

Question Booklet

SD : LDCE

Booklet Series

Booklet No.

D

Date: 9th October, 2016.

Total Questions: 100

Time : 90 minutes.

Total Marks : 200

INSTRUCTIONS

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

There will be penalty for wrong answers marked by candidate.

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

1. Which of the following property is liable for attachment or sale in execution of a decree?
 - a. Books of account.
 - b. The wages of labourers.
 - c. A right to future maintenance.
 - d. Bills of exchange.

2. Which of the following can exceed the pecuniary jurisdiction of the Court?
 - a. Set off.
 - b. Counter claim.
 - c. Both 'a' and 'b'.
 - d. Neither 'a' nor 'b'.

3. The Appellate Court may admit evidence or document;
 - I. When the trial Court has refused to admit evidence which ought to have been admitted.
 - II. If it requires any document to be produced or any witness to be examined to enable it to pronounce judgment.

Choose correct option in respect of above statements.

 - a. 'I' is correct and 'II' is incorrect.
 - b. 'I' is incorrect and 'II' is correct.
 - c. both are correct.
 - d. both are incorrect.

4. State correct or incorrect.
 - I. The offence of dacoity can be tried by the Court within whose local jurisdiction the accused person is found.
 - II. The offence of theft or robbery may be tried by the Court within whose local jurisdiction the stolen property was found possessed by any person committing it.
 - III. If an offence is committed by an Indian Citizen on the high seas or elsewhere outside India, he may be dealt with in respect of such offence at any place in India, where he may be found.
 - a. 'I' correct, 'II' and 'III' are incorrect.
 - b. 'I' incorrect, 'II' and 'III' are correct.
 - c. all are incorrect.
 - d. all are correct.

5. Period of limitation to take cognizance of an offence punishable with imprisonment for a term of seven years is _____.
 - a. three years.
 - b. five years.
 - c. seven years.
 - d. no limitation.

6. If the accused though not of unsound mind, cannot be made to understand the proceedings, and if such proceedings result in conviction, the final order has to be passed by _____.

11. 'A' becomes surety to 'C' for B's conduct as a Manager in C's bank. Afterwards, 'B' and 'C' contract, without A's consent, that B's salary shall be raised, and that he shall become liable for one fourth of the losses on overdrafts. 'B' allows a customer to overdraw, and bank loses a sum of money. 'A' is discharged from suretyship by_____.
- release or discharge of principal debtor.
 - variance made in terms of the contract without his consent.
 - revocation.
 - none of the above.
12. When two persons mutually transfer the ownership of one thing for the ownership of another, neither thing or both things being money only, the transaction under the provisions of Transfer of Property Act is called as_____.
- a sale.
 - a lease
 - an exchange.
 - a gift.
13. I. When there is a reasonable apprehension to a person that a void or voidable instrument against him, if left outstanding may cause serious injury to him, the Court may in its discretion order the cancellation of such instrument.
- II. When an instrument consists of different rights or obligations, the Court may cancel it in part and allow it to stand for residue.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
 - 'I' is incorrect and 'II' is correct.
 - both are correct.
 - both are incorrect.
14. I. The suit for recovery of possession on the grounds of reasonable and bonafide requirement of the landlord can be preferred by the Rent Collector or the Estate Manager of the landlord.
- II. When the suit is decreed on the grounds of reasonable and bonafide requirement and the landlord re-let the premises within one year of the recovery of possession to any person other than the original tenant, the Court may order the landlord to place the original tenant in occupation of the premises.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
 - 'I' is incorrect and 'II' is correct.
 - both are correct.
 - both are incorrect.
15. In India right to education is a _____.
- constitutional right.
 - fundamental right.
 - statutory right.
 - common law right.

