

17/04/19

HIGH COURT OF TRIPURA  
COMPETITIVE EXAMINATION FOR DIRECT RECRUITMENT TO  
GRADE-III OF THE TRIPURA JUDICIAL SERVICE (TJS), 2019

LAW PAPER-II

100 Marks

[Duration : 3 hours]

Part-I

Indian Penal Code

1. Write short notes on two topics:

5 X 2 = 10 Marks

- (a) Relevance of motive and intention in criminal law
- (b) Right of private defence of the body and property
- (c) Liability of a member of an unlawful assembly

2. Write only the correct answer against the multiple choice questions.

5 X 1 = 5 Marks

(i) If *Actus non facit reum nisi mens sit rea* is a cardinal principle of criminal law, then which one of the following statements correctly reflects the above principle

- (a) *mens rea* is an essential element of a crime and there cannot be a crime without *mens rea*
- (b) criminal liability under Indian Law always implies *mens rea*
- (c) to constitute a crime there must be *actus rea* and *mens rea*
- (d) *actus rea* is not always necessary to constitute a crime

(ii) Which one of the following statements correctly describes the concept of '*Mens rea*'

- (a) *mens rea* need not be present at the stage of planning
- (b) *mens rea* should be excluded unless the statute specifically requires to be proved
- (c) absolute prohibition is not required to negative *mens rea*
- (d) if the statute is silent about *mens rea*, as a general rule it should be read to the statute

(iii) 'X' with the intention of causing Z's death gave him a severe blow on his head. Z became unconscious. X believing Z to be dead and with a

view to fabricate the evidence, throws X into a pond. It was found that Z died because of drowning. X is guilty of

- (a) grievous hurt
- (b) committing murder
- (c) attempt to commit murder
- (d) committing culpable homicide not amounting to murder

(iv) Whoever voluntarily obstructs any persons, so as to prevent that persons from proceeding in any direction in which that person has a right to proceed is guilty of

- (a) wrongful restraint
- (b) wrongful confinement
- (c) both (a) and (b)

(v) 'X' – a rich persons residing in Kochi, sends Rs.50,000/- to his agent at Chennai with a direction that the money be given equally to two poor students 'A' and 'B' who are studying in the Medical College over there. Instead of doing so, the agent gives the money equally to two other very poor deserving students. The agent has committed

- (a) criminal breach of trust
- (b) no offence
- (c) cheating
- (d) criminal misappropriation of property

3. Write a note with illustration on one of the following topics:

**10 Marks**

- (a) Giving false evidence and fabricating false evidence
- (b) Common intention and common object

## **Part-II**

### **Code of Criminal Procedure**

1. Write short notes on two topics:

**5 X 2= 10 Marks**

- (a) Arrest without warrant
- (b) Report of the Police Officer on completion of investigation
- (c) Cancellation of bail

2. Write only the correct answer against the multiple choice questions.

**5 X 1 = 5 Marks**

**(i)** Hearing on sentence by a Magistrate is required, on conviction

- (a) in a summons trial case under Section 255(2) of Cr.P.C.
- (b) in a warrant trial case under Section 248(2) of Cr.P.C.
- (c) both (a) & (b)
- (d) only (b) & not (a)

**(ii)** Under section 313 of Cr.P.C., the statement of the accused

- (a) has to be recorded on oath
- (b) has to be recorded without oath
- (c) either on oath or without oath depending on whether the case is a summons trial or a warrant trial
- (d) either on oath or without oath as per the discretion of the court

**(iii)** Under section 321 of Cr.P.C.

- (a) prosecution can be withdrawn in summons case without consent of the court
- (b) prosecution can be withdrawn in a warrant case without consent of the court
- (c) in any type of cases but only with the consent of the court
- (d) both (a) & (b)

**(iv)** The prosecution of judges and public servants are provided in

- (a) section 197 of Cr.P.C.
- (b) section 179 of Cr.P.C.
- (c) section 297 of Cr.P.C.
- (d) section 279 of Cr.P.C.

