

QUESTION BOOKLET

SD : LDCE

Booklet Series

Booklet No.

A

Date: 20th August, 2017

Total Questions: 100

Time : 90 minutes.

Total Marks : 200

INSTRUCTIONS

1. The booklet contains 100 questions. All questions carry equal marks.
2. Immediately on receiving the question booklet, the candidate should check that the booklet does not have any unprinted or torn or missing pages or items, etc. If it is so found, the candidate should get it replaced by a complete Booklet. Question booklet will not be replaced after marking answers in answer-sheet.
3. Encode clearly the booklet series A,B,C or D, as the case may be, and indicate the series of question booklet, by completely shadowing the appropriate circle, **by black ink ball pen**, in the appropriate place in the answer-sheet. Any failure to shadow the appropriate circle will result in non evaluation of the answer-sheet.
4. If a candidate shadows the circle in the answer sheet which does not match the series of his/her question booklet, no marks will be allotted to such answer-sheet.
5. The candidate shall enter his Roll number on the Booklet in the box provided alongside.
6. The candidate has to mark his choices **Only** on the separate answer-sheet provided for the same. Please see instructions on last page of the answer-sheet.
7. Penalty for wrong answer:
There will be penalty for wrong answers marked by candidate.
 - (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, **one fourth** of the marks assigned to that question (**0.50**) will be deducted as penalty.
 - (ii) If a candidate gives more than one answer, it will be treated as a wrong answer, even if one of the given answers happens to be correct and there will be same penalty as above to that question.
 - (iii) If a question is left blank, i.e., no answer is given by the candidate, there will be no penalty for that question.

1. Which of the following statements is/are true?
 - a. The Court may in alternative to the summons under Order V, Rule 9 of Civil Procedure Code, 1908, permit plaintiff to effect service of such summons on defendant and in such a case, deliver the summons to such plaintiff for service.
 - b. Where defendant resides within the jurisdiction of another Court then subject to the rules framed by the High Court, the summons may be sent by electronic mail service to the Court having jurisdiction in the place where the defendant resides.
 - c. When the defendant is a soldier the Court shall send the summons for service to the Ministry of Defence.
 - d. All the above.

2. When any Court u/s 345 of Cri.P.C. has adjudged an offender to punishment for any intentional insult, the Court may u/s. 348 of Cri.P.C., in its discretion, _____.
 - a. discharge the offender.
 - b. remit the punishment on apology being made to its satisfaction.
 - c. both 'a' and 'b'.
 - d. none of the above.

3. 'A' intentionally causes Z's death, partly by illegally omitting to give 'Z' food, and partly by beating 'Z'. 'A' has committed an offence of _____.
 - a. murder.
 - b. attempt to murder.
 - c. culpable homicide not amounting to murder.
 - d. none of the above.

4. 'A' propounded a Will against 'B' in a suit. 'A' contended that both the attesting witnesses were dead. How the Will can be proved if 'B' denies the execution ?
 - a. By proving that both the attesting witnesses are not alive.
 - b. By proving that the attestation of one attesting witness at least is in his handwriting.
 - c. By proving that the signature of the person, who purported to have executed the document, is in the handwriting of that person.
 - d. All the above.

5. By the act of creating a Charge_____.
- a property is made security.
 - interest in the property is transferred.
 - possession in the property is transferred.
 - title in the property is transferred.
6. When the Court may rectify instrument to express real intention of parties?
- If mistake is mutual.
 - If mistake is unilateral.
 - If mistake is of law.
 - If mistake is in offer.
7. Which of the following statements is/are false?
- Any male Hindu may dispose of by Will his interest in a Mitakshara coparcenary property, which is capable of being disposed by him, in accordance with the provisions of law.
 - If an intestate has left no heir qualified to succeed to his property in accordance with the provisions of Hindu Succession Act, 1956, such property shall devolve on the Government.
 - While exercising preferential right to acquire property u/s. 22 of the Hindu Succession Act, 1956, if there are two or more heirs specified in Class I of the schedule proposing to acquire any interest under this section, the heir in the first entry shall be preferred to the heir in the second entry of the schedule.
 - None of the above.
8. Bailment means_____.
- the delivery of goods by one person to another to be returned by way of an equivalent in other commodities.
 - the delivery of goods by one person to another to be returned by way of an equivalent in money.
 - the delivery of goods by one person to another for some purpose to be returned or otherwise disposed of as per the order of the bailor.
 - all of the above.
9. Which of the following statements is false?
- A landlord shall not be entitled to recovery of possession of any premises so long as the tenant pays, or is ready and willing to pay, the amount of the standard rent and permitted increases and performs or observes the conditions of tenancy.

