

**EXAMINATION FOR RECRUITMENT TO GRADE-I
OF TRIPURA JUDICIAL SERVICE, 2015**

LAW PAPER – II

TOTAL MARKS – 100

TIME – 3 HOURS

Answer all questions from GROUP-A (in approximate 300 words)

1. GROUP – A

(4 x 5 = 20)

(i) 'A' filed a suit for the recovery of rent against 'B', on the ground that 'B' was his tenant and has not paid rent for the past two years. In the written statement filed, 'B' admitted that he was the tenant of 'A', but he pleaded that he has paid the rent without a receipt having been issued.

During the trial 'B' filed an application seeking permission to amend the written statement and instead pleaded that he was not a tenant of 'A'.

Decide and give reasons?

(ii) A motor truck was being driven by 'A', who had no licence for driving. 'B', who was the driver of the truck, was sitting by the side of 'A'. The truck, while being thus driven, struck a telephone pole and hit a passerby, whose one leg got crushed and had to be amputated to save his life.

What offence, if any, has been committed by 'A' and 'B'?

(iii) During the investigation of a case 'A's statement is recorded under Section 161 of Cr.P.C. At the trial, 'A' is not examined as a prosecution witness, but the accused examined him in his defence. In his cross-examination by the State, the prosecutor wants to contradict 'A' by reference to his said statement recorded under Section 161 of Cr.P.C. The defence objected to it.

Decide the objections?

(iv) 'A' and 'B', master and servant respectively, are being jointly tried for the murder of 'X' and also thereafter for having made away with the dead body to hide the crime (Sections 302 and 201 IPC).

A confession is made by 'B', the servant, to the effect that without any previous knowledge of the crime, 'B' was taken to the house of 'X' by 'A' and suddenly asked to through light from a torch as a serpent had come out; at that time 'X' came out of the house at the call of 'A', and 'A' killed him without any complicity of 'B'. The two together then disposed the body.

Is this confession relevant against 'A'? Give reasons for or against?

Answer any 2(two) questions from each of GROUP-B to GROUP-G (in approximate 700 words). Each question shall carry 5(five) marks.

2. GROUP – B

(2 X 5 = 10)

- (i) State whether or not the disposition of properties by gift or Will for the benefit of unborn person is valid? State the law?
- (ii) What is the difference between a mortgage by conditional sale and a document of sale with a condition of repurchase? Discuss with reference to case laws?
- (iii) What is meant by rule against perpetuity? Illustrate pointing out the distinction between English and Indian laws?

3. GROUP – C

(2 X 5 = 10)

- (1) What is the difference between necessary party and proper party? What is the effect of non-joinder of a necessary party and proper party?
- (ii) What do you know about provisions for withdrawal of a suit or abandonment of a part of claim?
- (iii) What is the difference between a question of law and a substantial question of law? Discuss with reference to a second appeal under Section 100 of CPC?

4. GROUP – D

(2 X 5 = 10)

- (i) What is the value of the First Information Report in a cognizable offence? What is the effect of delay in lodging such a report? What is the power of the Magistrate in the matter of investigation of a cognizable offence?
- (ii) Discuss the procedure prescribes for a trial before a Court of Sessions? What are the basic difference in respect of a trial of a Sessions case, a warrant case and a summons case?
- (iii) What is the law of pre-bargaining and its applicability and relevancy in India?

5. GROUP – E

(2 X 5 = 10)

- (i) Discuss the doctrine of *mens rea* and *actus reus* in reference to the penal laws in India?
- (ii) Discuss the criminal liability of a reporter, editor and publisher of a newspaper for publishing an article which has the effect of promoting enmity between different groups on ground of religion?
- (iii) The Court shall be failing in its duty if it fails to award appropriate punishment for a crime committed not only against individual victim, but also against the society to which the criminal and victim belong. Discuss with reference to case laws?

6. GROUP – F

(2 X 5 = 10)

- (i) "Men may lie but document will not". Critically examine this statement in the light of the rule excluding oral evidence by documentary evidence under the Indian Evidence Act?
- (ii) Explain as to how the credit of a witness be impeached by the adverse party?

- (iii) What is the evidentiary value of testimony of an accomplice?
Can improper admission or rejection of evidence be a basis for a new trial or reversal of any decision in any case?

