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DELHI PRELIMS 2010
OFFICIAL PAPER

1. That "no person accused of an offence shall be compelled to be a witness against himself" is a/an:
(a) Directive Principle which the State should apply while enacting criminal laws.
(b) Human right under the Universal Declaration of Human Rights to which India is a party.
(c) Fundamental right.
(d) Ordinary Constitutional right.
Ans. c

2. The Directive Principles of State Policy are fundamental for the
(a) Upliftment of backward classes.
(b) Protection of individual rights.
(c) Administration of justice.
(d) Governance of State.
Ans. d

3. When a writ is issued to an inferior court or tribunal on grounds of exceeding its Jurisdiction or acting contrary to the rules of natural justice it is called a writ of
(a) Certiorari (b) Mandamus
(c) Quo Warranto (d) Habeas Corpus
Ans. a

4. Consider the following statements:
1. The President can commute death sentence to the life imprisonment.
2. The Governor cannot commute death sentence to life imprisonment.
3. The President's power to pardon extends to punishments or sentences by court-martial.
Which one of the statements given above is/ are correct?
(a) 2 only (b) 1 and 3 only
(c) 1, 2 and 3 (d) 2 and 3 only
Ans. b

5. Which one of the following is the correct statement?
Double Jeopardy means:
(a) Trying two persons jointly for the same offence.
(b) Trying the same person for two offences at two different times.
(c) Pulling the same person on trial twice for the same offence
(d) Trying a person for two offences committed by him in one incident.
Ans. c

6. In case of inconsistency between laws made by Parliament and the laws made by the State Legislatures, which one of the following shall prevail?
(a) The law made by Parliament before the law made by the legislature of the State.
(b) The law made by Parliament after the law made by the legislature of the State.
(c) The law made by Parliament before or after the law made by the legislature of the State.
(d) The law made by the legislature of the State.
Ans. c

7. Assertion (A): The rule making power of the Supreme Court is not subject to any law made by the Parliament of India.
Reason (R): Only an impartial and independent judiciary can protect the rights of the individual without fear or favour
(a) 'A' is true but 'R' is false.
(b) Both 'A' and 'R' are true.
(c) Both 'A' and 'R' are false.
(d) 'A' is false but 'R' is true.
Ans. d

8. Assertion (A): The entries in the three legislative list are not always set out with scientific precision.
Reason (R): The entries are not powers but are only fields of legislation.
(a) Both 'A' and 'R' are false.
(b) Both 'A' and 'R' are individually true but 'R' is not correct explanation of 'A'.
(c) 'A' is false but 'R' is true.
(d) None of the above.
Ans. b

9. Consider the following statements:
1. The, Supreme Court has original jurisdiction in any dispute between the Government of India and one or more States.
2. The Supreme Court has original jurisdiction in any dispute between the Government of India and any State or States on one side and one or more other State on the other.
3. The Supreme Court has original jurisdiction in any dispute between the Government of India and any corporation of Individual one side and one or more States on the other.
4. The Supreme Court has original jurisdiction in any dispute between two or more States.
Which of these statements are correct?
(a) land 2 (b) 1, 2 and 4
(c) 3 and 4 (d) 1, 2, 3 and 4
Ans. b

10. Consider the following statements
The High Court has jurisdiction to:
1. Punish for its contempt.
2. Tender advice on the legal question referred to it by the Governor of the State.
3. Tender advice on a legal question referred to it by the Governor of the state.
4. Issue certain writs for enforcement of Fundamental Rights or for other purposes.
Which of the statements given above are correct?
(a) 1 and 4 (b) 1 and 2
(c) 1, 2 and 3 (d) 2, 3 and 4
Ans. a

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11. Which of the following is not an essential ingredient of a valid Arbitration agreement:
(a) The parties must be ad idem.
(b) There should be an animus arbitrandi
(c) The agreement must be in writing
(d) The agreement must be registered
Ans. d

12. An arbitration agreement must relate to:
(a) Present disputes
(b) Past disputes
(c) Present or future disputes
(d) All of the above.
Ans. c

13. Which of the following is the material difference between an arbitration agreement and an ordinary contract:
(a) In ordinary contract the obligations of the parties to each other cannot in general be specifically enforced and breach of them results only in damages.
(b) The appropriate remedy for breach of agreement to arbitrate is not damages but its enforcement.
(c) Both (a) and (b) are correct.
(d) Both (a) and (b) are incorrect.
Ans. c

14. Mark the correct statement with reference to the Arbitration and Conciliation Act, 1996:
(a) There is no provision where the party can apply to the Court for reference to the arbitration in respect of matter which is covered in the arbitration agreement.
(b) The Court can only refer the matter to the arbitration when the matter is pending before it.
(c) Even if the judicial authority is seized of the matter, the arbitration proceedings may commence or continue and an arbitral award may be made.
(d) All of the above.
Ans. d

15. Under the Arbitration and Conciliation Act, 1996:
(a) Presiding Arbitrator replaces the Umpire of the old Act.
(b) Presiding Arbitrator is a part and parcel of the Arbitral Tribunal, while Umpire under the old Act was a third person.
(c) Presiding Arbitrator makes award along with panel of arbitrators, while Umpire could make award single handedly when the appointed arbitrators had failed to arrive at a consensus.
(d) All are correct.
Ans. d

16. Under the Arbitration and Conciliation Act, 1996, the mandate of arbitral Tribunal terminates:
(a) When the arbitrator withdraws from his office.
(b) The parties agree to terminate his mandate.
(c) Incompetency of arbitrator.
(d) All of the above.
Ans. d

17. The whole arbitration jurisprudence centres around the:
(a) Freedom of the parties to agree.
(b) Freedom of the parties to disagree.
(c) Freedom of the parties to move court for enforcement of award.
(d) Freedom of the parties to move court for setting aside an award.
Ans. a

18. In which case the Supreme Court held that power to grant interim measure under section 9 of the Arbitration and Conciliation Act, 1996 extends to International arbitration as well:
(a) Bhatia International v. Bulk Trading S.A., (2002) 4 SCC 105
(b) Oil & Natural Gas Corpn. Ltd. v. Saw Pipes Ltd., (2003) 5 SCC 705
(c) Konkan Rly. Corpn. Ltd. v. Rani Construction (P) Ltd., (2000) 8 SCC 159
(d) Sundaram Finance Ltd. v. NEPC India Ltd., (1999) 2 SCC 479
Ans. a

19. Which of the following statements is correct:
(a) Unless otherwise agreed by the parties, the conciliator shall not act as an arbitrator
(b) Unless otherwise agreed by the parties, the conciliator shall not act as a representative or counsel of a party in any arbitral or judicial proceeding in respect of a dispute that is the subject of one the conciliation proceedings
(c) Unless otherwise agreed by the parties, the conciliator shall not be presented by the parties as a witness in any arbitral or judicial proceedings.
(d) All of the above
Ans. d

20. In which case the Supreme Court held that under section 34 of the Arbitration and Conciliation Act, 1996 the court can examine the validity of International awards:
(a) Oil & Natural Gas Corpn. Ltd. v. Saw Pipes Ltd., (2003) 5 SCC 705
(b) Venture Global Engg. v. Satyam Computer Services Ltd., (2008) 4 SCC 190
(c) Kailash Rani Dang v. Rakesh Bala Aneja, (2009) 1 SCC 732
(d) Union of India v. Tecco Trichy Engineers & Contractors, (2005) 4 SCC 239
Ans. a

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21. In which of the following cases, a partnership exist:
(a) Several persons jointly purchase goods for resale with a view to divide the profits arising from the transaction.
(b) Persons (co-owners) who join in the purchase of goods for the purpose of dividing the goods themselves.
(c) A, B and C agreed that each should furnish Rs.3000 worth of goods to be shipped on a joint venture, the profits to be divided between them according to the amount of their several shipments.
(d) Two tenants in common of a house let it and divide the rent equally.
Ans. a

22. In which of the following cases, a partnership does not exist?
I. Lender of money receiving profits.
II. Servants or agents receiving profits.
III. Widow or child of a deceased partner receiving profits.
IV. Seller of goodwill receiving profit.
(a) I, II and III (b) I, II and IV
(c) II, III and IV (d) All of the above.
Ans. d

23. A and B entered into an agreement, which described them as 'partners'. The agreement provided that 'in lieu of his share of profits', B was to receive Rs.500 p.m. and wasn't responsible for any loss or liability of firm. Later, a dispute arose between two; B contended that he wasn't a partner since there was no agreement to share the profits of business.
(a) B is a partner
(b) B is not a partner
(c) B is a salaried partner
(d) None of the above.
Ans. c

24. A partner cannot contract himself out of which of the following duties:
I. Duty of utmost good faith i.e., Uberrima fides.
II. Duty to carry on business to greatest common advantage.
III. Duty to render true accounts and full information.
IV. Duty to indemnify for fraud.
V. Duty to indemnify for willful neglect.
VI. Duty to properly use the firm's property.
(a) I, II, III and IV (b) I, II, IV and V
(c) I, II, III, IV and VI (d) I, III, IV and V
Ans. a

