

**HIGH COURT OF TRIPURA
MAIN WRITTEN EXAMINATION FOR RECRUITMENT TO GRADE-III OF
TRIPURA JUDICIAL SERVICE (TJS), 2022**

LAW PAPER-II

**Total Marks-100
Duration-3 (three) hours**

PART-I

1. Answer any two of the following questions:

10x2=20

- A. Explain with reference to decided cases the difference between 'mistake of law' and 'mistake of fact'. Discuss the provisions of IPC, 1860 relating to presumption of innocence of a child committing an offence.
- B. What constitutes the offence of rape? Discuss under relevant provisions provided under the Indian Penal Code, 1860 with the help of suitable case laws. What is the present position of Section 377 of IPC?
- C. Explain the ingredients of criminal trespass. How does it differ from 'house trespass'?
- D. Explain the constitutional validity of Section 309 (attempt to commit suicide) in the light of the landmark judgment of the Supreme Court.

2. Decide the criminal liability of A in the following:

1x5=5

- i. A received divine order in his sleep to sacrifice his child of five years of age. He carries out the order and kills his son.
- ii. B claimed that his body was resistant against sharp instruments and invited A to get the fact tested. A cut B on arm but B bled to death.
- iii. A without knowledge of the guardian takes H a girl of 16 years out of possession of her guardian on the request of the girl. He restores her after one week to her parents.
- iv. A & B are fighting and B's wife with a baby on her shoulders intervenes. A struck the lady but it fell on the infant who is killed.
- v. A is at work with a hatchet with proper care & caution. The head flies off accidentally and kills a man who is standing by.

PART-II**3. Answer any 2 (two) of the following questions:****10x2=20**

- A. State various cases whereupon a court is empowered to issue search warrant. What are the remedies available to an aggrieved person against whom a search warrant has been issued?
- B. Discuss the provision of magistrate's power for issuing temporary order in urgent cases of nuisance or apprehended danger. State the circumstances in which such order can be made.
- C. Discuss the power of the High Court and Court of Sessions to grant bail in non-bailable offences.
- D. What is the procedure for preferring appeal when the accused is in jail? What is the procedure where the judges of the Court of Appeal are equally divided?

4. What is the place of inquiry or trial in the following situations?**1x5=5**

- i. Where the local area of commission of offence is uncertain.
- ii. Offence committed partly in one local area and partly in other.
- iii. In case of continuing offence.
- iv. Offence committed in course of performing a journey or voyage.
- v. Offence committed outside India.

PART-III**5. Answer any 2 (two) of the following:****10x2=20**

- A. Explain the situations when facts not otherwise relevant become relevant.
- B. Discuss the cases where communication of a client and his advocate is regarded as privileged.
- C. "The burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence". Explain the statement.
- D. Witnesses may lie but circumstances cannot". Discuss the statement highlighting the importance of circumstantial evidence.

6. Write short notes on any two of the following:**2.5x 2=5**

- (i) Res gastae.
- (ii) Latent ambiguity and patent ambiguity
- (iii) Estoppel

PART-IV**7. Answer any two of the following questions:****10x2=20**

- A. What is the relevance of intention, motive and malice in law of torts? Explain with the help of decided cases.
- B. Discuss the liability of joint tort feasors with case law.
- C. Explain the test of 'reasonable foresight' and the test of 'directness' with the help of decided cases to determine if the damage is remote or not.
- D. State the essential elements for the tort of defamation and explain whether the classification of libel and slander is applicable in India.

8. Write short notes on the following:**1x5=5**

- (i) Vis major
- (ii) Respondent superior
- (iii) Last opportunity rule
- (iv) Innuendo
- (v) Nervous shock

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