- b. executable by a civil court.
 - c. executable by a criminal court.
 - d. both 'a' and 'b'.
14. In reference to release of offender on probation u/s. 4 of the Probation of Offenders Act, 1958, state which of the following statements is false?
- a. The Court shall have regard to the circumstances of the case and nature of the offence.
 - b. The Court shall have regard to the character of the offender.
 - c. The Court shall direct release of offender though the offender or his surety may not have fix place of abode or regular occupation in the jurisdiction of the Court.
 - d. The Court may make a supervision order.
15. As per Section 18 of the Juvenile Justice Act, 2015 the Juvenile Justice board can also pass order(s) to _____.
- a. attend a vocational training centre .
 - b. attend a therapeutic centre.
 - c. undergo de-addiction programme.
 - d. all of the above.
16. Cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio, or image is called _____.
- a. Communication device.
 - b. Digital devices.
 - c. Computer resource.
 - d. Computer network.
17. The liability to pay compensation u/s. 140 of Motor Vehicles Act, on the principle of no fault, in death case is _____.
- a. depending upon the income of the deceased.
 - b. fixed sum of Rs.25,000/-
 - c. fixed sum of Rs. 50,000/-
 - d. depending upon the age of the deceased.
18. In view of amended provision of Order XV-A of CPC in its application to commercial disputes, which of the following statements is/are true ?
- a. The Court can fix the date on which the evidence of the

witnesses of the parties is to be recorded and the date on which oral arguments are to be heard.

- b. In fixing the dates the commercial Court shall ensure that the arguments are closed not later than six months from the date of the first case management hearing.
 - c. Both 'a' and 'b'.
 - d. None of the above.
19. As per section 376 of Cri.P.C., there shall be no appeal by convicted person _____.
- a. where the High Court passes only a sentence of imprisonment for a term of one year.
 - b. where a Metropolitan Magistrate passes only a sentence of imprisonment for a term of six months.
 - c. where a Magistrate of First Class passes only a sentence of fine not exceeding one hundred rupees.
 - d. all of the above.
20. Section 34 of the Indian Penal Code _____.
- a. embodies a rule of common law.
 - b. is a substantive offence.
 - c. does not create any substantive offence, but is only a rule of evidence and lays down the principle of joint criminal liability.
 - d. provides for strict liability.
21. Which of the followings is not a secondary evidence?
- a. A photograph of an original.
 - b. A copy compared with a copy of a letter made by copying machine, if it is shown that the copy made by the copying machine was made from the original.
 - c. A copy transcribed from a copy but afterwards compared with the original.
 - d. An oral account of a copy compared with the original.
22. When the immovable property is sold to a male subject to a condition or limitation absolutely restraining the transferee or any person claiming under him from parting with or disposing of his interest in the property, the condition or limitation is _____.
- a. valid.
 - b. void.
 - c. voidable.
 - d. none of the above.