21. Compounding of an offence under the provisions of the Code in a criminal case when charge was framed, results in _____.
- a. acquittal of accused. b. discharge of accused.
c. stopping of proceedings. d. withdrawal of proceedings.
22. I. Under Section 249 of Cr.P.C., the Magistrate may discharge accused, if the offence is lawfully compoundable.
II. Under Section 249 of Cr.P.C., the Magistrate may discharge accused, if the offence is non-cognizable.
- Choose correct option in respect of above statements.
- a. 'I' is correct 'II' is incorrect. b. 'I' is incorrect 'II' is correct.
c. both are correct. d. both are incorrect.
23. I. 'A' is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust and cheating. He may be charged with theft, receiving stolen property, criminal breach of trust or cheating.
II. In the above mentioned case, 'A' is only charged with theft. It appears that he committed the offence of Criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods as the case may be, though he was not charged with such offence.
- Choose correct option in respect of above statements.
- a. 'I' is correct 'II' is incorrect. b. 'I' is incorrect 'II' is correct.
c. both are correct. d. both are incorrect.
24. I. The Court may, in its discretion, permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.
II. Any writing referred to under the provisions of Section 159 and 160 of Evidence Act must be produced and shown to the adverse party if he requires it and such party may, if it pleases, cross-examine the witness thereupon.
- Choose correct option in respect of above statements.
- a. 'I' is correct 'II' is incorrect. b. 'I' is incorrect 'II' is correct.
c. both are correct. d. both are incorrect.
25. I. A Court may presume that an accomplice is unworthy of credit, unless he is corroborated in material particulars.
II. An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Choose correct option in respect of above statements.

- a. 'I' is correct 'II' is incorrect. b. 'I' is incorrect 'II' is correct.
c. both are correct. d. both are incorrect.

26. Which of the following is a sine qua non for the offence of house breaking?

- a. House trespass. b. Mischief.
c. Hurt. d. None of the above.

27. I. If any person abets the commission of suicide, of a person, who is in a state of intoxication, may be punished with death.
II. If any person abets the commission of suicide, of a person, under 18 years of age, may be punished with life imprisonment.

Choose correct option in respect of above statements.

- a. 'I' is correct 'II' is incorrect. b. 'I' is incorrect 'II' is correct.
c. both are correct. d. both are incorrect.

28. A tender is _____.

- a. an offer. b. an invitation to offer.
c. a counter offer. d. a promise.

29. Where mortgagor without delivering possession of mortgaged property, binds himself personally to pay the mortgage money and agrees, expressly or impliedly, that, in the event of his failing to pay according to his contract, the mortgagee shall have right to cause the mortgaged property to be sold and proceeds of sale to be applied in payment of the mortgage money, the said mortgage is called _____.

- a. mortgage by conditional sale. b. simple mortgage.
c. usufructuary mortgage. d. English mortgage.

30. I. In a suit for perpetual injunction no relief for damages shall be granted under Section 40 of the Specific Relief Act, unless the plaintiff has claimed such a relief in the plaint.
II. The dismissal of a suit to prevent the breach of an obligation existing in favour of the plaintiff shall not bar his right to sue for damages for such breach.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect. b. 'I' is incorrect and 'II' is correct.
c. both are correct. d. both are incorrect.

31. Which of the following does not constitute a decree?

- a. An adjudication which conclusively determines the rights of the matters in issue before the Court.

42. Making sexually coloured remarks against women is an offence of ____.
- a. sexual harassment.
 - b. voyeurism.
 - c. stalking.
 - d. outraging modesty of a woman.
43. I. The suit filed in representative capacity can be compromised under Order XXIII, Rule 3 of CPC without giving notice to all persons so interested, to whom the notice of institution of suit is given.
- II. The part of the claim in a suit filed in a representative capacity can be abandoned without giving notice to all persons having the same interest.
- Choose correct option in respect of above statements.
- a. 'I' is correct and 'II' is incorrect.
 - b. 'I' is incorrect and 'II' is correct.
 - c. both are correct.
 - d. both are incorrect.
44. A 'garnishee' is _____.
- a. the judgment debtor.
 - b. judgment debtor's debtor.
 - c. judgment debtor's creditor.
 - d. the banker of the judgment debtor.
45. The aggregate punishment in cases of conviction of several offences at one trial shall not exceed _____.
- a. the amount of punishment which the Court is competent to inflict for a single offence.
 - b. twice the amount of punishment which the Court is competent to inflict for a single offence.
 - c. twice the amount of punishment which the Court has actually imposed for the single offence in the trial .
 - d. no restriction as to the aggregate punishment.
46. The prosecution did not examine the witness cited in the chargesheet. The defence examined him as a witness. During the cross-examination the prosecutor tried to contradict the witness with his former statement under Section 161 Cri.PC.. The defence objected for the same. Decide?
- a. Prosecution can use the former statement to contradict him.
 - b. Prosecution cannot use the former statement to contradict him.
 - c. Prosecution can use the former statement to contradict him only with the permission of the Court.
 - d. none of the above.