25. The authority of a partner to bind the firm by his acts done in the usual course of business is called his "implied authority". Such authority does not include:
(a) Selling the firm's goods.
(b) To borrow in a trading firm.
(c) Settling accounts with the persons dealing with the firm.
(d) Withdraw a suit or proceeding filed on the firm's behalf.
Ans. d

26. A notice to one partner operates as a notice to the whole firm. However, for that:
(a) The notice must have been given to a partner who habitually acts in the business of the firm.
(b) Notice to a dormant or a sleeping partner would also suffice.
(c) Notice to a partner who commits a fraud on the firm will not be a notice to the firm.
(d) Both (a) and (c) are correct.
Ans. d

27. In which of the following cases, a firm will not be liable for the wrongful act or omission of a partner:
(a) A partner of a firm while acting in the ordinary course of business colluded with a partner of another firm causing loss to the other firm.
(b) A partner, acting within the scope of his implied authority, raised money, by drawing bills in a fictitious name, and he used the money in the firm's business.
(c) Receipt of money, due to the firm, by one of the partners by way of set off against his personal debt to the other party.
(d) None of the above.
Ans. c

28. According to Sec. 30 of the Partnership Act, "at any time within 6 months of his attaining majority or of obtaining knowledge that he had been admitted to the benefits of partnership, whichever date is later, a minor can elect to become or not to become a partner."
(a) Such option is exercised by giving a public notice.
(b) If he remains silent and fails to give such a notice there is a presumption that he wants to be a partner and on the expiry of the said 6 months he shall become a partner in the firm.
(c) If he did not exercise the option, he will be deemed to become a partner in firm.
(d) All are correct.
Ans. d

29. A, B and C are partners in a firm. C retires and X is admitted as a new partner. The firm did not give a public notice of the change but continued its business in its old firm name. Z, a customer of the firm, deals with the firm after the change and the firm becomes indebted to him.
(a) Z can sue A, B, C and X
(b) Z can sue A, B and C.
(c) Z can sue either A, B and C, or, A, B and X.
(d) Z can sue A and B only.
Ans. c

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30. The right to rescind the contract of partnership
(a) Is an absolute one and cannot be lost
(b) Is lost if the contract is not repudiated within a reasonable time of discovery of fraud
(c) Is lost if the contract is not repudiated within one year of discovery of fraud.
(d) Is lost if the contract is not repudiated within 3 years of discovery of fraud.
Ans. a

31. Mark the incorrect statement.
Law of limitation
(a) Bars the judicial remedy.
(b) Does not extinguish substantive right.
(c) Is an adjective or procedural law.
(d) Creates a right in favour of a person.
Ans. d

32. Mark the correct statement.
(a) A debt does not cease to exist only because its recovery is barred by the stature of limitation.
(b) A defendant can plead that the instrument is voidable even if his suit to set it aside on the ground of its voidability is barred by limitation.
(c) Both (a) and (b)
(d) None of the above.
Ans. c

33. Good faith under the Limitation Act implies due care and attention. It becomes relevant when the question is whether:
(a) The limitation period should be extended or not.
(b) The delay on the part of a party should be condoned or not.
(c) Both (a) and (b)
(d) None of the above
Ans. c

34. Period of limitation means:
(a) The period of limitation prescribed for any suit, appeal or application by the Schedule to the Limitation Act.
(b) The period of limitation computed in accordance with the provisions of Limitation Act.
(c) Both (a) and (b)
(d) None of the above
Ans. a

35. A party who prays for condonation of delay under Section 5 of the Limitation Act, 1963 has to establish that:
(a) He was vigilant.
(b) No negligence on his part.
(c) No lack of bona fides on his part.
(d) All of the above.
Ans. d

36. Section 6 of the Limitation Act lays down that where a person entitled to institute a suit, etc. is, at the time from which the prescribed period is to be reckoned, a minor or insane, or an idiot, he may institute the suit, etc., within the same period after the disability has ceased, as would otherwise have been allowed from the time specified in the Schedule.
(a) Section 6 does not provide for a fresh starting point of limitation.
(b) Section 6 does not prevent running of limitation but only extends the period of limitation.
(c) Both (a) and (b) are correct.
(d) Both (a) and (b) are incorrect.
Ans. c

37. Where a person is affected by two legal disabilities, or where one disability followed by another without leaving the gap, then suit or application may be filed:
(a) Till the first disability ceases to exist.
(b) Till the second disability ceases to exist.
(c) After both disabilities have ceased.
(d) None of the above.
Ans. c

38. If a pronote is executed on 5th June, 1945, the last day for filing the suit will be:
(a) 5th June, 1948. (b) 4th June, 1948.
(c) 6th June, 1948. (d) None of the above.
Ans. c

39. Which of the following is not an essential requisite of a valid acknowledgment:
(a) It must be made before the expiration of limitation period.
(b) It need not be in writing.
(c) It must be signed by the person making the acknowledgment or by his duly authorized agent.
(d) It must be made by the party against whom any property or right is claimed or by some person through whom he derives title or liability.
Ans. b

40. In a suit filed by the plaintiff, the defendant in his written statement has taken the objection of non-impleadment of necessary party. Despite such objection the plaintiff continued the suit and the suit finally was decreed. At the first appellate stage, the plaintiff withdraws the suit with liberty to file a fresh one on the same cause of action and subsequently filed a fresh suit. The period spent by the plaintiff in the earlier suit, under section 14 of Limitation Act is
(a) Liable to be excluded on the ground that the plaintiff was prosecuting the earlier suit with due diligence and in good faith
(b) Not liable to be excluded as the plaintiff cannot be said to be prosecuting the earlier suit with due diligence and in good faith
(c) Liable to excluded under section 14 (3) of Limitation Act.
(d) To be excluded or not to be excluded is in the discretion of the court.

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I want to express my sincere gratitude to Judiciary Gold for their unwavering support and guidance. They have been instrumental in my journey, and I believe that their expertise will continue to guide c ountless others towards success in the field of law."

41. Which of the following contracts cannot be specifically enforced:
(a) A contracts to sell to B a certain number of railway shares of a particular description. A refuse to complete the sale.
(b) A holds certain stocks in trust of B. A wrongfully disposes of the stock.
(c) A is a trustee of land with power to lease ft for 7 years. He enters into a contract with B to grant a lease of the land for 7 years, with a covenant to renew the lease at the expiry of the term.
(d) All of the above.
Ans. c

42. Which of the following is correct:
(a) A contracts to sell certain land to B for Rs. 5000. A afterwards conveys the land for Rs. 6000 to C, who has notice of the original contract. B may enforce specific performance of the contract as against C.
(b) A contracts to sell land to B for Rs. 5000. B takes possession of the land. Afterwards A sells it to C for Rs. 6000. C makes no enquiry of B, relating to his interest in the land. B's possession is sufficient to affect C with notice of his interest and he may enforce specific performance of the contract against C.
(c) Both (a) and (b)
(d) None of the above
Ans. c

43. A contracts with B to sing for twelve months at B's theatre and not to sing in public elsewhere.
(a) B cannot obtain specific performance to sing, but he is entitled to an injunction restraining A from singing at any other place of public entertainment.
(b) B can only obtain specific performance to sing.
(c) B could not only obtain specific performance to sing, but he is also entitled to an injunction restraining A from singing at any other place of public entertainment.
(d) None of the above.
Ans. a

44. is B's medical advisor. He demands money from B, which B declines to pay. A then threatens to make known the effect of B's communication to him as patient.
(a) B may obtain a prohibitory injunction to restrain A from so doing.
(b) B may obtain a mandatory injunction ordering A to destroy all written communications made by B as patient of A.
(c) Both (a) and (b)
(d) None of the above
Ans. c

45. Which of the following is incorrect:
(a) A person seeking specific performance of a contract must approach the court within reasonable time even if time is not of the essence of the contract.
(b) Family arrangements (compromises) can be specifically enforced.
(c) In a suit for specific performance of a contract the plaintiff may also claim compensation for its breach, either in addition to, or in substitution of, such performance.
(d) There is a bar to a decree for specific performance if there is a clause in the contract that in the event of its breach or non-performance a sum of money specified therein is to be paid.
Ans. d

46. Any person suing for the specific performance of a contract for the transfer of immovable property may, in an appropriate case, ask for:
(a) Possession, or partition and separate possession, of the property, in addition to such performance.
(b) Refund of any earnest money or deposit paid or made to him, in case his claim for specific performance is refused.
(c) Both (a) and (b)
(d) None of the above
Ans. c

47. Under Section 6 of the Specific Relief Act:
(a) A tenant can file a suit for possession even against the landlord on the ground that he was unlawfully dispossessed by the landlord.
(b) No question of title either of the plaintiff or of the defendant can be raised or gone into that case.
(c) Both (a) and (b) are correct.
(d) Both (a) and (b) are incorrect.
Ans. c

