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MANIPUR JUDICIAL SERVICE GRADE - III
PRELIMINARY EXAMINATION, 2022

Subject: LAW PAPER

DURATION: 2 Hrs. **FULL MARKS: 100 MARKS**

INSTRUCTIONS:

1. Immediately after the commencement of the examination, you should check that this question booklet does not have any unprinted or torn or missing pages. If so, get it replaced by a complete new question booklet.
2. Write your roll number: [ ]
3. Use of Calculator/Mobile Phone or any other electronics gadget inside the examination hall is strictly prohibited.
4. Use of unfair means in the Examination Hall, causing disturbance to others or indiscipline of any sort will lead to cancellation of candidature followed by legal action (if necessary).
5. Removing pages from the question booklet and handing over/taking of other's question paper is strictly prohibited and will be treated as use of unfair means.
6. Ensure that you have returned the answer sheets to the invigilator before leaving the examination hall.
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SEAL

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INSTRUCTIONS

Each Question carries equal mark.

There will be no negative marking for wrong answer.

Multiple Choice Questions

1. Anything done by a child of what age does not constitute an offence under the Indian Penal Code, 1860?

A. Less than 18 years of age.
B. Less than 11 years of age.
C. Less than 10 years of age.
D. Less than 7 years of age.

2. 'Quantum Meruit' is relatable to an action for compensation for:

A. Merit loss in examination.
B. Work and/or labour.
C. Quantum physics contracts.
D. None of the above.

3. What is the maximum compensation payable under Section 95 of the Code of Civil Procedure, 1908, for obtaining a temporary injunction on insufficient grounds?

A. ₹. 10,000 /-
B. ₹. 25,000/-
C. ₹. 50,000/-
D. ₹. 1,00.000/-

4. Which of the following provisions deals with the power of the appellate court to condone the delay in the presentation of the appeal?

A. O. 41 R. 3-A CPC.
B. O. 41 R. 11-A CPC.
C. O. 41 R. 5 CPC.
D. O. 41 R. 12 CPC.

5. Order 7 Rule 10 CPC deals with:

A. Rejection of plaint.
B. Return of the plaint.
C. Rejection of written statement.
D. None of the above.

6. What is the maximum period from the date of conclusion of the hearing of the case within which the civil court must ordinarily pronounce the judgment as per Order 20 Rule 1 CPC?

A. 90 days.
B. 120 days.
C. 60 days.
D. 30 days.

7. An agreement in restraint of marriage of any person, other than a minor, is:

A. Legal
B. Void.
C. Voidable.
D. None of the above.

8. Who was the President of the Indian Law Commissioners who submitted the draft of the Indian Penal Code on 14.10.1837:

A. Lord James Stephen.
B. Lord Macaulay.
C. Lord Acton.
D. Lord Denning.

9. A decree of perpetual injunction may be executed under:

A. Order 21 Rule 30 CPC.
B. Order 21 Rule 31 CPC.
C. Order 21 Rule 32 CPC.
D. Order 21 Rule 33 CPC.

10. The procedure prescribed in respect of suits is made applicable to all proceedings in courts of civil jurisdiction under:

A. Section 141 CPC.
B. Section 142 CPC.
C. Section 143 CPC.
D. Section 144 CPC.

11. Which of the following contracts is not specifically enforceable in law?

A. An unregistered Agreement of Sale.
B. A Work Order.
C. A Contract determinable in itself.
D. A Compromise Deed.

12. Which of the following is not, by its very nature, a void contract?

A. A contingent contract.
B. A contract in restraint of trade.
C. A contract in restraint of legal proceedings.
D. A contract by way of wager.