52. A suit filed in the Court of the Civil Judge (SD) is transferred after its filing to a Court of Joint Civil Judge (JD) for disposal. The Joint Civil Judge (JD) to whom the suit is transferred finds that his Court has no pecuniary Jurisdiction. What would be the appropriate procedure to be followed by the Joint Civil Judge (JD)?
- Return the suit to the Civil Judge (SD).
 - Dismiss the suit for want of jurisdiction.
 - Return the plaint to the Plaintiff.
 - Make a request to the Principal District Judge to transfer the suit to the Civil Judge (SD).
53. At what stage generally an order under Sub-section (3) of Section 156 of Cr.P.C. can be passed on a Complaint?
- After a report is submitted under Section 202.
 - After recording verification statement.
 - After process is issued.
 - Before recording verification statement.
54. Criminal Law (Amendment) Act, 2013 was based on the recommendations of Committee headed by _____.
- Justice J.S. Verma.
 - Justice A.P. Shah.
 - Justice R.M. Lodha.
 - Justice V.N. Khare.
55. I. When the language of the document on its face is ambiguous or defective, evidence may not be given to show its meaning or supply its defects.
- II. If contents of the document consists of illegible, technical, local and provincial expressions, the evidence may be given to show the meaning of the same.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
 - 'I' is incorrect and 'II' is correct.
 - both are correct.
 - both are incorrect.
56. When the Court has to form an opinion as to the electronic signature of any person, the opinion of the _____ is a relevant fact.
- expert on cyber law
 - expert on electronic signature
 - certifying authority
 - none of the above
57. Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling or any building, used as a place for worship, or as a place for the custody of property, is said to commit _____.

- II. A landlord shall not be entitled to recover possession on the ground of reasonable and bonafide requirement if the premises let to the Central Government in a cantonment area, are being used for residence by members of the Armed Forces of the union, or their families.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect. b. 'I' is incorrect and 'II' is correct.
 c. both are correct. d. both are incorrect.
63. Which of the following is a procedural defence that forbids a person from being tried again on the same or similar charges following a legitimate acquittal or conviction?
- a. Double jeopardy. b. Ex post facto law.
 c. Testimonial Compulsion. d. None of the above.
64. The marriage which has not consummated owing to the impotence of the respondent is _____.
- a. a void marriage. b. a voidable marriage.
 c. illegal marriage. d. valid marriage.
65. I. If the adoption is by a male and the person to be adopted is a female then as per Section 11 of the Hindu Adoption and Maintenance Act, 1956, the adoptive father must be at least 18 years older than the person to be adopted.
- II. The performance of *datta homam* shall not be essential to the validity of an adoption.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect. b. 'I' is incorrect and 'II' is correct.
 c. both are correct. d. both are incorrect.
66. I. After commencement of the Hindu Succession Amendment Act, 2005, for daughter to be a coparcener, on the date of the commencement of the Amendment Act, it is necessary that both the daughter and her father must be alive.
- II. After commencement of the Hindu Succession Amendment Act, 2005, for daughter to be a coparcener, on the date of the commencement of the Amendment Act, it is not necessary that the father should also be alive.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect. b. 'I' is incorrect and 'II' is correct.
 c. both are correct. d. both are incorrect.

