

ARUNACHAL PRADESH JUDICIAL SERVICE GRADE-I, 2013

PAPER-II

Time-3 (three hours)

Total Marks-100

Answer all questions. Marks are indicated against each question.

GROUP-A

- Q. No. 1.** (a) What is Sale and how a Sale is made? 5
 (b) Whether a contract for Sale of property itself, create any interest in, or charge on such property?
- Q. No. 2.** (a) Who can sue for redemption of the mortgaged property? 3
 (b) What will be the effect of gift, if the donee dies before acceptance of the gift?
 (c) What will be the effect of gift comprising both existing and future property?
- Q. No. 3.** (a) A owes money to B, who transfers the debt to C, B then 3
 demands the debt from A, who, not having received notice of the transfer, as prescribed in Section 131, pays B. Here, can C sue A for the debt.
 (b) What will be the effect of transfer of immovable property made without consideration with intent to defraud a subsequent transferee?

GROUP-B

- Q. No. 1.** (a) What questions are to be determined by an executing Court under Section 47 of the Code of Civil Procedure? 3
- (b) Can a Court order arrest or detention of a woman in civil prison in execution of a decree for the payment of money?
- Q. No. 2.** (a) When and under what circumstances petitions for review and revision are maintainable? 3
- (b) When and under what circumstances service of summons can be declared to be duly served, in respect of summons issued by registered post acknowledgement?
- Q. No. 3.** (a) What is the relief, which a defendant can ask in respect of an ex parte decree passed against him? 5
- (b) Can a minor sue or be sued, if so what are the modes?
- (c) What are the golden principles of granting temporary injunction?
- (b) Can a temporary injunction be granted without notice to the opposite party? If so, when?
- (c) Whether an appeal shall operate as a stay of the proceedings under a decree or order appealed from?

Q. No. 4. (a) Which Court can grant stay of the execution of any 5
appealable decree?

(b) What are the (a) Resjudicata and (b) Stay of suit.

GROUP-C

Q. No. 1. (a) Who and under what circumstances, can claim allowance 5
for maintenance? Whether a wife, living separately by
mutual consent, is entitled to receive allowance for
maintenance?

(b) Under what circumstances and under which provision of
the Code a Magistrate can authorize detention of an
accused person, beyond the period of 15 days otherwise
than in Police custody?

Q. No. 2. (a) What are the procedures or stages to be followed, after 6
compliance of which, a Magistrate can issue process in a
complaint case?

(d) Can a Magistrate postpone the issue of process in a
complaint case, if so, when?

(e) Can a Court alter charge? If so, when and what is the
procedure to be followed with regard to examination of
witness?

Q. No. 3. (a) State the procedure with regard to discharge and framing 4

of charge before a Court of Sessions?

- (b) If the Court of Sessions, considering the charge, finds that the case is not exclusively triable by the Court of Sessions, then, what is the procedure to be followed by the Court of Sessions?

Q. No. 4. (a) Can a victim prefer an appeal against an order of acquittal? 4

If so, under which provision of the Code?

- (b) State under what circumstances and which provision of the Code, Court can summon and examine any person as witness or recall and re-examine any such person? 3

Q. No. 5. (a) Under what circumstances and which provision of the Code, Sessions Judge can exercise power of revision? 6

- (b) Can the power of revision be exercised in relation to any interlocutory order in any appeal, inquiry, trial or other proceeding?

- (c) Whether an appeal under Section 377 or Section 378 shall finally abate on the death of the accused person?

- (d) Who and what stage on the death of the convict-appellant, apply for leave to continue the appeal?

- (e) Is there any bar in taking cognizance of an offence, if so when such bar will apply?

- (f) At what stage(s) of a case the accused person(s) is to be examine by the Court and what is the object or purpose of such examination?

GROUP-D

Q. No. 1. Write short notes on any two of the following:- 3

- (a) Facts in issue,
- (b) Disprove,
- (c) Relevant.

Q. No. 2. (a) Distinguish between confession and admission. Are 5 (2+2+1)
admissions conclusive proof of the matters admitted?
(b) Whether confession made by accused, while in custody of Police can be proved against him, if not, what is the exception, if any?
(c) Whether retracted confession can be sole basis of confession?

- Q. No. 3.** (a) Can certified copies of public documents be produced in proof of contents of public document? 4
- (b) A is charged with traveling on a railway without a tickets. What is the burden of 'A' in this case?
- (c) A, a client, says to B an attorney- " I have committed forgery and I wish you to defend me". Is this communication protected from disclosure?
- (d) What will be the evidentiary value of a dying declaration of a victim, when the victim survives and gives deposition?

GROUP-E

- Q. No. 1.** Write the circumstances under which accused persons can be charged with the aid of Section 149 and Section 34 IPC. State if conviction of accused persons, with the aid of Section 34 I.P.C., who are charged with the aid of Section 149 IPC is illegal? 2
- Q. No. 2.** (a) What is culpable homicide? 6
- (b) When will culpable homicide become an offence u/s 304 Part-II IPC.
- (c) A, under the influence of Passion, excited by a provocation given by Z, intentionally killed Y, Z's child. Here, what offence has 'A' committed?

- Q. No. 3.** (a) A, a Police Officer, tortures Z in order to induce Z to confess that he had committed a crime. Here, under which Section of the Penal Code A is liable to be punished? 10
- (b) A causes Z to go within a walled space and locks Z in. Here, what offence has 'A' committed?
- (c) A intentionally pulls up a woman's veil, without her consent intending or knowing it likely that he may thereby injure, frighten or annoy her. Here, what offence has 'A' committed?
- (d) A finds a ring lying on the high road, not in the possession of any person. What offence is committed by 'A' by taking the ring?
- (e) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and deliver the note. Here, what offence has A committed?
- (f) A holds Z down and fraudulently takes Z's money and jewels from Z's cloths without Z's consent. Here, what offence has 'A' committed?
- (g) A finds a purse with money, not knowing to whom it belongs, he afterwards discovers that it belongs to Z, and appropriate it to his own use. Here, what offence has A committed?
- (h) A, a carrier is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. Hence, what offence has A committed?
- (i) A, by falsely pretending to be in the Civil Service,

GROUP-F

Q. No. 1. Write notes on any two of the following: 5

- (a) Easement,
- (b) Good faith,
- (c) Promissory note.

Q. No. 2. (a) Can a suit or an appeal or application filed after the prescribed period be admitted, if so, when and under what circumstances? 5

- (b) When will time run against other persons, if one of them suffers from legal disability?

Q. No. 3. (a) What is the effect of substituting or adding new plaintiff or defendant? 5

- (b) What is the effect of fraud or mistake with regard to the delay in filing the suit or application?

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