48. Specific performance of contract to build or repair can be ordered
(a) Where the plaintiff has a substantial interest in the performance of the contract and he cannot be compensated adequately in damages
(b) Where the plaintiff has a substantial interest in the performance of a contract but he can be compensated in damages
(c) Where the plaintiff has no substantial interest in the performance of the contract and can be compensated in damages
(d) All the above.
Ans. a

49. A mandatory injunction in the nature, is
(a) Restitutory
(b) Prohibitory
(c) Both restitutory and prohibitory
(d) Neither restitutory and prohibitory
Ans. c

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50. Injunction cannot be granted
(a) In contract which can be specifically enforced
(b) In contract which cannot be specifically enforced
(c) Irrespective of whether the contract is specifically enforceable or not
(d) Either (b) or (c)
Ans. b

51. Whose signature does the one-rupee note bear?
(a) The President.
(b) The Finance Secretary.
(c) The Prime Minister.
(d) The Governor, Reserve Bank of India.
Ans. b

52. Deficit Financing in India implies
(a) Expenses are more than money in circulation.
(b) Proper ratio of keeping gold for printing notes is not maintained.
(c) States expenditure is more than Union Government's expenditure.
(d) Excess of expenditure over current revenue and non-banking borrowing.
Ans. a

53. Which organisation is popularly called the "World Bank"?
(a) International Monetary Fund
(b) International Bank for Reconstruction and Development
(c) International Development Agency
(d) International Financial Corporation
Ans. b

54. Match the following

(I) Pongal	A. Puri
(II) Onam	B. Punjab
(III) Baisakhi	C. Kerala
(IV) Car Festival	D. Tamil Nadu

(a) I-A, II-B, III-C, IV-D (b) I-D, II-C, III-B, IV-A
(c) I-B, II-D, III-C, IV-A (d) I-C, II-D, III-A, IV-B
Ans. b

55. Which of the following island is situated in Arabian sea?
(a) Andaman Island (b) Tokyo
(c) Lakshadweep Island (d) Indira point
Ans. c

56. Which statement is true
(a) Solar eclipse occurs when the moon comes between sun and earth
(b) Solar eclipse occurs when the earth comes between sun and moon
(c) Solar eclipse occurs when the sun comes between earth and moon
(d) None of the above.
Ans. a

57. Mc Mohan Line demarcates India and
(a) Pakistan (b) Bangladesh
(c) Nepal (d) China
Ans. d

58. Match the following

I Raja Ram Mohan Roy	A Prarthana Samaj
II M.G. Ranadae	B Arya Samaj
III Dyanand Saraswati	C Rama Krishna mission
IV Swami Vivekananda	D Brahmo Samaj

(a) I-A, II-B, III-C, IV-D (b) I-D, II-C, III-B, IV-A
(c) I-C, II-B, III-A, IV-D (d) I-D, II-A, III-B, IV-C
Ans. d

59. Match the following

I. Act of 1858	1. Minto Morley Reforms
II. Indian Council Act,1909	2. British Crown assumes Power
III. Government of India Act,1919	3. Provincial autonomy
IV. Government of India Act,1935	4. Dyarchy

(a) I-4, II-1, III-3, IV-2 (b) I-1, II-4, III-2, IV-3
(c) I-1, II-2, III-3, IV-4 (d) I-2, II-1, III-4, IV-3
Ans. d

60. Ozone layer is important because
(a) It helps in photosynthesis
(b) It prevents earth's radiation from escaping
(c) It filters ultra-violet rays selectively
(d) It blocks ultra-violet rays completely
Ans. c

61. Veins carry blood
(a) Away from the heart
(b) Towards the heart
(c) Towards the brain
(d) None of the above
Ans. b

62. The planets nearest to the Sun are
(a) Mercury and Mars (b) Earth and Mercury
(c) Mercury and Venus (d) Mercury and Uranus
Ans. c

63. Who is the author of autobiography "Wandering in Many Worlds"?
(a) Justice M.C. Chagla
(b) Justice V.R. Krishna Iyer
(c) Justice Sujata V. Manohar
(d) Justice P.N. Bhagwati
Ans. b

64. Who is the Chief Justice of Punjab and Haryana High Court?
(a) Justice T.S. Thakur
(b) Justice Mehtab Singh Gill
(c) Justice Swatanter Kumar
(d) Justice Mukul Mudgal
Ans. b

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65. Ombudsman refers to the person
(a) Who looks into complaints against public authorities
(b) Who is the Chief of gang
(c) Who is declined from the court process
(d) Who is the retired judge
Ans. a

66. The Supreme Court laid down certain requirements to be followed in all cases of arrest or detention in
(a) Vishakha's case
(b) D.K. Basu's case
(c) Antulay's case
(d) Keshavananda Bharati's case
Ans. b

67. The "first justice prize" winner in India who had been named by the International Bar Association as "Living Legend of the Law".
(a) Fali Sam Nariman, Senior Advocate of Supreme Court
(b) V.R. Krishna Iyer, retired judge of Supreme Court
(c) Mahabir Prasad Jain, Advocate Hissar District and Sessions Judge
(d) None of the above
Ans. b

68. First Woman Chief Justice of High Court in India
(a) Leila Seth (b) Leila Mukherjee
(c) Lalita Basu (d) Sarojini Naidu
Ans. a

69. Who among the following names is associated with drafting of Indian Penal Code of 1860.
(a) Lord Macaulay (b) Lord Lytton
(c) Warren Hastings (d) Lord Rypon
Ans. a

70. The System of Indian Election follows
(a) Adult Franchise
(b) Direct Election System
(c) Mixed Vote System
(d) None of the above
Ans. a

71. LL.B. stands for
(a) Law est jury
(b) Legalite Lawyers Bacilli
(c) Legum Baccalaureus
(d) Bachelor of law
Ans. c

72. _____is the law of place
(a) National law (b) Lex Loci
(c) Jus Remedium (d) None of the above
Ans. b

73. 'Ultra Vires' is a term used for
(a) A document corrupted by virus
(b) Beyond the scope of power allowed or granted by a Charter or by Law
(c) An act authorised by Law
(d) An illegal act.
Ans. b

74. Right of way is covered under
(a) Law of Easement (b) Right of Passage Act
(c) Contract Act (d) Law of Torts
Ans. a

75. Statement: The Reserve Bank of India has directed the banks to refuse fresh loans to major defaulters.
Assumptions:
I. The banks may still give loans to the defaulters.
II. The defaulters may repay the earlier loan to get fresh loan.
III. The bank may recover the bad loans through such harsh measures.
(a) All are implicit
(b) None is implicit
(c) Both II and III are implicit
(d) None of these.
Ans. b

76. Statement: All intelligent persons are creative.
Assumptions:
I. All creative persons are intelligent.
II. Creativity and intelligence go together.
(a) Only I is implicit.
(b) Only II is implicit.
(c) Both I and II are implicit.
(d) Neither I nor II is implicit.
Ans. d

77. Match List-I (Mental State) with List-II (Consequence) and select the correct answer using codes given below the

List I (Mental State)	List II (Consequence)
A. Volition	1. The feeling which prompts the will of doer.
B. Intention	2. A desire for bodily notions which constitute the act
C. Motive	3. Generally an essential element of a crime
D. Mens rea	4. An operation of will directing an over act
	5. The ultimate object of the act.

(a) A-2, B-3, C-1, D-4 (b) A-1, B-4, C-5, D-3
(c) A-2, B-4, C-1, D-3 (d) A-1, B-3, C-5, D-4
Ans. b

78. Assertion: An accused person has been guaranteed the right to be informed of the nature and cause of accusation.
Reason (R): The accused person can get his conviction quashed upon vague and obscure charges.
(a) Both 'A' and 'R' are true and 'R' correctly explains 'A'.
(b) Both 'A' and 'R' are false.
(c) 'A' is true but 'R' is not a correct explanation.
(d) None of the above.
Ans. a

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79. Assertion (A): An accused person cannot be compelled to give his thumb impression. Reason (R): An accused person cannot be compelled to be a witness against himself.
(a) Both 'A' and 'R' are true.
(b) Both 'A' and 'R' are false.
(c) 'A' is false but 'R' is true.
(d) None of these.
Ans. c

80. Which one of the following statements is correct? The power of judicial review means the power of the Supreme Court to:
(a) Set aside any executive decision if it is against statutory law.
(b) Set aside any provision of law if it is contrary to the Fundamental Rights.
(c) Examine Constitutional validity of any administrative action as well as legislative provision and strike it down if not found in accordance with the Constitutional provisions.
(d) Review its own decisions or decisions of any court or tribunal within the territory of India.
Ans. c

81. "Incredible" means
(a) Surprising (b) Interesting
(c) Disgusting (d) Unbelievable
Ans. d

82. Give an antonym for "Uncouth"
(a) Urbane (b) Crude
(c) Conspiring (d) Clever
Ans. a

83. Give the meaning of "Legacy"
(a) Story (b) History
(c) Inheritance (d) Heritage
Ans. c

84. Give the meaning of "Puerile"
(a) Withdraw (b) Charge
(c) Childish (d) Framework of ship
Ans. c

85. Give the synonym of "Recuperate"
(a) Recapture (b) Reclaim
(c) Restore (d) Recover
Ans. d

86. Give the synonym of "Erudite"
(a) Execute (b) Academic
(c) Expanse (d) Harsh
Ans. b

In question nos. 87 to 90, choose the correct option that gives the meaning of the expression given in' bold letters in the sentences below:

87. I felt that it was a tall order to expect Neena to go home alone at twelve in the night.
(a) Difficult (b) Too much
(c) Customary (d) Simple
Ans. a

88. It was his maiden speech and it was memorable
(a) Like a maiden
(b) First woman's speech
(c) First speech in that particular forum
(d) First speech
Ans. d

89. "Wait upon" means:
(a) To serve
(b) To wait for some one
(c) To contact a man at his place
(d) To call a man
Ans. a

90. "A past master" is a person who:
(a) Knows everything of the past
(b) Was perfect in the past but knows nothing now
(c) Possesses shallow knowledge
(d) Is thorough in a chosen field
Ans. d

In questions No. 91 to 95, mark the correct option for replacing the phrase printed in bold type to make the given sentences correct.