**(v)** Plea Bargaining inserted by Criminal Law (Amendment) Act, 2005 (2 of 2006) does not apply in case of

- (a) offences affecting socio-economic conditions of the country
- (b) offences committed against woman
- (c) offences against children below the age of fourteen years
- (d) all of the above

3. Write a note with illustration on one of the following topics:

**10 Marks**

- (a) Power to proceed against other persons appearing to be guilty of offence in the trial
- (b) Irregularities which do not vitiate proceedings

**Part-III**

**Indian Evidence Act**

1. Write short notes on two topics:

**5 X 2 = 10 Marks**

- (a) 'When facts not otherwise relevant becomes relevant'
- (b) Presumption and proof
- (c) 'Evidence has to be weighed and not counted'

2. Write only the correct answer against the multiple choice questions.

**5 X 1 = 5 Marks**

(i) Which section of Evidence Act provides that 'oral admissions as to the contents of electronic records are not relevant unless the genuineness of the electronic record produced is in question'

- (a) Section 22
- (b) Section 22A
- (c) Section 22B
- (d) Section 23A

(ii) Under Section 27 of the Evidence Act, 'discovery of fact' includes

- (a) the object found
- (b) place from where it is produced
- (c) knowledge of the accused as to its existence
- (d) all of the above

(iii) Confession of an accused is admissible against co-accused

- (a) if they are tried jointly for the same offences
- (b) if they are tried jointly for different offences
- (c) if they are tried for different offences and not jointly
- (d) if they are tried for the same offences but not jointly

(iv) A disputed hand-writing can be proved by

- (a) calling an expert
- (b) comparison of hand-writing in-question with proven hand-writing by court itself
- (c) examining a person who is acquainted with that person's hand-writing
- (d) all of the above

(V) Section 91 of Evidence Act applies to

- (a) transactions which under the law must be in writing
- (b) transactions which are reduced into writing voluntarily
- (c) both (a) and (b) are correct
- (d) none of these

3. Write a note with illustration on one of the following topics:

**10 Marks**

(a) Genuineness of a signature on a document was in dispute. Parties produced but did not examine hand-writing expert. The trial Judge himself compared the disputed signature with the admitted signature of the alleged executants. On what grounds the finding can be challenged?

(b) 'Where a party fails to question the opponent's witness, the presumption is that the evidence is accepted'-elaborate the statement and indicate the exception, if any, in your note.

#### **Part-IV**

#### **Law of Torts**

1. Write short notes on two topics:

**5 X 2= 10 Marks**

- (a) Essentials of negligence
- (b) Principles of strict liability
- (c) Remoteness of damages

2. Write only the correct answer against the multiple choice questions.

5 X 1 = 5 Marks

(i) Tort is a violation of

- (a) a right *in personam*
- (b) a right *in rem*
- (c) both right *in personam* & a right *in rem*
- (d) neither a right *in personam* nor a right *in rem*

(ii) *Volenti non fit injuria* is .

- (a) a defence in an action for torts
- (b) a ground for initiation action for torts
- (c) not a defence in an action for torts
- (d) both (b) & (c) above

(iii) Where two or more persons commit some tort against the same person they are

- (a) independent tort feasons
- (b) joint tort feasons
- (c) either independent tort feasons or joint tort feasons
- (d) neither (a) nor (b)

(iv) Under the doctrine of vicarious liability a master is liable for the acts of his servant

- (a) only if the servant is under the control of the master as regards the manner in which the work is to be done
- (b) only if the servant is not under the control of the master as regards the manner of doing work
- (c) irrespective of whether the servant is under the control of the master or not as regards the manner of doing the work
- (d) all are correct

(v) Which of the following is not actionable as a tort of defamation

- (a) hasty expression spoken in anger or vulgar abuses
- (b) words which injure the feelings or cause annoyance but not reflecting on the character
- (c) both (a) & (b)
- (d) neither (a) & nor (b)

3. Write a note with illustration on one of the following topics:

**10 Marks**

- (a) Defences that can be raised in an action for defamation.
  - (b) Vicarious liability with special reference to liability by ratification and liability by abetment
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