13. How many Schedules now remain in the Code of Civil Procedure, 1908?

A. One.
B. Two.
C. Three.
D. Four.

14. Sections 70 and 72 of the Indian Contract Act, 1872, relate to the principle of:

A. Consideration.
B. Unjust enrichment.
C. Recission.
D. Time-barred Debt.

15. The order passed by the executing Court upon an application under Order 21 Rule 97 resisting or obstructing a decree for delivery of possession of immovable property is:

A. revisable u/Section 115CPC.
B. appealable u/O. 43 Rule 1 CPC.
C. appealable u/Section 96 CPC.
D. None of the above.

16. The 'Doctrine of Non-Traverse' is incorporated in:

A. Order 1 Rule 10 CPC.
B. Order 8 Rule 1 CPC.
C. Order 7 Rule 1 CPC.
D. Order 8 Rule 5 CPC.

17. Amendment of the pleadings under Order 6 Rule 17 CPC should normally not be allowed after:

A. Filing of Written Statement.
B. Framing of Issues.
C. Commencement of the trial.
D. Filing of the Suit.

18. A representative action may be brought by one person under:

A. Order 1 Rule 8 CPC.
B. Order 1 Rule 10 CPC.
C. Order 1 Rule 5 CPC.
D. Order 1 Rule 12 CPC.

19. A relief claimed in the plaint but not expressly granted by the decree is deemed to have been refused under:

A. Section 11 CPC.
B. Section 12 CPC.
C. Order 2 Rule 2 CPC.
D. Order 2 Rule 3 CPC.

20. Can a suit, akin to a public interest litigation, be instituted?

A. No, only a writ petition lies under A. 226 of the Constitution.
B. Yes, a suit lies under Section 91 CPC.
C. No, only a writ petition lies under A. 32 of the Constitution.
D. Yes, a suit lies under Section 92 CPC.

21. Notice under Section 80 CPC may be given in the case of a suit against the State Government to the:

A. Sub-Divisional Officer.
B. Deputy Commissioner.
C. District Collector.
D. None of the above.

22. *Selvi V/s. State of Karnataka* deals with:

A. Right against self-incrimination.
B. Right to confess.
C. Right of cross-examination.
D. None of the above.

23. Section 376 D IPC deals with:

A. Rape by a person in authority.
B. Gang rape.
C. Rape by a minor.
D. Rape by a repeat offender.

24. Section 497 IPC was held to be unconstitutional in:

A. Selvi V/s. State of. Karnataka
B. Shravan Darange V/s. Union of India.
C. Joseph Shine V/s. Union of India.
D. Priyanka V/s. State of Kerala.

25. A Special Public Prosecutor may be appointed under:

A. Section 24(3) Cr.P.C.
B. Section 24(4) Cr.P.C.
C. Section 24(8) Cr.P.C.
D. Section 24(6) Cr.P.C.

26. A Magistrate of the Second Class may pass a sentence of imprisonment not exceeding:

A. 6 months.
B. 1 year.
C. 1 ½ years.
D. 2 years.

27. A Magistrate of the First Class may pass a sentence of imprisonment not exceeding:

A. 2 years.
B. 3 years.
C. 4 years.
D. 5 years.

28. Which of the following sentences can be passed by a Chief Judicial Magistrate:

A. Sentence of death
B. Life imprisonment.
C. Imprisonment for 8 years.
D. Imprisonment for 6 years.

29. Investigation in relation to rape of a child of less than 12 years shall be completed within how much time from the date on which the information was recorded by the officer in charge of the police station.

A. 2 months.
B. 3 months.
C. 4 months.
D. 6 months.

30. Upon completion of investigation, the police file a report before the Magistrate concerned under:

A. Section 171 Cr.P.C.
B. Section 172 Cr.P.C.
C. Section 173 Cr.P.C.
D. Section 174 Cr.P.C.

31. In the event of the Station House Officer refusing to register a FIR, the Superintendent of Police concerned may be approached under:

A. Section 156(3) Cr.P.C.
B. Section 155(3) Cr.P.C.
C. Section 154(3) Cr.P.C.
D. Section 153(2) Cr.P.C.

32. A contracts to pay B Rs.10,000/-, if B's house is burnt. This is a

A. Void contract.
B. Contingent contract.
C. Wager.
D. None of the Above.

33. Abetting the commission of suicide is dealt with under:

A. S.306 IPC.
B. S.307 IPC.
C. S.308 IPC.
D. S.309 IPC.

34. Section 75 of the Indian Evidence Act, 1872 deals with:

A. Primary evidence.
B. Secondary evidence.
C. Public document.
D. Private document.

35. Admission is defined in the Indian Evidence Act, 1872 in:

A. Section 16.
B. Section 17.
C. Section 18.
D. Section 20.

36. An Executive Magistrate is empowered to grant remand u/S 167 Cr.P.C., for a maximum period of

A. 15 days.
B. 7 days.
C. 30 days.
D. 90 days.

37. 'A' attempts to steal jewels by breaking open a box, but finds no jewels inside the box. Which is the provision of law under which he may be held guilty?