7. GROUP – G

(2 X 5 = 10)

- (i) Time commences to run, the moment the right to sue accrues. State the explanation, if any, to the above rule, giving illustration?
- (ii) The litigant is entitled, as of right, to exclude the period spent in an infructuous proceeding in computing period of limitation. Discuss?
- (iii) All plaintiffs, who have a joint cause of action, must be impleaded in a suit. Refer to relevant provision of Limitation Act as to effect of substituting or adding new plaintiffs or defendants

8. Choose the correct options :-

(20 x 1 = 20)

- (i) Sections 39 and 40 of Cr.P.C. make it mandatory to give information regarding commission of certain offences. Such information can be given to -
- (a) A Magistrate
 - (b) A police officer
 - (c) Either to a Magistrate or to a police officer
 - (d) The Magistrate and the police officer both simultaneously.
- (ii) Statement of witnesses recorded under Section 164 of Cr.P.C. are -
- (a) Substantive evidence
 - (b) Corroborative evidence
 - (c) Both substantive and corroborative evidence
 - (d) Neither substantive nor corroborative evidence.

(iii) Section 210 of Cr.P.C. can be invoked -

- (a) When there is a complaint case and police is also investigating the matter
- (b) When there is a complaint case, but no police investigation is in progress
- (c) When there is a complaint case and the police has already completed the investigation and filed the final report
- (d) All the above.

(iv) What is the punishment for grievous hurt by use of acid -

- (a) Imprisonment not less than 7 years
- (b) Imprisonment not less than 10 years
- (c) Imprisonment not less than 5 years
- (d) Imprisonment not less than 2 years

(v) The limit of solitary confinement is dealt with in -

- (a) Section 74 of IPC
- (b) Section 75 of IPC
- (c) Section 73 of IPC
- (d) Section 7 of IPC

(vi) Which one of the following is not a public servant -

- (a) Liquidator
- (b) A Civil Judge
- (c) Member of a Panchayet, assisting a Court of justice
- (d) Secretary of a Cooperative Society.

(vii) Grave and sudden provocation is -

- (a) Question of fact
- (b) Question of law
- (c) Mixed question of fact and law
- (d) A presumption under the law.

(viii) Presumption under Section 41 of Evidence Act is a -

- (a) Presumption of fact
- (b) Rebuttable presumption of law
- (c) Irrebuttable presumption of law
- (d) Presumption of fact and law.

(ix) Court questions can be put by virtue of -

- (a) Section 164 of the Evidence Act
- (b) Section 165 of the Evidence Act
- (c) Section 166 of the Evidence Act
- (d) Section 167 of the Evidence Act

(x) Section 121 of the Evidence Act provides for privilege in respect of -

- (a) Husband and wife
- (b) Judges and Magistrates
- (c) Affairs of the State
- (d) Official communication.

(xi) Section 152 of Cr.P.C. empowers the Court to correct -

- (a) Clerical or arithmetical mistakes
- (b) Accidental slips or omissions
- (c) Any defect or error in proceedings
- (d) Only (a) and (b).

(xii) Order XII Rule 8 of CPC pertains to -

- (a) Notice to admit document(s)
- (b) Notice to admit fact
- (c) Notice to produce document
- (d) Both (a) and (b).

(xiii) A caveat shall not remain in force after the expiry of -

- (a) 30 days
- (b) 60 days
- (c) 90 days
- (d) 180 days.

(xiv) Order XXII of CPC applies to -

- (a) Suits
- (b) Appeals
- (c) Execution proceeding
- (d) All the above.

(xv) The honourous gift is dealt in -

- (a) Section 127 of the Transfer of Property Act, 1882
- (b) Section 126 of the Transfer of Property Act, 1882
- (c) Section 125 of the Transfer of Property Act, 1882
- (d) Section 124 of the Transfer of Property Act, 1882

(xvi) A suit to obtain a decree that a mortgagor shall be absolutely debarred of his right to redeem the mortgaged property is called -

- (a) A suit for fore-closer
- (b) A suit for claim
- (c) A suit for interest
- (d) A suit for cost.

(xvii) Within the meaning of Section 54 of the Transfer of Property Act, 1882, the sale does not include -

- (a) Higher purchase transaction
- (b) Auction sale
- (c) Instalment payment system
- (d) None of the above.

(xviii) The period of limitation for a suit, to redeem or recover possession of immovable property mortgaged, by a mortgagor, is -

- (a) 12 years
- (b) 30 years
- (c) 6 years
- (d) 3 years

(xix) A suit for arrears of maintenance can be filed within -

- (a) 1 year
- (b) 2 years
- (c) 1 to 3 years
- (d) 3 years

(xx) Section 27 of the Limitation Act does not extinguish the right in -

- (a) Suits
- (b) Appeals
- (c) Execution application
- (d) All the above.
