

HIGH COURT OF TRIPURA

December, 2019

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

PAPER-II

Total Marks: 100

Duration : 3 hours

Part-I

Answer any two of the following questions:

5X2= 10 Marks

1. What is the difference between a mortgage by conditional sale and deed of sale with a condition of re-purchase?
2. Explain the rule against perpetuity in the context of transfer of property.
3. Explain the difference between vested interest and contingent interest in relation to transfer of property?
4. Explain the concept of part performance and its effect.

Part-II

Answer any two of the following questions:

5X2= 10 Marks

1. Explain the concept of "sufficient cause" in the context of Section 5 of The Limitation Act, 1963.
2. In computing period of limitation time consumed bona fide in court without jurisdiction is to be excluded. Please explain this concept.
3. When can acknowledgement of liability by a party give rise to fresh period of limitation?
4. Explain the effect of fraud or mistake on the period of limitation for filing a suit or application.

Part-III

Answer any two of the following questions:

10X2= 20 Marks

1. Explain the difference between "fact in issue" and "relevant fact".
2. What are the ingredients of a valid confession? Under what circumstances confession by an accused cannot be proved against him?
3. What is a dying declaration? Under what circumstances conviction of an accused can be recorded solely on the basis of a dying declaration?
4. How can electronic record be proved before the court?

Part-IV

Answer any two of the following questions:

10X2= 20 Marks

1. Explain the concept of res judicata.
2. What is the concept of territorial jurisdiction of a civil court? At what stage objection to the territorial jurisdiction of the court can be raised?
3. Explain different grounds on which the court would reject the plaint under order VII Rule 11 of The Code of Civil Procedure, 1908.
4. What is the difference between withdrawal of a suit and abandonment of part of the claim?

Part-V

Answer any two of the following questions:

10X2= 20 Marks

1. Explain the difference between murder and culpable homicide not amounting to murder.
2. What is the difference between the offence of cheating, misappropriation and criminal breach of trust?
3. What is an unlawful assembly? Explain the difference between the "common intention" and "common object"?
4. Write a short note on the right of private defense.

Part-VI

Answer any two of the following questions:

10X2= 20 Marks

1. What are the powers of the Sessions Court to grant bail? What should be the consideration for grant of bail to an accused?
 2. What is a charge, what should be the contents of the charge? What would be the effect of a defective charge?
 3. Explain the difference between cognizable and non cognizable offense and magistrate triable and sessions triable case?
 4. Death penalty is awarded by courts in India in rarest of the rare case. Please elaborate.
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