A. Section 511 IPC.
B. Section 420 IPC.
C. Section 379 IPC.
D. None of the above.

38. Robbery is dacoity if the minimum number of persons involved is:

A. 7.
B. 5.
C. 3.
D. 2.

39. The expression 'good faith' in Sec. 51 of the Transfer of Property Act, 1882 is used in the context of:

A. The Sale of Goods Act, 1930.
B. The General Clauses Act, 1897.
C. The Registration Act, 1908.
D. The Specific Relief Act, 1963.

40. A co-defendant in a case:

A. Cannot be cross examined by the co-defendant in any circumstance.
B. Can be cross examined by the co-defendant when they are sailing together.
C. Can be cross examined by the co-defendant when their interests are adverse to each other.
D. None of these.

41. The remedy available against an *ex parte* decree is -

A. Appeal.
B. Review.
C. Application to set aside.
D. All of the above.

42. Rescission cannot be granted -

A. Where restitution to the original position is not possible.
B. Where the contract stands ratified.
C. In severable contracts.
D. In all the above.

43. Where there is a conflict between marshalling and contribution, Sec.82 of the Transfer of Property Act provides that:

A. Contribution prevails.
B. Marshalling prevails.
C. Subrogation prevails.
D. None of the above.

44. An agreement not supported by consideration is called -

A. Nudum Pactum.
B. Consensus Ad Idem.
C. Quid Pro Quo.
D. Noscitur A Sociis.

45. For his commission or remuneration, an agent has -

A. General lien.
B. Particular lien.
C. No lien at all.
D. None of the above.

46. A time-barred debt can be claimed as -

A. A Counter-claim.
B. By way of a fresh suit.
C. A legal Set-off.
D. None of the above.

47. The offence of conspiracy is complete as soon as the parties have agreed to do an illegal act. Is this statement -

A. True.
B. Partly True.
C. False.
D. None of the above.

48. How many types of punishments are defined in the IPC:

A. 3.
B. 4.
C. 5.
D. 6.

49. The use of force by itself will not convert theft into robbery. Is this -

A. True.
B. Partly True.
C. False.
D. None of the above.

50. The burden of proof as to ownership, under the Evidence Act, lies on:

A. The owner.
B. The tenant.
C. The person who asserts it.
D. In all of the above.

51. Threat to commit suicide is -

A. Coercion.
B. Undue influence.
C. Misrepresentation.
D. Intimidation.

52. Assault can be caused by

A. Mere words.
B. Mere gestures.
C. Mere preparations.
D. None of the above.

53. Transfer of property, pending a suit, is hit by -

A. Doctrine of lis pendens.
B. Doctrine of subjudice.
C. Doctrine of subrosa.
D. Doctrine of res judicata.

54. Which of the following is not a decree?

A. Rejection of a plaint.
B. Dismissal for default.
C. Both (a) and (b).
D. None of the above.

55. Can a party to the suit summon the opposite party to give evidence?

A. Yes
B. No.
C. If the opposite party agrees.
D. None of the above.

56. Can the Court examine witnesses before framing of issues?

A. Yes.
B. No.
C. Only in money suits.
D. None of the above.

57. In which one of the following cases did the Supreme Court hold that delay in pronouncing the judgment amounts to denial of justice?

A. Surendra Singh Vs. State of UP.
B. Anil Rai Vs. State of Bihar.
C. State of UP Vs. Chandra Bhushan.
D. None of the above.

58. Can the Court allow a party to summon a witness whose name is not included in the witnesses list?

A. Yes.
B. No.
C. Only if costs are imposed.
D. None of the above.

59. Normally, the plaintiff, who succeeds, would be entitled to mesne profits for the period of

A. One year.
B. Two years.
C. Three years.
D. Four years.

60. Whether the Court has power to extend the time granted for the performance of any act after the time granted by it expired under Section 148, CPC?

