

**MANIPUR JUDICIAL SERVICE GRADE-I EXAMINATION****PAPER II****Duration : 3 hours****Full Marks : 100.****PART – A**

**(Attempt all questions – each carries 1 mark. Total marks = 30)  
(Write the question number with the corresponding full answer and the alphabetical serial of the answer on the answer sheets to be supplied)**

**Question No.1**

‘Quicquid Plantatur Solo, Solo Credit’ means \_\_\_\_\_

- A. Immovable property does not include standing timber, growing crops or grass
- B. Land, benefits arising out of land and things attached to the earth
- C. What is attached to or erected on the land becomes part of the land
- D. None of the above

**Question No.2**

According to ‘Spes Succession’, \_\_\_\_\_

- A. The chance of an heir-apparent succeeding to an estate
- B. The chance of a relation obtaining a legacy on the death of kin’s man
- C. Both
- D. None of the above

**Question No.3**

Doctrine of Part Performance is based on the following:

- A. He who seeks equity must do equity
- B. Equity looks to the intent rather than the form
- C. Equity treats that as done which ought to have done
- D. All the above

**Question No.4**

Doctrine of Election is based on the following preposition(s):

- A. The person taking a benefit under an instrument must also bear the burden
- B. A person can accept and reject under one and the same instrument
- C. Both
- D. None of the above

**Question No.5**

X is the real owner of the property. X allowed Y to appear as a owner in the eyes of the public. Taking advantage of this Y sells the property to Z a bonafide purchaser. Whether X the real owner can recover the property from the purchaser or not?

- A. Yes, but only after giving direct or constructive notice to the purchaser as to the real title
- B. Yes, but only after return purchase from Z
- C. Yes, but only after relinquishment of right by Z
- D. None of the above

**Question No.6**

Qui prior est tempore potiores jure means \_\_\_\_\_

- A. earlier time is always better
- B. which is earlier in time is better in law
- C. earlier law is better time
- D. which is better is always earlier in law

**Question No.7**

A lets a house to B at a yearly rent of Rs.5,000. The rent for the whole of the years 2013, 2014 and 2015 is due and unpaid. A sues B in 2016 only for the rent due for 2014. In such case,

- A. A is not allowed to sue B for the rent due for 2013 and 2015
- B. A is allowed to amend the suit to insert claim for 2013 and 2015
- C. A is allowed to sue B for the rent due for 2013 and 2015 only after obtaining the leave of the court
- D. None of the above

**Question No.8**

'once a thing is conclusively decided by the court the same thing shall not be allowed for second adjudication

- A. Doctrine of Res Judicata
- B. Doctrine of Res Subjudice
- C. Doctrine of Res ipsa Loguitur
- D. None of the above

**Question No.9**

According to Rule 1 of Order VI C.P.C., Pleading means

- A. Plaint

- B. Written Statement
- C. Both
- D. None of the above

**Question No.10**

According to Sub Rule 2 of Rule 6, Order VIII C.P.C., the defence of set-off will have the following effect(s):

- A. it will be treated as a written statement in a cross suit
- B. it enables the court to pronounce a final judgement in respect of both the original claim and set-off
- C. it enables the court to pronounce a final judgement in respect of only set-off
- D. none of the above

**Question No.11**

Stay of execution of decree or order is provided under \_\_\_\_\_

- A. Order 49 Rule 5
- B. Order 29 Rule 2
- C. Order 69 Rule 4
- D. Order 21 Rule 5

**Question No.12**

Under which grounds the court may pass an order for arrest of defendant before judgement?

- A. where the defendant, with intent to delay the plaintiff to avoid any process of the court or to obstruct or delay the execution of any decree that may be passed against him
- B. where the defendant is about to leave India so as to delay or obstruct the execution of any decree that may be passed against him
- C. both
- D. none of the above

**Question No.13**

'Ignorantia Juris non excusat' in the IPC

- A. Mistake of law is not a good defence
- B. Mistake of fact is a good defence
- C. Mistake of fact is not a good defence
- D. All the above

**Question No.14**

A finds a rupee on the high road, not knowing to whom the rupee belongs. A picks up the rupee. A is guilty of

- A. Theft
- B. No offence
- C. Criminal misappropriation of property
- D. Criminal breach of trust

**Question No.15**

A shakes his fist at B, intending to cause B to believe that A is about to strike B. A is guilty of

- A. No offence
- B. Assault
- C. Use of criminal force
- D. Only Tort and not a crime

**Question No.16**

A Hurt will become, grievous hurt, when it comes within one of the aggravated forms under Section

- A. 307
- B. 320
- C. 318
- D. 325

**Question No.17**

Disclosure of identity of the victim in the following offences is punishable under IPC:

- A. 376
- B. 420
- C. 499
- D. 299

**Question No.18**

M'Naghten Rule is applied for the purpose of deciding

- A. insanity
- B. obscenity
- C. negligent driving
- D. forgery

**Question No.19**

Sec. \_\_\_\_\_ of Cr.P.C provides for Proclamation for person absconding

- A. Sec.82
- B. Sec.83
- C. Sec.87
- D. None of the above

**Question No.20**

According to Art.164A Cr.P.C, medical examination of the victim of rape shall be

- A. Within twenty-four hours of the commission of such offence
- B. Within twenty-four hours from the time of receiving of information relating to the commission of such offence
- C. Within twenty-four hours of the lodging of FIR
- D. None of the above

**Question No.21**

'Zero FIR' means \_\_\_\_\_

- A. You can file FIR in any police station
- B. No need of FIR to start investigation
- C. No FIR shall be pending without initiation of investigation
- D. None of the above

**Question No.22**

Sec.299 of Cr.P.C can be invoked only when

- A. accused is in custody
- B. accused is declared as absconder
- C. accused is declared as absconder and there is no immediate prospect to arrest him
- D. accused is declared as dead

**Question No.23**

A is tried for causing grievous hurt and convicted. The person injured afterwards dies.

- A. A may be tried again for same grounds
- B. A may be convicted with higher punishment without trial
- C. A may be tried again for culpable homicide
- D. None of the above

**Question No.24**

According to Sec.204(2) Cr.P.C, no summons or warrant shall be issued against the accused under sub-section (1) until \_\_\_\_\_ has been filed.

- A. A list of relevant documents
- B. A list of defence witnesses
- C. A list of investigators
- D. None of the above

**Question No.25**

According to Sec. \_\_\_\_\_ of Cr.P.C., if an accused is charged of a major offence but is not found guilty thereunder, he can be convicted of minor offence, if the facts established indicate that such minor offence has been committed.

- A. Sec.221
- B. Sec.222
- C. Sec.243
- D. None of the above

**Question No.26**

When the Court of Session passes a sentence of death, the proceedings shall be submitted to the \_\_\_\_\_ for confirmation.

- A. State Government
- B. Supreme Court
- C. High Court
- D. Central Government

**Question No.27**

\_\_\_\_\_ is the period of Limitation to declare the forgery of an instrument issued or registered.

- A. Three years
- B. Two years
- C. Four years
- D. Five years

**Question No.28**

Sec.4 of the Limitation Act applies to

- A. Suits
- B. Appeals
- C. Applications
- D. All the above

**Question No.29**

According to Sec.25 of Limitation Act, where the access and use of light or air to and for any building have been peaceably enjoyed therewith as an easement, and as of right, without interruption, and for \_\_\_\_\_ years, easement shall be absolute and indefeasible.

- A. 15 years
- B. 18 years
- C. 14 years
- D. 20 years

**Question No.30**

According to Sec.17 of Limitation Act, In cases of suits based upon fraud or mistake, the period of limitation shall not begin to run until \_\_\_\_\_

- A. the plaintiff or applicant has discovered the fraud or the mistake
- B. the plaintiff or applicant could with reasonable diligence, have discovered the fraud or the mistake
- C. both
- D. none of the above

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**PART – B**

**Question No.1**

(12)

Write **Short Notes** on (ANY **THREE** – each carries 4 marks)

- I. Doctrine of Lis Pendens
- II. Rule against perpetuity
- III. Doctrine of Resjudicata
- IV. Caveat

**Question No.2**

(7)

When a person can make Election under T.P.Act and State the application of Doctrine of Election in respect of Transfer of Properties?

OR

Discuss the applicability of Doctrine of Part Performance under Section 53A of Transfer of Property Act?

**Question No.3**

**(6)**

Discuss about the provisions under C.P.C relating to summons after institution of suits?

OR

State the circumstances under which court may pass orders for arrest or attachment before judgment under C.P.C?

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**PART – C**

**Question No.1**

**(12)**

Write **Short Notes** on : (ANY **THREE** - each carries 4 marks)

- I. Sedition
- II. Charge
- III. Right of Private Defence of a Person
- IV. Sexual Assault

**Question No.2**

**(6)**

The defence of mistake must be based on that mistake having been reasonable. How far it can be pleaded as a defence to criminal liability?

OR

Explain the ingredients of offence of bigamy under Section 494 of IPC?

**Question No.3**

**(7)**

Define FIR and discuss its purpose, procedure and evidentiary value in law?

OR

Discuss about the object of criminal trial and how it relates to concept of fair trial?

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PART – D

**Question No.1** **(8)**

Write **Short Notes** on (ANY TWO - each carries 4 marks)

- I. Res Gestae
- II. Burden of Proof
- III. Exclusion of time in legal proceedings

**Question No.2** **(6)**

State and discuss 'Evidence of similar transactions is generally inadmissible'?

OR

Explain with illustrative cases, the conditions under which Dying Declarations are admissible?

**Question No.3** **(6)**

In what circumstances and class of proceedings, a court can grant extension of the period of limitation? Explain.

OR

What are the effects of fraud, mistake and Acknowledgement under Limitation Act? What conditions are required for a valid acknowledgement?