23. _____ is always appurtenant to the dominant tenement and inseparably attached to it and cannot be severed from it.
- a. Customary right
 - b. Easement
 - c. Adverse possession
 - d. None of the above
24. Which of the following statements is/are false?
- a. The plaintiff in a suit for perpetual injunction may claim damages in addition to the relief of injunction.
 - b. The plaintiff in a suit for perpetual injunction cannot claim damages in substitution to the relief of injunction.
 - c. No relief for damages can be granted in such a suit unless plaintiff has claimed such relief in his plaint.
 - d. None of the above.
25. When a female Hindu dies intestate and if she has inherited the properties from her father, then the property shall devolve firstly_____.
- a. upon her surviving sons and daughters.
 - b. upon the heirs of her father.
 - c. upon her mother.
 - d. upon the heirs of her husband.
26. A stipulation for increased interest from the date of default is known as_____.
- a. damage.
 - b. compensation.
 - c. penalty.
 - d. liquidated damages.
27. The Maharashtra Rent Control Act,1999 shall apply to_____.
- a. any premises belonging to a local authority.
 - b. premises let to the Government.
 - c. any premises let to private limited company having paid up share capital up to rupees fifty lac.
 - d. both 'b' and 'c'.
28. Article 20 of the Constitution of India represents which Fundamental Right ?
- a. Equality of opportunity in matters of public employment.
 - b. Protection in respect of Conviction for Offences.

- c. Protection of life and personal liberty.
 - d. Right against Exploitation.
29. As per section 19 of the Indian Partnership Act, 1932, in absence of any _____ to the contrary, the implied authority of a partner, as agent of the firm, cannot be used in the circumstances mentioned in the section.
- a. contract
 - b. custom of the trade
 - c. usage of trade
 - d. both 'b' and 'c'
30. Which of the following statements is false?
- a. The relief under section 12 of the Protection of Women from Domestic Violence Act, 2005 may include a relief for issuance of an order for payment of compensation without prejudice to the right to institute a suit for compensation caused by the acts of domestic violence.
 - b. Under Section 18 of the Act, the respondent can be prohibited from causing violence to the other relatives of the aggrieved person who give the aggrieved person assistance from domestic violence.
 - c. Under Section 19 of the Act, the respondent cannot be directed to remove himself from the shared household.
 - d. Under Section 19 of the Act, order may be passed restraining the respondent from alienating or disposing off the shared household.
31. Which of the following statements is false?
- a. A person, without any previous conviction, is found guilty of having committed an offence punishable u/s.420 of IPC, instead of sentencing him, Court can release him after due admonition, under the Probation of Offenders Act
 - b. The benefit of releasing the offender on probation of good conduct cannot be given if a person is found guilty of having committed an offence punishable with imprisonment of 10 years.
 - c. While granting the benefit of Section 4 of the Probation of Offenders Act, the Court may impose additional conditions with respect to residence, abstention from intoxicants etc.
 - d. None of the above.
32. Which of the following is the leading judgment of the Supreme Court on the point of multiplier?
- a. Sarla Verma and ors. V/s Delhi Transport Corporation and another.

- b. National Insurance Co. Ltd. V/s. Swaran Singh and others.
- c. Rajesh and others V/s. Rajbir Singh and others.
- d. Amrut Bhanu Shali and others V/s. National Insurance Co.Ltd.
And Others.
33. If in any suit, a party dies without any legal representative, the Court may by order appoint _____ to represent the estate of deceased for the purposes of the suit.
- a. Administrator General
- b. any other person as it thinks fit
- c. both 'a' and 'b'
- d. Advocate General
34. As mentioned in section 300(5) of Cri.P.C., a person discharged under section _____ shall not be tried again for the same offence except with the consent of the Court by which he was discharged or of any other Court to which the first-mentioned Court is subordinate.
- a. 258
- b. 239
- c. 245
- d. all of the above.
35. 'A', an officer of a Court of justice, being ordered by that Court to arrest 'Y', and, after due enquiry, believing 'Z' to be 'Y', arrests 'Z'. 'A' has committed_____.
- a. wrongful confinement.
- b. wrongful restraint.
- c. no offence.
- d. none of the above.
36. With reference to sec. 92 of the Indian Evidence Act which of the following statements is false?
- a. 'A' applies to 'B' for a debt due to 'A' by sending a receipt for the money. 'B' keeps the receipt and does not send the money. In a suit for the amount, 'A' may prove this by oral evidence.
- b. 'A' sells 'B' a horse and verbally warrants him sound. 'A' gives 'B' a paper in these words "Bought of 'A' a horse of Rs. 500/-". 'B' cannot prove the verbal warranty.
- c. 'A' hires lodgings of 'B', and gives 'B' a card on which is written- "Rooms, Rs. 200/- a month". 'A' may prove a verbal agreement that these terms were to include partial board.