A. Yes.
B. No.
C. Depends.
D. None of the above.

61. Is it permissible for the Court to pass more than one preliminary decree?

A. Yes.
B. No.
C. Depends.
D. None of the above.

62. The Court can issue a warrant for the arrest of the defendant to ensure his appearance under Section ..... CPC.

A. 95 (a).
B. 93 (b).
C. 94(a).
D. Order V Rule 1.

63. Which of the following can exceed the pecuniary jurisdiction of the Court?

A. Set-off.
B. Counter-claim.
C. Both (a) and (b).
D. None of the above.

64. A counter-claim can be set up in –

A. Money suits only.
B. Suits for recovery of damages only.
C. All suits.
D. None of the above.

65. The guidelines regarding the arrest in cognizable offences punishable with up to 7 years imprisonment were issued by the Supreme Court in –

A. Sania Mirza Vs. Ram Singh.
B. Kumar Jaikumar Vs. State of TN.
C. Arnesh Kumar Vs. State of Bihar.
D. Sekhar Varma Vs. State of Kerala.

66. Withdrawal of suits is governed by -

A. Order XXIII Rule 1 CPC.
B. Order XXIII Rule 3 CPC.
C. (a) and (b).
D. Order XXIII Rule 3(A) CPC.

67. In the law of evidence, "fact" means and includes -

A. Anything perceived by the senses.
B. State of things capable of being perceived by the senses.
C. Mental condition of a person of which, a person is conscious.
D. All of the above.

68. X is accused of the offence of rape. He can be subjected straightaway to the following tests during investigation:

A. Polygraph test.
B. Narco-analysis test.
C. BEAP test.
D. None of the above.

69. Which of the following charges cannot be compounded without the permission of the Court before which the prosecution is pending?

A. S.298 IPC.
B. S.426 IPC.
C. S.491 IPC.
D. S.338 IPC.

70. A indulges in voluntary sexual intercourse with B, a married woman, without the consent of her husband. He is guilty of adultery. B, the married woman, is liable to be tried along with A as an -

A. Abettor.
B. Adulteress.
C. Accessory.
D. None of the above.

71. Which of the following Acts was enacted, based on Supreme Court guidelines?

A. The Criminal Law (Amendment) Act, 2013.
B. The Sexual Harassment of Women at Work Place Act, 2013.
C. Juvenile Justice Act, 2000.
D. None of the above.

72. Which of the following new offences were introduced in the IPC by the Criminal Law (Amendment) Act, 2013?

A. Stalking.
B. Voyeurism.
C. Acid Attack.
D. All of the above.

73. In which of the following cases was a preliminary enquiry permitted by the Supreme Court by way of the Lalitha Kumari Judgment?

A. Matrimonial/Family disputes.
B. Commercial offences.
C. Medical negligence cases.
D. All of the above.

74. The guidelines regarding arrest of Judicial Officers by the Police were issued by the Supreme Court in -

A. Joginder Kumar Vs. State of UP.
B. M.C. Abraham Vs. State of Maharashtra.
C. D.K. Basu Vs. State of WB.
D. Delhi Judicial Services Association Vs. State of Gujarat.

75. A bargain where one party agrees to assist another in recovering property and to share in the proceeds of the action is called:

A. Wager and betting.
B. Champerty.
C. Consideration.
D. Gamble.

76. In a lease of immovable property, what is transferred is:

A. Right to enjoy the property.
B. Mere possession alone.
C. Title in the property.
D. Mesne profits.

77. Caveat venditor means:

A. Seller beware.
B. Buyer beware.
C. Let the parties beware.
D. None of the above.

78. Handing over the keys of the godown where the goods are stored is:

A. Imagined delivery.
B. Symbolic delivery.
C. Actual delivery.
D. None of the above.

79. A Test Identification Parade conducted during the investigation is relevant under Section..... of the Evidence Act:

A. 6.
B. 8.
C. 9.
D. All of the above.

80. Jurisdiction of Civil Court to adjudicate an industrial dispute is

A. Not barred.
B. Expressly barred.
C. Impliedly barred.
D. None of the above.

81. A judgment passed by a Court having no jurisdiction operates

A. As *res judicata*.
B. Does not operate as *res judicata*.
C. Operates as *res judicata* in certain circumstances.
D. None of the above.