91. Despite being tried his best to persuade people to give up smoking, he could not attain success.
(a) Despite his best trying
(b) Despite of his best
(c) In spite of being tried his best
(d) Despite trying his best
Ans. d

92. But for your time of helping, we could not have accomplished our goal in such a small-time span.
(a) But for your timely help
(b) Because of your timely helping
(c) Despite your time of helping
(d) But your time for helping
Ans. a

93. If Indian people are united, this nation can become a source of strength for the entire world.
(a) Could become a resource of
(b) Can become resourceful for
(c) Would be a source in
(d) No correction required
Ans. d

94. It is with a heavy heart that I pen these few lines to condole for you on the death of your beloved mother.
(a) Condole with you in
(b) Condole upon you on
(c) Condole with you on
(d) Condole for you with
Ans. a

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95. Please do not give him any food if his temperature will rise.
(a) If his temperature rises
(b) If his temperature would rise
(c) If his temperature shall rise
(d) Unless his temperature rises
Ans. a

Direction (Question 96-100): Read the following passage carefully and choose the best answer to each question given below it.

PASSAGE

Despite the limitations of these various forms of mathematics, they made possible great advances in knowledge, particularly in geometry-the language of shape and its many applications in astronomy, navigation, and mechanics. Here the most impressive advances were made by the Greeks and by their colleagues in Alexandria. Only the Bible has appeared in more editions and printings than Euclid's most famous book, Elements.

Still, the greatest contribution of the Greeks was not in scientific innovation. After all, the temple priests of Egypt and Babylonia had learned a good bit about geometry long before Euclid came along. Even the famous theorem of Pythagoras-the square of the hypotenuse of a right triangle is equal to the sum of the squares of the other two sides-was in use in the Tigris- Euphrates valley as early as 2000 BC. The unique quality of the Greek spirit was the insistence on proof. 'Why?' mattered more to them than 'What?' The Greeks were able to reframe the ultimate questions because theirs was the first civilization in history to be free of the intellectual straitjacket imposed by an all- powerful priesthood. This same set of attitudes led the Greeks to become the world's first tourists and colonizers as they made the Mediterranean basin their private preserve.

More worldly as a consequence, the Greeks refused to accept at face value the rules of thumb that older societies passed on to them. They were not interested in samples; their goal was to find concepts that would apply everywhere, in every case. For example, mere measurement would confirm that the square of the hypotenuse of a right triangle is equal to the sum of the squares of the other two sides. But the Greeks asked why that should be so, in all right triangles, great and small, without a single exception to the rule. Proof is what Euclidean geometry is all about. And proof, not calculation, would dominate the theory of mathematics forever after.

This radical break with the analytical methodologies of other civilizations makes us wonder again why it was that the Greeks failed to discover the laws of probability, and calculus, and even simple algebra. Perhaps, despite all they achieved, it was because they had to depend on a clumsy numbering system based on their alphabet. The Romans suffered from the same handicap. As simple a number as 9 required two letters; IX. The Romans could not write 32 as III II, because people would have no way of knowing whether it meant 32, 302, 3020, or some larger combination of 3, 2, and 0. Calculations based on such a system were impossible.

But the discovery of a superior numbering system would not occur until about 500 AD, when the Hindus developed the numbering system we use today. Who contrived this miraculous invention, and what circumstances led to it spread throughout the Indian subcontinent, remains mysterious. The Arabs encountered the new numbers for the first time some ninety years after Prophet Mohammed established Islam as a religion.

96. The greatest contribution of the Greeks was in
(a) Scientific innovation
(b) Geometry
(c) The insistence on proof
(d) Becoming the world's first tourists and colonizers.
Ans. b

97. The Greeks' main interest lay in
(a) Seeing and conquering the world
(b) Making the Mediterranean basin their private preserve
(c) Geometry
(d) Finding universal concepts.
Ans. d

98. The Greeks were able to give importance to the question 'Why?' because
(a) Theirs was the first civilisation not to be overwhelmingly dominated by the priesthood.
(b) They had seen more of the world through tourism and conquest.
(c) They believed in observation and measurement.
(d) They developed a robust number system.
Ans. a

99. The author is surprised by the lack of advances made by the Greeks in
(a) Temple architecture
(b) Simple algebra
(c) Geometry
(d) Establishing the method of proof in the theory of mathematics.
Ans. b

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100. The author speculates that the Greeks did not make significant advances in certain areas of mathematics because
(a) They had no proof much of the time
(b) They did not have the concept of zero
(c) Of their clumsy numbering system.
(d) All of the above
Ans. c

101. Which of the following is not an essential condition for the applicability of the rule of sub judice?
(a) The matter in issue in the subsequent suit must be directly and substantially in issue in the previous suit.
(b) Both the suits must be between the same parties or their representatives.
(c) Such parties must be litigating under the same title in both the suits.
(d) The subject matter and the cause of action should be the same in both the suits.
Ans. d

102. A alleging that he is the adopted son of X, sues B to recover certain property granted to him
by X, under a deed and forming part of X's estate. The court finds that A is not the adopted son of X, but he is entitled to the property under the deed and a decree is passed for A. The finding that A is not the adopted son of X:
(a) Will not operate as res judicata in a subsequent suit between A and B in which the question of adoption is again put in issue.
(b) Will operate as res judicata in a subsequent suit between A and B.
(c) Depends on the court's discretion.
(d) None of the above.
Ans. b

103. In which of the following cases, the doctrine of constructive res judicata is not applicable:
(a) A sues B on a contract and obtains a decree. B afterwards sues for rescission of the contract on the ground that it did not fully represent the agreement between the parties,
(b) A sues B for possession of certain property alleging that it has come to his share on partition of Joint Family Property. B's contention that the partition. has not taken place is upheld and the suit is dismissed. A subsequent suit was filed by A against B for partition of Joint Family Property.
(c) A files a suit against B to recover money on a pro-note. B contends that the promissory note was obtained from him by undue influence. The objection is overruled and the suit is decreed. B challenges the promissory note on the ground of coercion and fraud in a subsequent suit.
(d) All of the above.
Ans. b

104. Mark the incorrect statement:
(a) The court must be competent to try the suit at the time of filing of the suit. Subsequent change in value does not affect the jurisdiction.
(b) It is the plaintiff's valuation in the plaint that determines the jurisdiction of the court and not the amount for which ultimately the decree may be passed by the court.
(c) If the pecuniary jurisdiction of the court (is Rs.10,000 and the plaintiff files a suit for accounts and finally the court finds on taking the account that Rs. 15,000 are due, the court is not deprived of its on jurisdiction to pass a decree for that amount.
(d) If the plaintiff undervalues or overvalues the claim for the purpose of choosing the forum, it is not the duty of the court to return it to be filed in the proper court.
Ans. d

105. X is living in Pune and Y, his brother in Mumbai. X wants to file a suit for partition of their joint property situated in Delhi and Bangalore.
(a) The suit may be instituted in Delhi only.
(b) The suit may be instituted in Bangalore only.
(c) The suit may be instituted either in Delhi or Bangalore.
(d) None of the above.
Ans. c

106. Mark the incorrect statement:
(a) A suit for accounts of dissolved partnership may be instituted cither where the contract of partnership was entered into or where the business of partnership was carried on.
(b) A suit for dissolution of partnership carried on in a foreign country is maintainable in India if the parties are resident there.
(c) The proper forum in the case of an ordinary agent is the place where the contract of agency was made or the place where accounts are to be rendered and payment is to be made by the agent.
(d) None of the above.
Ans. b

107. When an objection as to non-joinder or mis- joinder of parties is upheld by the court:
I. The court may deal with the matter in controversy as regard the rights and interests of the parties actually before it.
II. The court should dismiss the suit.
III. The court may allow the amendment of the plaint viz. striking out the names of such persons as have been improperly joined as plaintiffs or defendants.
Codes:
(a) I only (b) II only
(c) III only (d) I and III
Ans. d