- d. 'A' agrees absolutely in writing to pay 'B' Rs.10,000/- on the first March, 2017. The fact that, at the same time, an oral agreement was made that the money should not be paid till the thirty first March, cannot be proved.
37. With reference to the Transfer of Property Act, which of the following statements is false ?
- An easement can be transferred apart from the dominant heritage.
 - A mere right to sue cannot be transferred.
 - All interest in the property restricted in its enjoyment to the owner personally cannot be transferred by him.
 - A right to future maintenance cannot be transferred.
38. As per Section 19 of the Hindu Succession Act, 1956, if two or more heirs succeed together to the property of an intestate, they shall take the property _____.
- as tenants in common.
 - as joint tenants.
 - save as otherwise expressly provided in the Hindu Succession Act, as per stripes.
 - none of the above.
39. 'A' and 'B' go to a shop. 'A' says 'let 'B' have the goods and if he does not pay I will pay'. This is a contract of _____.
- guarantee.
 - bailment.
 - indemnity.
 - pledge.
40. Which of the following is/are the new changes under the Maharashtra Rent Control Act,1999?
- Compulsory registration of tenancy agreement.
 - Compulsory issue of the rent receipt.
 - Legalized the receipt of premium or deposit by the landlord.
 - All of the above.
41. In view of section 25(3) of the Limitation Act, 1963, acquisition of easement by prescription over the property belonging to the Government will be absolute and indefeasible, by a continuous, open, peaceful and uninterrupted user of such easementary right for a period of _____.
- twelve years.
 - twenty years.
 - twenty five years.
 - thirty years.

42. Which of the following statements is/are true?
In case of a heinous offence committed by a child above the age of 16 years, the Juvenile Justice Board shall conduct preliminary assessment with regard to _____.
- his mental and physical capacity to commit such offence.
 - his ability to understand the consequences of the offence.
 - the circumstance in which he allegedly committed the offence.
 - all the above.
43. Which of the followings is/are 'intermediary', defined under section 2(w) of the Information Technology Act, 2000?
- FlipKart
 - Yahoo
 - Google
 - All the above.
44. Which of the following statements is/are false:
- Accident Claims Tribunal are not entitled to insist on personal presence of the applicants at the time of filing of the claim petitions.
 - The Accident Claims Tribunal shall refuse to accept the filing of the claim petitions if the documents as provided in Rules 254 to 255-A of the Maharashtra Rules are not filed along with the claim petitions.
 - On application made by the applicant, the Accident Claim Tribunal may issue direction to the Officer In-charge of any Police Station to furnish information directly to the Tribunal in accordance with Sub-Rule 6 of Rule 254 of the Maharashtra Rules.
 - none of the above.
45. The maxim 'Nemo debet bis vexari pro una at eadem cause' is the basic principle behind the rule of _____.
- Res judicata.
 - Res subjudice.
 - Jurisdiction.
 - none of the above.
46. The Chapter relating to Plea Bargaining has no application in the following offences:
- Offences against woman.
 - Offences affecting socio economic condition of the country.
 - Offences against child below age of 14 years.
 - All the above.