82. Against a decree of the Court in the original suit where the subject matter does not exceed Ten Thousand Rupees

A. No appeal lies.
B. Appeal always lies.
C. Appeal lies on a question of law.
D. None of the above.

83. Pleadings shall state:

A. Evidence.
B. Material facts.
C. Material facts and evidence.
D. None of the above.

84. Inconsistent pleas can be raised –

A. In the plaint.
B. In the written statement.
C. In the rejoinder.
D. None of the above.

85. Under the Indian Penal Code, preparation to do a criminal act is an offence -

A. Always.
B. Never.
C. Only in respect of certain criminal acts.
D. None of the above.

86. The word 'injury' in the Indian Penal Code means

A. Injury to the body of a person.
B. Injury to property.
C. Injury to the body, mind, reputation or property.
D. Injury to the mind.

87. A is entitled to more than one relief against B on the same cause of action. A sued B for one relief but omitted other reliefs.

A. He can file a suit subsequently for the other reliefs.
B. He cannot sue for the other reliefs.
C. He can sue for the other reliefs with the leave of the Court.
D. None of the above.

88. After recording entire evidence and hearing arguments the Court comes to the conclusion that it has no jurisdiction over the subject matter. In such an event –

A. The Court shall proceed to pronounce the judgment.
B. Reject the plaint.
C. Return the plaint.
D. None of the above.

89. Which of the following statement is correct:

A. A dying declaration is not substantive evidence.
B. Dying declaration cannot be acted upon without corroboration.
C. A dying declaration must be made just before dying.
D. Conviction can be entirely based on dying declaration.

90. The period of limitation for taking cognizance of an offence punishable with imprisonment for a period of one year is

A. Six months.
B. One year.
C. Three years.
D. No limitation is prescribed.

91. In a prosecution for the offence u/S.354 IPC or 376 IPC, or to commit any such offence, if the question of consent is in issue, evidence of the character of the victim or such person's previous sexual experience shall be relevant -

A. Under certain circumstances.
B. In no circumstances.
C. In all circumstances.
D. None of the above.

92. Under the Code of Criminal Procedure, the power of revision is conferred on:

A. The Chief Judicial Magistrate.
B. The Sessions Court.
C. The High Court and the Sessions Court.
D. The High Court.

93. The object of conducting inquest under S. 176 Cr.P.C is –

A. To commence the investigation.
B. To know the cause of death.
C. To note the injuries on the dead body.
D. None of the above.

94. 'A', a tradesman, leaves goods at 'B's house by mistake. 'B' treats the goods as his own. In such a case -

A. 'A' is not entitled for the value of the goods.
B. 'A' is entitled to receive only such amount representing a reasonable rent for the usage of goods by 'B'.
C. 'B' is liable to pay only damages, but not the value of the goods.
D. 'B' is liable to pay for the value of the goods.

95. The essential requirement for constituting 'novation' is that:

A. There should be a second contract in continuation of the first one.
B. There should be a new contract in substitution of the old one.
C. The first contract has to be operational so that the new one can proceed therefrom.
D. Original contract should be a void contract.

96. In criminal proceedings, the fact that the accused is of a good character is -

A. Irrelevant.
B. Relevant.
C. Important for imposing lesser punishment.
D. None of the above.

97. When a contract for sale of immovable property is made, does it create any charge on such property?

A. Yes, it does.
B. It does, provided the buyer fulfills his part of the obligations.
C. At the option of the seller, it does.
D. It does not, by itself, create any charge on such property.

98. A & B were married. 'C' was born to them. Subsequently, the marriage between A & B was declared as void. Can 'C' be declared legitimate –

A. No.
B. Yes.
C. Court has to determine the status.
D. Depends on access.

99. Under which provision of the code of Criminal Procedure does the District and Sessions Judge have power to quash a criminal complaint?

A. Section 482.
B. Section 319.
C. Section 397.
D. None of the above.

100. Under S.125 (3) Cr.P.C., if the person who is ordered to pay maintenance fails to pay, the Magistrate may impose maximum sentence of imprisonment for:

A. One month.
B. Two months.
C. Three months.
D. Six months.

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