

HIGH COURT OF TRIPURA

Written Examination for Grade-I of Tripura Judicial Service (By Direct Recruitment)

PAPER-II

Total Marks : 100
Duration : 3(three) hours

Part-I

1. **Comment on or answer three from the following statement or questions**
[within 100 words]

15

[5 for each question/comment]

- (a) Section 5 of Transfer of Property Act provides that expression "transfer of property" means an act by which a living person conveys property, in present or future, to one or more other living persons, or to himself :
(i) Whether family arrangement is transfer?
(ii) Whether surrender amounts to transfer?
(iii) Whether an idol is a living person?
- (b) "The foundation of the doctrine of election is that one may not approbate and reprobate at the same time".
- (c) What is the difference between a mortgage by conditional sale and a document of sale with a condition of re-purchase?
- (d) Can a consent decree in absence of registration operate as instrument of transfer by gift of immovable property?

Part-II

2. **Comment on or answer two from the following statement or questions**
[within 100 words]

10

[5 for each question/comment]

- (a) What is the legal position on the point of limitation in case of set-off or a counter-claim?
- (b) What aspects should be borne in mind to determine whether sufficient cause exists or not?
- (c) "When once time has begun to run, no subsequent disability to institute a suit can stop it".

Part-III

**3. Comment on or answer four from the following statement or questions
[within 100 words]**

20

[5 for each question/comment]

- (a) "Man may lie but documents will not".
- (b) What is the difference between "Fact in Issue" and "Relevant Fact"?
- (c) What is the law regarding burden of proof in respect of exercise of right of private defence?
- (d) What are the conditions to be satisfied to admit 'secondary evidence'?
- (e) How can the credit of a witness be impeached by adverse party?
- (f) "Witness not to be excused from answering on the ground that answers will incriminate".

Part-IV

**4. Comment on or answer three from the following statement or questions
[within 100 words]**

15

[5 for each question/comment]

- (a) Suits of what nature can be tried by a Civil Court?
- (b) Distinction between a decree passed by a court lacking territorial or pecuniary jurisdiction and a decree passed by the court lacking jurisdiction in respect of the subject matter.
- (c) In a civil suit, while framing issues, what materials would you take into consideration?
- (d) When and how a decree of any foreign court can be executed in India?

Part-V

**5. Explain or answer three from the following circumstances or questions
[within 100 words]**

15

[5 for each question/explanation]

- (a) How does a Court of Sessions take cognizance of an offence?

- (b) Can a person be convicted of an offence not specified in charge?
- (c) Explain the circumstances in which evidence may be recorded in the absence of the accused person.
- (d) Explain the circumstances in which an arrest without a warrant can be made. Can a Magistrate issue warrant for arrest in respect of a cognizable offence before taking cognizance of the offence?

Part-VI

6. Explain or answer three from the following circumstances or questions [within 100 words]

15

[5 for each question/explanation]

- (a) What are the various parameters of a rarest of rare cases for awarding death penalty?
- (b) Explain- "the distinction between 'Murder' and 'Culpable homicide not amounting to murder' is very fine but real".
- (c) How the offences like 'outraging the modesty of a woman' and 'insulting the modesty of a woman' are different?
- (d) 'Sections 304B and 498A of the Indian Penal Code are not mutually exclusive' - Explain.

Part-VII

7. Answer the following questions.

10

[1 for each question]

- (a) How may the content of a document be proved under Section 61 of the Indian Evidence Act?
- (b) Who is the person competent to testify?
- (c) When the leading questions can be asked?
- (d) What will the accused entitled to if the investigation is not completed within the prescribed period and the accused is in the custody?
- (e) When the accused can be called as a witness in a criminal trial?

- (f) Whether the illegality or irregularity of investigation in a non-cognizable case made by the police, without the order of the Magistrate under Section 155(2) of the Cr.P.C. is curable?
- (g) On what does the jurisdiction to try a person for an offence depend under the general principles?
- (h) When can the presumption under Section 113B of the Indian Evidence Act be taken?
- (i) In respect of what, is the right to private defence in India available?
- (j) Who cannot be proceeded for committing 'theft'?