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108. Mark the incorrect statement in context of a representative suit:
(a) If the person suing or defending does not proceed with due diligence, the court can substitute in his place any person having the same interest in the suit.
(b) The suit can be withdrawn, compromised or abandoned by the plaintiff after notice to all the persons interested.
(c) Any decree passed in such a suit is binding on all the persons interested.
(d) Res judicata is not applicable to such a suit.
Ans. d

109. In which of the following cases, amendment of pleadings could be allowed:
I. To introduce a new or inconsistent cause of action.
II. To take away a right of the-defendant which has accrued to him by lapse of time.
III. For granting relief on the basis of different approaches to the same facts.
IV. Amendment taking note of subsequent events.
Codes:
(a) I and II (c) II and IV
(b) I and IV (d) III and IV
Ans. d

110. Where the serving officer delivers or tenders a copy of the summons to the defendant personally or to his agent, he must require such a person to sign an acknowledgement of service to be endorsed on the original summons. Then:
(a) The copy of the summons will be delivered to the defendant.
(b) The original summons with the defendant's signature thereon, will be returned to the court.
(c) Both (a) and (b)
(d) The original summons with the defendant's signature thereon, will be returned to the plaintiff.
Ans. c

111. No one can be ordered to attend in person to give attendance in a civil suit, unless he:
(a) Resides within the local limits of the court's ordinary original jurisdiction.
(b) Resides outside the local limits of the court's ordinary original jurisdiction but at a place less than 100 km distance from the court house.
(c) Both (a) and (b)
(d) None of the above
Ans. c

112. Mark the incorrect proposition:
I. Set-off is a statutory defence to a plaintiff's action, whereas a counter- claim is a cross-action.
II. Set-off and counter-claim arises out of the same transaction.
III. Set-off should not be barred on the date of the suit while counter-claim should not be barred on the date of filing of written statement.
IV. Claim for set-off cannot exceed plaintiff's claim, whereas counter-claim can exceed the plaintiffs claim.
V. Both set-off and counter-claim cannot exceed the pecuniary jurisdiction of the court.
Codes:
(a) I only (b) III and V
(c) II only (d) IV only
Ans. b

113. Mark the correct statement:
(a) The questions which are put only to test the credibility of a person will not be allowed as interrogatories, although they may be asked in cross-examination.
(b) Interrogatories can be administered only to a party to a suit and not to a witness, whereas cross-examination can be of any person, parties and witness alike.
(c) A party filing affidavit in reply to interrogatories can neither cross- examine nor adduce evidence to contradict it, as it is a conclusive proof.
(d) All of the above.
Ans. d

114. A suit may be dismissed under Order 9 of Code of Civil Procedure, 1908:
I. Where the summons is not served upon the defendant in consequence of the plaintiffs failure to pay costs for service of summons.
II. Where neither the plaintiff nor the defendant appears.
III. Where plaintiff, after summons returned unserved, fails for 7 days to apply for fresh summons.
IV. Where on the date fixed for hearing in a suit only defendant appears and he does not admit the plaintiffs claim.
Codes:
(a) I, II and III (b) I, III and IV
(c) II, III and IV (d) All of the above
Ans. d

115. In a suit for recovery instituted by A against B, despite the summons of suit having been duly served upon B, he did not appear on the date fixed in the summons on 1.3.1993. The court consequently on 1.3.93 passed an ex parte order against B and listed the case for 3.4.93 for ex parte evidence of A.
(a) B can participate in further proceedings of the case.
(b) B can seek setting aside of the ex parte order if he is able to show good cause for his non-appearance.
(c) Both (a) and (b) are correct.
(d) Both (a) and (b) are incorrect.
Ans. c

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116. Mark the incorrect statement in relation to Order 23 of Code of Civil Procedure, 1908:
(a) At any time after the institution of a suit, the plaintiff may withdraw his suit or abandon part of his claim.
(b) If a plaintiff withdraws from a suit without the court's permission, he is precluded from instituting a fresh suit against the same defendant in respect of the same subject matter.
(c) If the court is satisfied that a suit must fail by reason of some formal defect or there are other sufficient grounds, it may allow the withdrawal from suit.
(d) When there are several plaintiffs, the court can allow one of them to withdraw, even if the other co-plaintiffs do not consent to such withdrawal.
Ans. d

117. Compensatory costs can be imposed:
(a) If the claim (or defence) is false or vexatious and subsequently disallowed or withdrawn.
(b) If objection to the false or vexatious claim or defence has been taken by the party at the earliest opportunity.
(c) Both (a) and (b) are correct.
(d) Both (a) and (b) are incorrect.
Ans. c

118. Where any party dies after conclusion and before pronouncing of judgment:
(a) The suit shall abate.
(b) The suit shall not abate.
(c) The suit shall not abate if cause of action survives.
(d) It will be deemed that judgment has been pronounced after death of a party.
Ans. b

119. A relief of injunction may be refused on the ground of:
(a) Laches or acquiescence.
(b) The applicant has not come with clean hands.
(c) Where monetary compensation is adequate relief.
(d) All of the above.
Ans. d

120. Where it appears to the court that elements of an acceptable settlement exist, the court may refer it to:
(a) Arbitration/conciliation/mediation.
(b) Judicial settlement, including that through Lok Adalat.
(c) Both (a) and (b)
(d) None of the above
Ans. c

121. Mark the correct statement:
(a) Evidence excluded by the Evidence Act is inadmissible even if it seems essential for ascertainment of truth.
(b) Parties cannot contract themselves out of the provisions of the Act.
(c) A court cannot on the ground of public policy, exclude evidence relevant under this Act.
(d) All of the above.
Ans. d

122. A is accused of a child's murder. The following facts are constructed in the case:
I. An hour before the murder, A went to the place of murder with the child.
II. A alone returned home.
III. Collar of A's shirt found to be blood- stained.
The evidence which takes into account the above-mentioned facts is called:
(a) Direct evidence.
(b) Circumstantial evidence.
(c) Real evidence.
(d) Secondary evidence.
Ans. b

123. Mark the incorrect statement:
(a) The terms 'relevancy' and 'admissibility' are co-extensive or interchangeable terms.
(b) All admissible evidence is usually relevant, but all relevant evidence is not admissible.
(c) Relevancy is the genus of which admissibility is a species.
(d) Relevancy and admissibility are neither synonymous nor is the one included in other.
Ans. a

124. The question is, whether A owes B Rs.10,000. The facts that A asked C to lend him money, and D said to C in A's presence and hearing- "I advise you not to trust A, for he owes B Rs. 10,000", and that A went away without making any answer is a:
(a) Relevant fact (b) Irrelevant fact
(c) Fact in issue (d) None of the above
Ans. a

125. A and B were prosecuted for conspiracy for bribing a police officer. A came to the police station and offered an Inspector packet of currency notes. He told the inspector that B had sent the money as a consideration for hushing up the case against him. The offer of money and the accompanying statement made by A were relevant against
(a) A only (b) B only
(c) Both A and B (d) None of the above
Ans. c

126. Admissions by agents are:
(a) Always admissible in civil proceedings.
(b) Admissible in civil proceedings only if to the agent has the authority to make admissions.
(c) Not admissible in criminal proceedings.
(d) Both (b) and (c).
Ans. d

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127. Telling his wife that P's wife had called him to receive payments due to him, K leaves his house. After two days, his dismembered body is found in a trunk. In P's trial for murder of K, the statement made by K to his wife is:
(a) Inadmissible.
(b) Partly admissible.
(c) Inadmissible as it does not directly relate to K's death.
(d) Admissible as it relates to the circumstance of the transaction which resulted in K's death.
Ans. d

128. If X is charged with Y's murder, which of the following will be a hearsay evidence:
(a) Z, in his evidence, states that "I saw X stabbing Y with a knife".
(b) Evidence of A that "Z told me that he had seen X stabbing Y".
(c) Both (a) and (b).
(d) None of the above
Ans. b

129. If on the carbon copies of a letter written on a typewriter, signature have been put on the first letter then other copies:
(a) Will also be primary evidence.
(b) Will be secondary evidence.
(c) Will be no evidence.
(d) None of the above.
Ans. a

130. If no attesting witness can be found it must be proved that:
(a) Attestation of one attesting witness at least is in his handwriting.
(b) Signature of the person executing the document is in the handwriting of that person.
(c) Both (a) and (b)
(d) None of the above
Ans. c

131. X sues Y for money due on a bond. The execution of the bond is admitted, but Y says that it was obtained by fraud, which X denies. The burden of proof is on:
(a) Y (b) X
(c) The State (d) X and Y both
Ans. a

132. In which of the following cases, the court may presume under Section 114:
(a) That a man in possession of stolen goods after the theft is either the thief or has received the goods knowing them to be stolen.
(b) That judicial and official acts have been regularly performed.
(c) That evidence which could be and is not produced would, if produced, be unfavourable to the person withholding it (e.g. the police withholding a piece of evidence).
(d) All of the above.
Ans. d

133. Which of the following is an exception to the doctrine of estoppel?
(a) Where a minor represents fraudulently or otherwise that he is of age and thereby induces another to enter into a contract with him.
(b) When true facts are known to both the parties.
(c) When the representation is against the statute.
(d) All of the above.
Ans. d