47. Which of the following statements is/are correct in view of section 105 of the Indian Penal Code?
- The right of private defence of property against mischief continues as long as the offender continues in the commission of mischief.
 - The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such house-breaking continues.
 - Both 'a' and 'b'.
 - None of the above.
48. In view of Sec. 126 of the Indian Evidence Act which of the following statements is incorrect.
- 'A', a client, says to B, an attorney- "I have committed forgery and I wish you to defend me". This communication is protected from disclosure.
 - 'A', a client, says to 'B', an attorney- "I wish to obtain possession of property by the use of a forged deed on which I request you to sue". This communication is protected from disclosure.
 - 'A', being charged with embezzlement, retains 'B', an attorney, to defend him. In the course of the proceedings, 'B' observes that an entry has been made in A's account-book, charging 'A' with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment. As the fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.
 - None of the above.
49. Where the mortgagor delivers possession of the mortgaged property to the mortgagee authorizing him to retain such possession until payment of the mortgage money and to receive the rents and profits accruing therefrom. Such a mortgage is called_____.
- usufructuary mortgage.
 - simple mortgage.
 - anomalous mortgage.
 - English mortgage.
50. Any person, other than owner, having the possession or control of movable property can be compelled specifically to deliver it to the person entitled to its immediate possession where;
- the defendant holds such property as the agent or trustee of the plaintiff.
 - it is possible to ascertain the actual damage caused by its loss.

Choose correct option in respect of above statements:

- a. 'I' is incorrect and 'II' is correct.
 - b. 'I' is correct and 'II' is incorrect.
 - c. both are correct.
 - d. both are incorrect.
51. Under section 14 of the Hindu Marriage Act, no petition for divorce is to be presented within _____ of marriage.
- a. six months
 - b. one year
 - c. two years
 - d. three years
52. Where both the parties are under a mistake as to a matter of fact essential to the agreement, the agreement is _____.
- a. voidable.
 - b. illegal.
 - c. void.
 - d. valid.
53. Assertion (A) : It is the legal and constitutional duty of the State to provide free legal aid to the poor.
- Reason (R) : No citizen shall be denied justice by reason of his poverty.
- a. Both (A) and (R) are true and (R) is the correct explanation of (A).
 - b. Both (A) and (R) are true and (R) is not a correct explanation of (A).
 - c. (A) is true but (R) is false.
 - d. (A) is false but (R) is true.
54. If sufficient cause is shown for not filing proceeding in the Court, time can be extended if _____.
- a. the delay is for preferring appeal or making application under the Code of Civil Procedure.
 - b. the delay is for filing suit.
 - c. the delay is for filing any execution application.
 - d. all of the above.
55. According to section 21 of the Civil Procedure Code, when an objection as to the place of suing shall be taken?
- a. Any time.
 - b. Can be taken for the first time at appellate or revisional stage.

- c. Before the Court of first instance at the earliest possible opportunity.
 - d. None of the above.
56. Which of the following statements is/are true?
- a. In a criminal case when accused desires, a translation of judgment in his own language if practicable or in the language of the Court shall be given to him.
 - b. A criminal Court may, if it thinks fit for some special reason, give the copy of judgment free of cost to any person affected by the judgment.
 - c. Both 'a' and 'b'.
 - d. None of the above.
57. Which of the following statements is/are correct ?
- a. Nothing is an offence which is done by a person who is, or who by reason of mistake of fact in good faith believes himself to be, bound by law to do it.
 - b. Nothing is an offence which is done by a person who is, or who by reason of mistake of law in good faith believes himself to be, bound by law to do it.
 - c. both 'a' and 'b'.
 - d. none of the above.
58. How to prove a contract contained in several letters ?
- a. by proving all the letters in which it is contained.
 - b. it is sufficient if any one of such several letters is proved.
 - c. merely by tendering all such letters before the Court.
 - d. none of the above.
59. Which of the followings is not a condition for a valid gift of immovable property ?
- a. Registered instrument signed by or on behalf of the donor.
 - b. Consideration.
 - c. Attestation by at least two witnesses.
 - d. Acceptance of gift by the donee during the lifetime of the donor.