67. Servient Heritage means _____.
- the easementary right received by succession.
 - the land on which liability is imposed.
 - the land for the beneficial enjoyment of which the easementary right exists.
 - none of the above.
68. I. A continuous easement is one whose enjoyment is or may be continued without the act of man.
- II. A discontinuous easement is one which needs the act of man for its enjoyment.
- Choose correct option in respect of above statements.
- only 'I' is correct.
 - only 'II' is correct.
 - both are correct.
 - none is correct.
69. Whether an appeal is tenable against an order of sentence of imprisonment/detention under Rule 2A of Order XXXIX of CPC?
- Appeal is not tenable.
 - Tenable under Cr.P.C.
 - Tenable under Clause (r) of Rule (1) of Order XLIII.
 - Tenable under Clause (h) of Sub-section (1) of Section 104 of CPC.
70. I. Leave to defend under Order XXXVII Rule 3 of CPC may be granted unconditionally.
- II. Leave to defend under Order XXXVII Rule 3 of CPC may be granted upon such terms as may appear to the Court to be just.
- Choose correct option in respect of above statements.
- 'I' is correct 'II' is incorrect.
 - 'I' is incorrect 'II' is correct.
 - both are correct.
 - both are incorrect.
71. Where in a complaint u/s. 138 of Negotiable Instrument Act, the complainant after filing his affidavit of evidence does not turn up in the matter on the day of hearing, the Magistrate can _____.
- acquit the accused u/s. 256 of Cr.P.C.
 - stop the proceeding u/s. 258 of Cr.P.C.
 - acquit the accused after delivering the judgment.
 - discharge the accused.

72. In an offence triable by Magistrate, if Magistrate is satisfied that a counter case being triable by Court of Session has been committed, then the Magistrate shall _____.
- direct the party to file application for transfer the case before the Sessions Judge.
 - commit the case to the Court of Sessions.
 - make a reference to Principal District Judge.
 - make a reference to the Chief Judicial Magistrate.
73. Police department of the State claiming right of ownership by way of adverse possession on the ground that the department is in possession of the property of individual for more than fifty years;
- State machinery is not entitled to claim possession on the basis of adverse possession of the property of the citizen.
 - the relief on the basis of adverse possession by the police department can be granted if the department fulfills the necessary requirements to prove its adverse possession.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
 - 'I' is incorrect and 'II' is correct.
 - both are correct.
 - both are incorrect.
74. As regards, presumption u/s. 90 of Evidence Act, which of the following statement is incorrect?
- If document is signed then it is presumed that, it is signature of that particular person.
 - If document is in the handwriting, then it is presumed that it is in the handwriting of that particular person.
 - If the document is executed or attested, then it is presumed that it is duly executed and attested.
 - If the document is attested and registered, then it is presumed that it is duly registered and contents of document are true and correct.
75. 'A' endorses a government promissory note and makes it payable to 'Z' or his order by writing on the bill the words 'Pay to Z or his order' and signing the endorsement. 'B' dishonestly erases the words 'Pay to Z or his order', and thereby converts the special endorsement into a blank endorsement.
- 'B' has committed forgery.
 - 'B' has committed criminal breach of trust.
 - 'B' has committed misappropriation.
 - 'B' has committed cheating.