134. A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title.
(a) A must not be allowed to prove his want of title.
(b) A must be allowed to prove his want of title.
(c) The court will decide.
(d) None of the above.
Ans. a

135. A local development authority announced a housing scheme and accepted applications under it, subsequently finding that the scheme was in violation of the Master Plan cancelled it.
(a) It is free to do so without any shackles of promissory estoppel.
(b) It is not free to do so due to promissory estoppel.
(c) It is free to do so without any shackles of promissory estoppel as there cannot be any estoppel against the Government in the exercise of its sovereign, legislative and executive functions.
(d) None of the above.
Ans. c

136. Which is the most appropriate definition in relation to a hostile witness?
A hostile witness:
(a) Is one who from the manner in which he gives the evidence shows that he is not desirous of telling the truth to the court.
(b) Is a witness who is gained over by the opposite party.
(c) Is one called by a party to prove a particular fact, who fails to prove such fact Zor proves an opposite fact.
(d) Is one who is not produced out of the fear that he might disfavour the party who has to produce him.
Ans. c

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137. Confession of a co-accused, not required to be on oath and cannot be tested by cross- examination
I. Is no evidence within the meaning of section 3 of Evidence Act and cannot be the foundation of a conviction
II. The only limited use which can be made of a confession of a co-accused is by way of furnishing an additional reason for believing such other evidences as exists
III. It is a very weak type of evidence and is much weaker even than the evidence of an approver.
In the aforesaid propositions
(a) All I, II & III are correct
(b) Only I & III are correct
(c) Only I & II are correct
(d) Only II & III are correct
Ans. d

138. A disputed handwriting can be proved
(a) By calling an expert
(b) By examining a person acquainted with the handwriting of the writer of the questioned document
(c) By comparison of the two-admitted & disputed
(d) All the above
Ans. d

139. Cross-examination of a witness
(a) Must relate to relevant facts and has to be confined to what the witness testified in examination in chief
(b) Must relate to relevant facts but need not be confined to what the witness testified in examination in chief
(c) May not relate to relevant facts but must relate to what the witness testified in examination in chief
(d) May not relate to relevant facts & may not be confined to what the witness testified in examination in chief.
Ans. b

140. After re-examination of a witness, the adverse party has a
(a) Right to further cross-examine the witness afresh in general
(b) Has no right to further cross examine the witness
(c) Right to further cross-examine the witness only when a new is introduced in the re-examination
(d) Either (a) or (b)
Ans. c

141. Which of the following is not an essential search-procedure under Section 100 of the Code of Criminal Procedure, 1973:
(a) Joining of two independent and respectable inhabitants of the locality in the search as witnesses.
(b) Signing of search-memo by the witnesses to search.
(c) Attendance of occupant of the place during the search.
(d) Signature of the accused on the search-list.
Ans. d

142. In relation to First Information Report, which of the following statements is not correct:
(a) It is not substantive evidence.
(b) It merely marks the beginning of the investigation.
(c) It cannot be used as a previous statement for any purpose.
(d) The informant need not be an eye-witness.
Ans. c

143. If two or more courts (not subordinate to the same High Court) have taken cognizance of the same offence, and a question arises as 6% to which of them ought to inquire, the question is to be decided by the:
(a) The Court in which proceedings first commenced.
(b) The High Court within the local limits of whose appellate criminal jurisdiction the proceedings first commenced.
(c) The Supreme Court.
(d) All of the above.
Ans. b

144. Under Section 198 of the Code of Criminal Procedure, 1973, no court can take cognizance of an offence against marriage (punishable under Chapter XX, IPC) unless a complaint is made by:
(a) The police.
(b) The wife/husband.
(c) Some person who is aggrieved by the More offence.
(d) All of the above.
Ans. c

145. If it appears to the Magistrate that the offence complained of is triable exclusively by the Sessions Court, he, under Sec. 202 of the Code of Criminal Procedure, 1973, postponing the issue of process against the accused:
(a) Shall commit the case to Sessions Court.
(b) May direct an investigation to be made by a police officer.
(c) Shall call upon the complainant to produce all his witnesses and examine them on oath.
(d) Shall return the complaint for presentation before the Sessions Court.
Ans. c

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146. In which of the following cases, an error or omission in charge is not material:
(a) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses and gives his own account of the transaction.
(b) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence.
(c) Both (a) and (b).
(d) None of the above.
Ans. a

147. Whenever a charge is altered or added to by the court after the trial has commenced:
(a) The prosecution has a right to recall or re-summon any witness who has already been examined.
(b) The accused has no right to recall or re-summon any witness who has already been examined.
(c) The prosecution has no right to call any further witnesses.
(d) All of the above.
Ans. a

148. A is accused of an act which may amount to theft, or receiving stolen property or criminal breach of trust or cheating. He is only charged with theft but it appears that he committed the offence of criminal breach of trust. He may be:
(a) A quitted.
(b) Convicted to theft.
(c) Convicted of criminal breach of trust.
(d) Discharged.
Ans. c

149. If the complainant is absent on the day fixed for the hearing of the warrant case, the Magistrate may discharge the accused if:
(a) The proceedings have been instituted upon complaint.
(b) The offence is non-cognizable or compoundable.
(c) The charge has not been framed.
(d) All of the above.
Ans. d

150. Under Section 313 of the Code of Criminal Procedure, 1973:
(a) No oath shall be administered to the accused when he is examined.
(b) The accused shall render himself liable to punishment by refusing to answer questions, or by giving false answers to them.
(c) The answers given by the accused cannot be taken into consideration and put in evidence for or against him in any other inquiry/trial for any other offence.
(d) Every error or omission in complying with Sec. 313 necessarily vitiates the trial.
Ans. a

151. Mark the incorrect statement:
(a) Section 319 of the Code of Criminal Procedure, 1973 could not be invoked where the trial has not begun and no www.maevidence has been recorded.
(b) The power to proceed against a person not named as an accused is to be exercised sparingly and for compelling reasons.
(c) The provisions of Section 319 of the Code of Criminal Procedure, 1973 applies to all the courts including a Sessions Court.
(d) None of the above.
Ans. d

152. When the person who would otherwise be competent to compound an offence under Section 320 of the Code of Criminal Procedure, 1973 is dead, then:
(a) Offence cannot be compounded.
(b) Offence can be compounded by any of the eye-witnesses.
(c) Legal representative of such person can compound the offence without the consent of the court.
(d) Legal representative of such person can compound the offence with the consent of the court.
Ans. d

153. Whenever a Magistrate is of opinion, after hearing the evidence for prosecution and the accused, that the accused is guilty, and that he ought to receive a severe punishment then such Magistrate is empowered to inflict, the Magistrate may forward the case to:
(a) Sessions Judge.
(b) Chief Judicial Magistrate.
(c) District Magistrate.
(d) Concerned police station.
Ans. b

154. When can a trial court release an accused on bail under Section 389 (C) of the Code of Criminal Procedure, 1973 after conviction?
(a) Where accused is on bail and imprisonment is not exceeding 3 years.
(b) Where accused is on bail and imprisonment is not exceeding 5 years.
(c) Where accused is on bail and imprisonment s not exceeding 7 years.
(d) Where offence is exclusively bailable whether accused is on bail or not.
Ans. a

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155. Assertion (A): Bail, not jail, is the general rule in bailable offence in India.
Reason (R): Personal liberty is the most cherished right of a human being.
Codes:
(a) Both A and R are individually true and R is the correct explanation of A.
(b) Both A and R are individually true but R is not the correct explanation of A.
(c) A is true but R is false.
(d) A is false but R is true.
Ans. a

156. Match List-I with List-II and select the correct answer using the codes given below the lists:

List I	List II
A. Summary trial	1. Release from prison.
B. Bail police officer.	2. A written authority to a
C. Search warrant	3. Conviction or acquittal.
D. Judgment petty cases.	4. Speedy disposal of

Codes:
(a) A-2, B-1, C-4, D-3 (b) A-4, B-3, C-2, D-1
(c) A-2, B-3, C-4, D-1 (d) A-4, B-1, C-2, D-3
Ans. d

157. The liability of a surety under the surety bond is:
(a) Mutually exclusive of the liability of the accused under his personal bond.
(b) Contingent on the liability of the accused under his personal bond.
(c) Limited to the amount of the surety bond.
(d) Both (a) and (c).
Ans. d

158. In computing the period of limitation, the time during which:
(a) Any person has been prosecuting with due diligence another prosecution in any court against the offender shall be excluded.
(b) The period during which an offender is absent from India shall be excluded.
(c) The period during which an offender is absconding/concealing himself, is excluded.
(d) All of the above.
Ans. d

159. In a joint trial where several accused persons are being tried, one accused examines himself as a witness, now
(a) All the other co-accused, if there are more than one co-accused other than the accused, examining himself as a witness, have a right to cross-examine that accused, as a matter of right.
(b) All the other co-accused have a right to cross-examine that accused if the accused examining himself deposing something against one of the co-accused.
(c) Only that co-accused has a right to cross-examine the accused examining himself as witness, against whom such an accused has deposed something.
(d) The co-accused do not have any right at all to cross-examine, the accused examining himself as a witness under any circumstances.
Ans. c