60. Two persons are said to be related to each other by _____ when they are descended from a common ancestor but by different wives.
- a. full blood
 - b. half blood
 - c. uterine blood
 - d. none of the above.
61. Which of the following statements is false?
- a. 'A', 'B' and 'C' jointly promise to pay 'D' Rs. 10,000/-. 'D' may compel either 'A' or 'B' or 'C' to pay him Rs. 10,000/-.
 - b. 'A', 'B' and 'C' are under a joint promise to pay 'D' Rs. 10,000/-, 'A' and 'B' being only sureties for 'C'. 'C' fails to pay. 'A' and 'B' are compelled to pay the whole sum. 'A' and 'B' are entitled to recover it from 'C'.
 - c. 'A', 'B' and 'C' are under a joint promise to pay 'D' Rs. 10,000/-. 'C' is unable to pay anything and 'A' is compelled to pay the whole. 'A' is not entitled to receive Rs. 5,000/- from 'B'.
 - d. None of the above.
62. In the case of public nuisance, a suit under section 91 of the Code of Civil Procedure may be instituted _____.
- a. by the Attorney General.
 - b. by the Government Pleader.
 - c. with the leave of the Court, by two or more persons.
 - d. with the leave of the Court by the Public Prosecutor.
63. Which of the following statements is false ?
- a. If the accused is not in custody, he shall be required by the Court to attend to hear the judgment pronounced.
 - b. The accused shall not be required to attend personally to hear the pronouncement of judgment, if his attendance during trial has been dispensed with and the sentence is one of fine only.
 - c. Where the accused is not present in the Court when he is sentenced to imprisonment for 10 years the Court shall issue warrant of his arrest for the purposes of forwarding him to the Jail.
 - d. None of the above.
64. The term “Movable Property” u/s. 22 of Indian Penal Code is intended to include _____.
- a. corporeal property.
 - b. incorporeal property.
 - c. intangible property.
 - d. things attached to the earth.

65. "A' agrees, in writing, to sell a horse to 'B' for Rs. 1,000/- or Rs. 1,500/-."

Which of the following statements is/are correct in reference to above illustration.

- a. Evidence can be given to show that price of Rs. 1,000/- was to be given.
 - b. Evidence can be given to show that price of Rs. 1,500/- was to be given.
 - c. Evidence cannot be given to show which price was to be given.
 - d. both 'a' and 'b'.
66. The pendency of a suit as contemplated under u/s. 52 of Transfer of Property Act shall be deemed to commence from the date of presentation of the plaint and continues till _____.
- a. the suit has been disposed of by a final decree.
 - b. complete satisfaction or discharge of such final decree has been obtained.
 - c. execution of such decree has become unobtainable by reason of expiry of period of limitation.
 - d. all the above.
67. Section 16 of the Hindu Marriage Act, 1955 confers legitimacy on the children of _____.
- a. a void marriage.
 - b. a voidable marriage.
 - c. a valid marriage.
 - d. both void and voidable marriages.
68. Which of the following acts will not amount to 'fraud' within the meaning of section 17 of the Indian Contract Act, 1872?
- a. The active concealment of a fact by one having knowledge or belief of the fact.
 - b. A promise made without any intention of performing it.
 - c. The suggestion, as a fact, of that which is true, by one who does believe it to be true.
 - d. none of the above.
69. A plaint was rejected under Order VII, Rule 11 of the Code of Civil Procedure, 1908, for non payment of Court fee. The remedy available to the aggrieved party, is _____.
- a. to file an appeal u/s.96 of CPC.