76. Which of the following agreement is valid?
- 'A' agrees to sell 'B', a hundred tons of oil.
 - agreement by way of wager.
 - 'A' promises 'B' to drop a prosecution which he has instituted against 'B' for robbery, and B promises to restore the value of things taken.
 - none of the above.
77. Where one of the several donees does not accept the gift, gift is_____.
- void in total.
 - void to the extent of his part of interest.
 - voidable at the option of other donees.
 - none of the above.
78. For computing fresh period of limitation, an acknowledgment of liability_____.
- must be within one year of the expiration of prescribed period of limitation.
 - must be within the prescribed period of limitation.
 - may be during or after the subsistence of period of limitation, if it is in writing.
 - none of the above.
79. I. The suit under section 6 of the Specific Relief Act can be brought against the Government after the expiry of six months from the date of dispossession.
- II. No review shall lie against any order or decree passed in any suit instituted under section 6 of the Specific Relief Act.
- Choose correct option in respect of above statements.
- 'I' is correct and 'II' is incorrect.
 - 'I' is incorrect and 'II' is correct.
 - both are correct.
 - both are incorrect.
80. I. In view of Section 33 of the Maharashtra Rent Control Act, 1999 the suit or proceedings between the landlord and tenant relating to the recovery of rent or possession of any premises under this Act shall be decided by the Court of Small Causes in Brihan Mumbai.
- II. If the question of title to the premises is incidentally decided by the Court of Small Causes, Brihan Mumbai then it shall not bar a party from suing in the competent Court to establish his title to such premises.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect. b. 'I' is incorrect and 'II' is correct.
 c. both are correct. d. both are incorrect.
81. Article 21 provides that no person shall be deprived of his life and personal liberty except according to_____.
- a. procedure established by law. b. due process of law.
 c. due course of law. d. all of the above.
82. In which of the following Cases the Supreme Court held that the procedure contemplated under Article 21 must be right, just and fair, and not arbitrary?
- a. Golaknath case. b. Maneka Gandhi case.
 c. S.R. Bommai v. Union of India. d. Kesavananda Bharati case.
83. Where a question arises as to whether there is a reasonable excuse for withdrawal from society, the burden of proving such reasonable excuse shall be on the person_____.
- a. who has withdrawn from the society.
 b. who has made the petition.
 c. none of the parties.
 d. none of the above.
84. I. Under section 20 of Hindu Adoption and Maintenance Act, 1956, an illegitimate minor child can claim maintenance from his father.
 II. Under section 20 of Hindu Adoption and Maintenance Act, 1956, in absence of real son, the step son is not under obligation to maintain his (childless) step mother who is unable to maintain herself.
- Choose correct option in respect of above statements.
- a. 'I' is correct and 'II' is incorrect. b. 'I' is incorrect and 'II' is correct.
 c. both are correct. d. both are incorrect.
85. When two persons are related by blood or adoption, wholly through males, it is called_____.
- a. cognate. b. agnate
 c. full blood d. half blood
86. Where party aggrieved by a preliminary decree, does not appeal from such decree_____.
- a. may dispute the preliminary decree in a appeal from final decree.
 b. cannot dispute the preliminary decree in a appeal from final decree.
 c. cannot file appeal from the final decree.
 d. none of the above.

87. Upon death of a judgment debtor before satisfaction of decree _____.
- the decree becomes unexecutable.
 - the decree can be executed against the self acquired property of legal representatives.
 - legal representatives are liable to the extent of the property that has come to their hands through deceased judgment debtor.
 - execution proceeding abates.
88. Evidence before charge is to be recorded in a _____.
- summary trial.
 - summons trial.
 - warrant trial instituted upon police report.
 - none of the above.
89. Under Criminal Procedure Code writ of commission for recording evidence of witness residing in territory where the Cr.P.C. extends is to be issued to _____.
- Chief Judicial Magistrate or Chief Metropolitan Magistrate.
 - Judicial Magistrate First Class.
 - any Advocate enrolled with the Bar.
 - District Magistrate.
90. I. When the language used in a document is plain and applies accurately to the fact then evidence may not be given to show that it is not meant to apply to such facts.
- II. When the language in a document is plain but is unmeaning with reference to the existing facts then evidence may be given to show that it was used in a peculiar sense.
- Choose correct option in respect of above statements.
- 'I' is correct, 'II' is incorrect.
 - both are correct.
 - 'I' incorrect and 'II' correct.
 - both are incorrect.
91. Evidence under Section 27 of the Indian Evidence Act _____.
- can be used as substantive evidence.
 - can be used as corroborative evidence only.
 - must be excluded.
 - none of the above.
92. 'A' instigates 'B' to commit murder of 'C'. 'B' refuses to do so. In above illustration, whether 'A' has committed any offence.
- conspiracy.
 - abetment.
 - attempt to commit murder.
 - no offence.

Choose correct option in respect of above statements.

- a. 'I' is correct and 'II' is incorrect. b. 'I' is incorrect and 'II' is correct.
c. both are correct. d. both are incorrect.
99. A boy, aged 9 years, has been compelled to work in a factory making match boxes. Which Fundamental Right is violated in this case?
- a. Right to equality. b. Right against exploitation.
c. Right to freedom. d. Right to freedom of religion.
100. Which of the following fact is relevant under rule of res-gestae?
- a. "X" is tried for the murder of 'Y'. 'Y' was aware of fact that 'X' had murdered 'Z' and 'Y' had tried to extort money from 'X' by threatening to make his knowledge public.
- b. 'X' is accused of crime. Soon after the commission of crime 'A' absconded from his house.
- c. 'X' tried for committing murder at Mumbai. The fact that on the day of murder he was at Pune.
- d. 'X' killed his wife and at the time of incident, the neighbour heard the wife's cry for help to save her life.
