court passes only a sentence of imprisonment for a term of one year.
  - where a Metropolitan Magistrate passes only a sentence of imprisonment for a term of six months.
  - where a Magistrate of First Class passes only a sentence of fine not exceeding one hundred rupees.
  - all of the above.
83. In view of amended provision of Order XV-A of CPC in its application to commercial disputes, which of the following statements is/are true ?
- The Court can fix the date on which the evidence of the witnesses of the parties is to be recorded and the date on which oral arguments are to be heard.
  - In fixing the dates the commercial Court shall ensure that the arguments are closed not later than six months from the date of the first case management hearing.
  - Both 'a' and 'b'.
  - None of the above.
84. The liability to pay compensation u/s. 140 of Motor Vehicles Act, on the principle of no fault, in death case is \_\_\_\_\_.
- depending upon the income of the deceased.
  - fixed sum of Rs.25,000/-
  - fixed sum of Rs. 50,000/-
  - depending upon the age of the deceased.
85. Cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio, or image is called \_\_\_\_\_.
- Communication device.
  - Digital devices.
  - Computer resource.
  - Computer network.
86. As per Section 18 of the Juvenile Justice Act, 2015 the Juvenile Justice board can also pass order(s) to \_\_\_\_\_.
- attend a vocational training centre .
  - attend a therapeutic centre.

- c. undergo de-addiction programme.
  - d. all of the above.
87. In reference to release of offender on probation u/s. 4 of the Probation of Offenders Act, 1958, state which of the following statements is false?
- a. The Court shall have regard to the circumstances of the case and nature of the offence.
  - b. The Court shall have regard to the character of the offender.
  - c. The Court shall direct release of offender though the offender or his surety may not have fix place of abode or regular occupation in the jurisdiction of the Court.
  - d. The Court may make a supervision order.
88. An award of a Lok Adalat, including an order recording a settlement between the parties in a 'cheque dishonour case' under section 138 of the Negotiable Instruments Act, is \_\_\_\_\_.
- a. deemed to be a civil court decree.
  - b. executable by a civil court.
  - c. executable by a criminal court.
  - d. both 'a' and 'b'.
89. Under the Protection of Women from Domestic Violence Act, 2005, the Court of Judicial Magistrate, First Class, shall be competent to try the offences under the Act, within the local limits of which\_\_\_\_\_.
- a. the person aggrieved temporarily resides.
  - b. the respondent resides or carries on business.
  - c. the cause of action has arisen.
  - d. all the above.
90. Which of the following statements is false?
- a. A minor admitted to the benefits of the partnership has a right to such share of the property and of the profits of the firm, as may be agreed upon.
  - b. Minor's share is not liable for the acts of the firm.
  - c. Except, severing his connection with the firm or the dissolution of the firm, minor may not sue partners for an account or payment of his share of the property or profits of the firm.
  - d. None of the above.



- c. While exercising preferential right to acquire property u/s. 22 of the Hindu Succession Act, 1956, if there are two or more heirs specified in Class I of the schedule proposing to acquire any interest under this section, the heir in the first entry shall be preferred to the heir in the second entry of the schedule.
- d. None of the above.
95. When the Court may rectify instrument to express real intention of parties?
- a. If mistake is mutual.                      b. If mistake is unilateral.
- c. If mistake is of law.                      d. If mistake is in offer.
96. By the act of creating a Charge \_\_\_\_\_.
- a. a property is made security.
- b. interest in the property is transferred.
- c. possession in the property is transferred.
- d. title in the property is transferred.
97. 'A' propounded a Will against 'B' in a suit. 'A' contended that both the attesting witnesses were dead. How the Will can be proved if 'B' denies the execution ?
- a. By proving that both the attesting witnesses are not alive.
- b. By proving that the attestation of one attesting witness at least is in his handwriting.
- c. By proving that the signature of the person, who purported to have executed the document, is in the handwriting of that person.
- d. All the above.
98. 'A' intentionally causes Z's death, partly by illegally omitting to give 'Z' food, and partly by beating 'Z'. 'A' has committed an offence of \_\_\_\_\_.
- a. murder.
- b. attempt to murder.
- c. culpable homicide not amounting to murder.
- d. none of the above.

99. When any Court u/s 345 of Cri.P.C. has adjudged an offender to punishment for any intentional insult, the Court may u/s. 348 of Cri.P.C., in its discretion, \_\_\_\_.
- a. discharge the offender.
  - b. remit the punishment on apology being made to its satisfaction.
  - c. both 'a' and 'b'.
  - d. none of the above.
100. Which of the following statements is/are true?
- a. The Court may in alternative to the summons under Order V, Rule 9 of Civil Procedure Code, 1908, permit plaintiff to effect service of such summons on defendant and in such a case, deliver the summons to such plaintiff for service.
  - b. Where defendant resides within the jurisdiction of another Court then subject to the rules framed by the High Court, the summons may be sent by electronic mail service to the Court having jurisdiction in the place where the defendant resides.
  - c. When the defendant is a soldier the Court shall send the summons for service to the Ministry of Defence.
  - d. All the above.

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