- b. the bridegroom has completed the age of 18 years and the bride, the age of 21 years at the time of marriage.
 - c. both bridegroom and the bride have completed the age of 21 years at the time of marriage.
 - d. both the bridegroom and the bride have completed the age of 18 years at the time of marriage.
75. Where a decree has been passed against a firm, which of the following statements is/are correct in respect of execution of such decree?
- a. execution may be granted against any person who has been individually served as a partner with a summons and has failed to appear.
 - b. execution may be granted against any person who has appeared in his own name under Rule 6 of order XXX of CPC.
 - c. both 'a' and 'b'.
 - d. none of the above.
76. Which of the following statements is/are true ?
- a. Whenever a Magistrate is of opinion that the accused ought to receive a punishment different in kind from that which such Magistrate is empowered to inflict, he may submit the proceeding and forward the accused to the Chief Judicial Magistrate.
 - b. When more accused than one are being tried together, and the Magistrate considers to proceed against any of such accused, for receiving more severe punishment than he is empowered to inflict, he shall forward only such accused who is in his opinion guilty, to the Chief Judicial Magistrate.
 - c. Both 'a' and 'b'.
 - d. None of the above.
77. To constitute an offence of kidnapping from lawful guardianship the age of kidnapped minor must be _____.
- a. under 18 years if male or under 16 years if female.
 - b. under 16 years if male or under 18 years if female.
 - c. not more than 21 years in case of both male and female.
 - d. under 18 years in case of both.
78. In reference to examination of a witness, which of the following statements is incorrect?

- a. The credit of a witness may be impeached by proof that he has been bribed to give evidence.
 - b. The Court shall forbid any question which appears to be intended to insult.
 - c. If a man is prosecuted for rape, where the question of consent is an issue, it may be shown that the prosecutrix was of generally immoral character.
 - d. When a witness is cross examined, he may be asked any question which tend to discover who he is.
79. Where a dependent has a right to receive maintenance out of an estate and such estate is transferred then the right to receive maintenance may be enforced against _____.
- a. the transferee for consideration without notice of the right.
 - b. the transferee for consideration who has notice of the right.
 - c. the gratuitous transferee.
 - d. both 'b' and 'c'.
80. With reference to execution proceedings, which of the following statements is/are false?
- a. The share of the judgment debtor in movable property can be attached by notice to the judgment debtor prohibiting him from transferring the share.
 - b. When the negotiable instrument is not deposited in Court nor is in the custody of a public officer, the attachment of such instrument shall be made by actual seizure and the instrument shall be brought into the Court.
 - c. Where the property to be attached is in the custody of public officer the attachment shall be made by notice to such officer requesting that such property may be held subject to the further orders of the Court.
 - d. None of the above.
81. Which of the following statements is false?
- a. Any accused before a criminal Court against whom proceedings are instituted under the Code of Criminal Procedure may of right be defended by a pleader of his choice.
 - b. In a trial before the Court of Session, if the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State.

86. If 'A' having pawned his watch to 'Z', takes it out of Z's possession without his consent, not having paid what he had borrowed on watch. 'A' has committed an offence of_____.
- a. criminal breach of trust.
 - b. theft.
 - c. criminal misappropriation.
 - d. no offence.
87. A suit under Section 92 of the Code of Civil Procedure is being instituted. Which of the following statements is true?
- a. Suit may be instituted by the Attorney General with the previous assent of the Government.
 - b. Suit may be instituted by two or more persons having an interest in the Trust with the permission of the Advocate General.
 - c. Suit may be instituted by two or more persons having an interest in the Trust with the leave of the Court.
 - d. Suit may be instituted by the Advocate General but only with the leave of the Court.
88. Under section 97 of the Code of Criminal Procedure search warrant to find out a person can be issued if _____.
- a. the person is absconding.
 - b. the person is unlawfully confined.
 - c. the person is missing.
 - d. whereabouts of such person are not known.
89. In the crime of adultery, the wife is_____.
- a. punishable as a co-accused.
 - b. punishable as an abettor.
 - c. not punishable.
 - d. punishable as an accomplice.