160. Period of limitation shall commence
(a) From the date of the offence generally
(b) From the date of knowledge of the commission of the offence if not known earlier
(c) From the date of establishment of the identity of the accused if not known at the time of commission of the offence
(d) All the above.
Ans. d

161. Consider the following statements with regard to "uberrima fides"
1. It falls within a class of cases, which require utmost good faith.
2. Every contract is a contract "uberrima fides".
3. Contract of insurance is an example of "uberrima fides". Of these statements
(a) 1, 2 and 3 are correct.
(b) 1 and 3 are correct.
(c) 2 and 3 are correct.
(d) 1 and 2 are correct.
Ans. b

162. 'A' by a letter offers to sell his car to 'B' for Rs. 75,000/-. At the same time, 'B' by a letter, which crosses the above letter while in post, offers to buy the car for Rs.75,000/-. In this context, which one of the following propositions is correct?
(a) A contract is concluded when these two letters cross each other in post.
(b) A contract is concluded when the letter posted by 'A' reaches 'B'.
(c) No contract is concluded at any time.
(d) A contract is concluded only when the letter posted by 'B' reaches 'A'.
Ans. c

163. X duly posts a letter of acceptance to Y. But the letter is lost in transit by the negligence of the post office.
(a) There is no contract concluded, because the acceptance has not reached the proposer.
(b) There is no contract concluded, because the proposer had not received the letter.
(c) The contract is concluded, because the acceptance is complete, from the date of dispatch, notwithstanding any delay or miscarriage in its arrival from causes not within the acceptor's control.
(d) None of the above.
Ans. c

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164. A in an offer to sell a property, gave B the right to accept within 14 days. The next day at about 3.50 p.m., B sent by post his letter of acceptance, which was received by A's office at 8.30 p.m. But before that at about 1 p.m., A had posted a letter revoking his offer. The revocation and the acceptance crossed in the course of post. B received the letter of revocation at 5.30 p.m.
(a) Revocation has been effectively made.
(b) Revocation has not been effectively made.
(c) It is a case of cross-offer, so no contract can be said to be concluded.
(d) None of the above.
Ans. b

165. Consideration is
1. A motive for any promise.
2. A price for any promise.
3. Only a moral obligation.
4. Something of value in the eye of law.
Of these statements
(a) 1, 2 and 3 are correct.
(b) 1 and 4 are correct.
(c) 2 and 4 are correct.
(d) 3 alone is correct.
Ans. c

166. A daughter promises to give maintenance to her uncle in consideration of her mother making a gift of certain properties to her. The daughter pleads lack of consideration when the uncle seeks to enforce the contract. She says that the uncle is a stranger to the consideration and so he cannot enforce the contract. The daughter
(a) Will succeed because the uncle being a stranger to the consideration cannot enforce it.
(b) Will not succeed because the uncle is a near relation and in such case consideration is not necessary.
(c) Cannot succeed because according to the Indian Contract Act consideration might move from any person.
(d) Will succeed because the uncle is a stranger to contract.
Ans. c.

167. The mother owes Rs. 10,000 to her daughter. But the Limitation Act has barred this debt.
The mother signs a written promise to pay Rs. 3,000 on account of the debt. In this case which one of the following is correct?
(a) There is no contract as the debt is already barred by limitation and so it cannot be revived by a subsequent promise.
(b) There is no contract because the mother has promised to give only a part of the debt.
(c) This is a contract because there is a natural love and affection relation and the promise is in writing and signed.
(d) This is enforceable against the mother because such a promise is valid and binding under the Indian Contract Act.
Ans. d

168. Which one of the following does not amount to fraud?
(a) Suggestion as a fact of that which is not true by one who does not believe it to be true.
(b) Active concealment of fact.
(c) A representation made without knowing it to be false, honestly believing it to be true.
(d) A promise without any intention of performing it.
Ans. c

169. A offers to sell B a painting, which A knows, is a "copy" of a well-known masterpiece. B thinking that the painting is an "original" one and that A must be unaware of this, accepts A's offer.
(a) The contract is invalid.
(b) The contract is a valid one, because a unilateral mistake will not make a contract invalid.
(c) The contract is valid, because there is no misrepresentation.
(d) None of the above.
Ans. b

170. Which of the following is not an agreement in restraint of trade?
I. A sells the goodwill of his business with an agreement not to carry on a similar business within specified local limits, so long as the buyer carries on a similar business.
II. A sells the goodwill of his business with an agreement not to carry on a similar business within India, so long as the buyer carries on a similar business.
III. A sells the goodwill of his business with an agreement not to practice the same trade for 25 years.
IV. A sells the goodwill of his business with an agreement not to engage in any business competing or liable to compete in any way with the business for the time being carried on by the buyer.
(a) I, III and IV (b) II, III and IV
(c) III and IV (d) I and III
Ans. d

171. A promises to paint a picture for B by a certain day at a certain price. A die before the day.
(a) The agreement does not lapse and can be confirmed by or against the legal representatives of A.
(b) The agreement becomes voidable at the option of A's legal representatives.
(c) The agreement lapses for both the parties.
(d) The agreement becomes unlawful.
Ans. c

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172. 'X' agreed to supply 1000 tons of iron at Rs. 100 per ton to 'Y' to be delivered not later than 31- 1-2002. 'X' also entered into a contract with 'A' for purchase of 1000 tons of iron at Rs. 80 per ton telling 'A' clearly that the iron is needed before 31-1-2002 for supply to 'Y' to fulfil the contract with Y. 'A' fails to supply the iron to 'X' who in turn failed to supply the same to 'Y'. In an action by 'X' against 'A'.
(a) 'X' can recover damages for the loss of profit at the rate of Rs. 20 per ton i.e., the loss of profit.
(b) X can recover damages for the loss or profit he would have earned by timely supply to 'Y' and also the damages which 'X' might have paid to 'Y' on account of breach of contract
(c) X can recover damages which 'X' might have paid to 'Y' on account of breach of A contract
(d) X can recover damages in the form of penalty.
Ans. b

173. Which one of the following statements is correct?
A voidable contract is an agreement which is:
(a) Enforceable with the permission of the court.
(b) Enforceable by the parties thereto.
(c) Enforceable by law at the option of one or more of the parties thereto, but not at the option of the other or others.
(d) Not enforceable by any of the parties thereto.
Ans. c

174. A landlord in good faith let out his premises to young widow on a rent of Rs.1400 per month. Later on, the came to know that the widow was using the premises to carry on prostitution. In a suit by the landlord for recovery of rent, the court should:
(a) Reject the claim on the ground that the consideration was immoral.
(b) Not reject the claim as the landlord had no knowledge of the purpose for which the widow was to put use the let-out premises.
(c) Uphold the defence of the widow that the landlord knew of the purpose.
(d) Evict the widow from the premises.
Ans. b

175. 'A' owes 'B' Rs. 3000, 'C' pays to 'B' Rs. 2000 and 'B' accepts it in satisfaction of his claim against 'A'. This payment:
(a) Is not a discharge of the whole claim.
(b) Is a discharge of the entire claim.
(c) Can be a discharge only when the balance is paid.
(d) Will be a discharge only if the amount is paid by 'A'.
Ans. b

176. If a notice at the entrance of an automatic car- park is an offer, it can be accepted by:
(a) Writing a letter accepting that after.
(b) Applying for a ticket.
(c) Driving in.
(d) Making enquiries about the facilities available.
Ans. c

177. Consider the following statements:
If a person who finds goods, belonging to another, takes them into his custody, then he:
1. Can pledge the goods.
2. Can gift the goods.
3. Is subject to the same responsibility as a bailee
Of the above statements:
(a) 1 alone is correct.
(b) 1, 2 and 3 are correct.
(c) 3 alone is correct.
(d) 1 and 2 are correct.
Ans. c

178. The defendant husband agrees to pay Rs.400 per month to his plaintiff wife in consideration of her giving up prosecution against his under Section 494 IPC., an offence compoundable with the leave of the court. With the leave to the court, the offence was compounded and the husband was acquitted. In an action by the wife to enforce the agreement, the husband contends that the agreement is one to stifle prosecution and hence unlawful. In the light of the above, which one of the following is correct?
(a) The agreement is one of stifle prosecution and hence the husband's contention will prevail.
(b) It is against public policy to give up prosecution in a criminal case by receiving consideration for it and so the wife cannot enforce the agreement against the husband.
(c) The wife can enforce the agreement against the husband because the agreement is supported by consideration.
(d) The wife can enforce the agreement against the husband agreement is not one for stifling prosecution as the offence is one compoundable with the ass permission of the court and has been so compounded.
Ans. d