90. Which of the following statements is/are false?
- In mortgage suit when the possession of mortgage property is with the mortgagee, if the mortgagor during the pendency of the suit deposit the sum due on the mortgage, which is substantially sufficient to satisfy the mortgage, the Court shall direct the mortgagee to pay the mortgagor, mesne profits as may be determined, till the actual delivery of possession by the mortgagee to the mortgagor.
 - Where any property the sale of which is directed under order XXXIV of CPC is subject to prior mortgage, the Court may, with the consent of prior mortgagee, direct that property be sold giving to such prior mortgagee, the same interest in the proceeds of the sale as he had in the property sold.
 - Both 'a' and 'b'.
 - None of the above.
91. State which of the following statements is/are correct?
- Agreement to commit an act which furnishes ground for civil action amounts to criminal conspiracy.
 - Agreement to commit an offence amounts to criminal conspiracy.
 - Agreement to commit an act which is prohibited by law amounts to criminal conspiracy.
 - All the above.
92. Section 311-A of the Code of Criminal Procedure empowers the Magistrate of First Class to _____.
- summon material witness.
 - postpone or adjourn proceedings.
 - order person to give specimen signature.
 - visit and inspect any place in which an offence is alleged to have been committed.
93. Which of the following statements is/are false?
- Reference to the High Court can be made in pending civil case.
 - There cannot be reference to the High Court in Criminal cases.

- c. Both 'a' and 'b'.
 - d. There can be a reference in execution proceeding of a decree.
94. Compensation for accusation without reasonable cause can be awarded by the Magistrate_____.
- a. under section 357(3) of the Code of Criminal Procedure.
 - b. under section 357-A of the Code of Criminal Procedure.
 - c. under section 359 of the Code of Criminal Procedure.
 - d. under section 250 of the Code of Criminal Procedure.
95. I. Where a decree is for payment of money, the Court may, in the decree, order interest at such rate as the Court deems reasonable to be paid on the principal sum adjudged, from the date of the suit till date of the decree.
- II. Where the liability in relation to the sum so adjudged has arisen out of a commercial transaction based on contract, the Court may, while decreeing the suit, order the interest on such principal sum adjudged exceeding the contractual rate of interest.

Choose correct option in respect of above statements:

- a. 'I' is incorrect and 'II' is correct.
 - b. 'I' is correct and 'II' is incorrect.
 - c. both are correct.
 - d. both are incorrect.
96. Which of the following statements is true?
- Power under section 311 of the Code of Criminal Procedure cannot be exercised_____.
- a. to recall any witnesses already examined.
 - b. to examine any person in attendance of the Court.
 - c. to summon any person who has not been cited as a witness.
 - d. none of the above.

97. I. The Court may direct the attachment of the whole or any portion of the property at any stage of the suit, if the Court is satisfied, by affidavit or otherwise that the defendant is about to dispose of the whole or any part of his property with intent to obstruct or delay the execution of any decree which may be passed against him.
- II. The Court may issue a warrant to arrest any person other than defendant at any stage of the suit, if the Court is satisfied, by affidavit or otherwise that such person has absconded or left the local limits of the jurisdiction of the Court with intent to obstruct or delay the execution of any decree which may be passed against defendant.

Choose correct option in respect of above statements:

- a. 'I' is incorrect and 'II' is correct.
- b. 'I' is correct and 'II' is incorrect.
- c. both are correct.
- d. both are incorrect.
98. Power u/s. 249 of Cri.P.C. to discharge the accused can be exercised if _____.
- a. the offence is non-cognizable or compoundable.
- b. the offence is non-compoundable.
- c. the offence is compoundable and non-cognizable.
- d. the offence is cognizable and non-compoundable.
99. Which of the following classes of suits may be tried by summary procedure?
- a. Suit, on an enactment, to recover penalty amount.
- b. Suit for malicious prosecution.
- c. Suit to recover a debt from defendant arising on a written contract.
- d. Suit for perpetual injunction.

100. State which of the following categories of offences may be tried summarily?
- a. Offence punishable u/s. 505 of the Indian Penal Code.
 - b. Offence u/s. 454 of the Indian Penal Code.
 - c. Offence constituted by an act in respect of which complaint may be made u/s. 20 of the Cattle Trespass Act, 1871.
 - d. Both 'b' and 'c'.