179. 'J', a usual customer of 'B', orders certain goods on the day on which 'B' transfers his business to the plaintiff. The plaintiff accepts the order and supplies the goods. Thereupon 'J' refuses to pay alleging that he has intended to contract only with 'B' since he is having set off against him:
(a) Has no liability to pay the price because he has never intended to contract with the plaintiff.
(b) Is liable to pay as he has already been supplied in response to his order.
(c) Is liable to pay because the plaintiff has supplied the goods as the agent of B.
(d) Is liable to pay because he can claim reimbursement from 'B'.
Ans. a

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180. 'A', 'B' and 'C' jointly promise to pay Rs. 300 to 'P'. 'P' files a suit to recover the amount. Which one of the following is correct?
(a) 'P' can sue each individually f or their respective shares.
(b) 'P' can sue 'A' for the recovery of Rs.100 only.
(c) Since 'A', 'B' and 'C' are joint promisors. 'P' can recover the amount from any one of them.
(d) 'P' must make all the three parties based on
Ans. c

181. Five persons went to the house of Z armed with clubs to beat Z. Among these, one A was carrying a pistol concealing it underneath his clothes. During beating, A fired a shot resulting in Z's death.
(a) Only A will be liable for causing death.
(b) All of them will be liable for beating Z.
(c) All of them being the members of unlawful assembly will be liable for causing death.
(d) None of these.
Ans. a

182. Which one of the following is not correct in case of defence of intoxication?
(a) Defence of intoxication is available both in case of involuntary and voluntary intoxication.
(b) Intoxication is a defence when the intoxicated person is incapable of knowing the nature of the act at the time of doing it.
(c) Intoxication is a defence when the intoxicated person is incapable of knowing what he was doing was either wrong or contrary to law.
(d) Particular intention and not knowledge is attributed to the accused who has acted under involuntary intoxication.
Ans. a

183. A is in the house which is on fire, with Z, a child. People, below hold out a blanket. A drops the child in good faith intending the child's benefit. But the child is killed by the fall. A has committed
(a) Murder.
(b) Culpable homicide not amounting to murder.
(c) Culpable homicide as an exception to Section 300 of the Indian Penal Code, 1860.
(d) No offence.
Ans. d

184. A, armed with a sword, is at a great distance from B. A threatened to kill B. B shot at A, and killed him.
(a) B could plead private defence, as he has a reasonable apprehension of being attacked by A's sword.
(b) B could not plead private defence, as it cannot be said that he has a present and reasonable apprehension of being attacked by A.
(c) B could not plead private defence, as such a right is available only when one is being attacked by another.
(d) None of the above.
Ans. b

185. A instigates his six-year-old daughter B to take away from C, a purse containing Rs. 1500. In this case which one of the following statements is correct?
(a) B commits theft and A abets theft.
(b) A commits no offence but B commits theft.
(c) Both A and B commit no offence.
(d) B does not commit any offence but A commits abetment of theft.
Ans. d

186. 'A', 'B' and 'C' decide amongst themselves to persuade 'D' to steal jewellery from the house of 'M' and they accordingly do so. 'D' readily agrees and sets out towards M's house in order to steal jewellery.
(a) 'A', 'B', and 'C' are liable for conspiracy to commit theft.
(b) 'A', 'B', 'C' and 'D' are liable for criminal conspiracy.
(c) 'A', 'B' and 'C' are liable for criminal conspiracy, but 'D' is not liable for any offence because his act only amounts to preparation.
(d) Both (1) and (3) are correct.
Ans. b

187. A person is said to give 'false evidence', if he
(a) Being legally bound by an oath, or by an express provision of law to state the truth.
(b) Being bound by law to make a declaration upon any subject makes any statement which is false.
(c) Being bound by law to make a declaration upon any subject which he either knows or believes to be false, or does not believe to be true.
(d) All of the above.
Ans. b

188. A tries to pickpocket B. B has a loaded pistol in his pocket. A's hand touches the pistol and triggers it, resulting in the death of B.
(a) A is guilty of B's murder.
(b) A is guilty of culpable homicide by negligence.
(c) A is guilty of grievous hurt.
(d) A is guilty only of pick pocketing.
Ans. d

189. 'A' was relieved of his wristwatch worth Rs. 100 by 'B' in a running train. When the train was about to stop at a railway station, 'A' raised an alarm. At this point of time, 'C' pushed 'A' as a result of which 'A' fell down and sustained injuries. This was done by 'C' to enable 'B' to carry the stolen watch. 'C' has committed the offence of
(a) Hurt.
(b) Grievous hurt.
(c) Abetment of an offence.
(d) Robbery.
Ans. d

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190. X, applied for the post of Lecturer in Delhi University and submitted his application along with degree, of Ph.D. Interview call was issued to X and 2nd Feb., 1992 was the date fixed for the interview of X. But on 10th Jan., 1992 the University came to know that the copy of degree attached with the application was bogus and cancelled the interview.
(a) X is guilty of cheating.
(b) X is guilty of attempt to cheat.
(c) X is not guilty of cheating because the University has not been cheated.
(d) None of the above.
Ans. b

191. In which of the following cases, the offence of 'house-breaking' is not committed.
(a) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door.
(b) A finds the key of Z's house-door, which Z had lost, and commits house-trespass, by entering Z's house through that key.
(c) Z, the doorkeeper of Y, is standing in Y's doorway. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him.
(d) Where a hole was made by burglars in the wall of a house but their way was blocked by beams on the other side.
Ans. d

192. A person commits 'adultery', If he
(a) Has sexual intercourse with a person, who is, and whom he knows, or has reason to believe to be, the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to rape.
(b) Has sexual intercourse with a person, who is, and whom he knows, or has reason to believe to be, the wife of another man, with the consent or connivance of that man, such sexual intercourse not amounting to rape.
(c) Has sexual intercourse with an unmarried woman.
(d) Has sexual intercourse with a married woman.
Ans. a

193. State in which of the following cases, P is guilty of attempting to commit the offence:
(a) P, in order to forge a document purporting to be executed by Q, sends his servant to buy a stamp paper in the name of Q. As the servant reaches stamp shop, he is arrested.
(b) P shoots at Q whose back is towards him. The attempt fails as Q is beyond the range of the gun.
(c) P pours half a pint of substance from a bottle marked "poison" into the whisky of Q. Q is not aware. It turns out that bottle did not contain any poison.
(d) P administers some noxious substance to a woman so that an abortion results. The woman was not pregnant.
Ans. b

194. Six persons assembled on the platform of Mumbai Railway Station and started fighting with each other. The passengers present at the Railway Station got annoyed and felt disturbed. The public reported the matter to the police.
These six persons are guilty of
(a) Unlawful assembly (b) Rioting
(c) Affray (d) Assault
Ans. c

195. 'X', a person above the age of 18 years, asks 'Y' to shoot him to death as 'X' is suffering from incurable disease. 'Y' is the domestic servant of 'X'. As a loyal servant, 'Y' shoots 'X' to death. In the context of the above, which one of the following statements is correct?
(a) 'Y' has committed no offence.
(b) 'Y' can take up the defence of good faith.
(c) 'Y' can take up the defence of consent.
(d) Ts act is culpable homicide not amounting to murder.
Ans. d

196. 'A'Is a good swimmer. He sees 'B' drowning, but does not save him. 'B' is drowned. 'A has committed:
(a) The offence of murder.
(b) The offence of abetment of suicide.
(c) The offence of culpable homicide not amounting to murder.
(d) No offence.
Ans. d

197. 'A' a foreigner stabbed 'B' another foreigner in a foreign vessel at the high seas. Both 'A' and 'B' were brought to Bombay for treatment where 'B' died. 'A' is also available in Bombay. Which one of the following propositions is correct in respect of applicability of Indian Penal Code (IPC) to the trial of 'A'?
(a) As both the deceased and the accused belong to foreign countries and the occurrence of offence has taken place on the high seas, IPC is not applicable to 'A' and hence he cannot be prosecuted in India.
(b) IPC is absolutely not applicable to a foreigner and hence 'A' cannot be tried in India.
(c) As the offence is completed in India territories and accused 'A' is available in India. IPC is applicable and he should be tried at Bombay.
(d) As IPC is applicable to Indians as well as to foreigners 'A' must be tried in India.
Ans. a

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198. Assertion (A): There is no liability for an attempt to commit an impossible theft.
Reason (R): No criminal liability can be incurred under Section 511 of the Indian Penal Code for an attempt to be an act which, if done
will not be an offence
(a) Both 'A and 'R' are false.
(b) 'A is false but 'R' is true.
(c) Both 'A' and 'R' are true.
(d) None of the above
Ans. b

199. A is invited by B for a cup of tea. While B is in the kitchen preparing tea, A finds a golden ring on the table. He picks it up and places it somewhere in the room with the intention of dishonestly taking it away sometime later. A commit:
(a) No offence.
(b) Extortion.
(c) Attempt to commit theft.
(d) Theft.
Ans. d

200. 'X' and 'Y' swimming in the sea, after a shipwreck got hold of plank. The plank was not large enough to support both 'X', with no other option, pushed 'Y', who was drowned. 'X' has committed:
(a) Culpable homicide.
(b) Murder.
(c) The offence of causing death by negligence.
(d) No offence.
Ans. b

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