

**LIMITED DEPARTMENTAL EXAMINATION, 2017****Excise Officers****(Law)****(With Books)****PAPER-II****Time Allowed: Two Hour****Maximum Marks: 100****I N S T R U C T I O N S****DO NOT OPEN THIS QUESTION BOOKLET SEAL UNTIL YOU ARE TOLD TO DO SO**

1. Immediately after the commencement of the examination, you should check that this Test Booklet does not have any unprinted or torn or missing pages or items, etc. If so, get it replaced by a complete Test Booklet.
2. Write your Roll Number on the Test Booklet in the Box provided alongside.
3. This Test Booklet contains 100 items (questions). Each item comprises four responses (answers) written as **(a), (b), (c) and (d)**. You will select the response which you feel is correct and want to mark on the answer sheet.
4. You have to mark all your responses ONLY on the separate Answer Sheet provided. Also read the directions in the Answer Sheet. Fill in all the entries in the Answer Sheet correctly, failing which your Answer Sheet shall not be evaluated.
5. Count the number of questions attempted carefully and write it down in the space provided in the OMR Sheet. This has to be verified by the Invigilator before leaving.
6. After you have completed filling in all your responses on the Answer Sheet and the examination has concluded you should hand over to the Invigilator the Answer Sheet (in original). **You are permitted to take away 2<sup>nd</sup> Copy of OMR Answer Sheet and the Test Booklet.**
7. All items carry equal marks.
8. Candidature would be cancelled in case of non-compliance with any of these instructions.
9. There will be NO PENALTY for wrong answers.

1. 'Evidence' under the Indian Evidence Act, 1872 includes
  - a) Oral evidence
  - b) Documentary evidence
  - c) Both
  - d) Neither
2. The Indian Evidence Act, 1872 applies to
  - a) Proceedings before Tribunals
  - b) Proceedings before the Arbitrator
  - c) Judicial proceedings in Courts
  - d) All the above
3. A fact forming part of the same transaction is relevant under section 6 of the Indian Evidence Act, 1872
  - a) If it is in issue and have occurred at the same time and place
  - b) If it is in issue and may have occurred at the same time and place
  - c) Though not in issue and may have occurred at the same time and place, or at different times and places
  - d) Though not in issue, but must have occurred at the same time and place
4. Admission can be
  - a) Formal only
  - b) Informal only
  - c) Either formal or informal
  - d) Only formal and not informal
5. Confession of an accused is admissible against co-accused
  - a) If they are tried jointly for the same offences
  - b) If they are tried jointly for different offences
  - c) If they are tried for the same offences but not jointly
  - d) If they are tried for different offences and not jointly
6. Lists of facts of which the judicial notice has to be taken under section 57 of the Indian Evidence Act, 1872,
  - a) Is exhaustive
  - b) Is illustrative only
  - c) Is both (a) and (b)
  - d) Is neither (a) nor (b).
7. Which section of the Indian Evidence Act, 1872 provides the test of ascertaining on which side the burden of proof lies,
  - a) section 101
  - b) section 102
  - c) section 103
  - d) section 104
8. Which of the following is true as to the standard of proof in criminal and civil proceedings
  - a) In criminal proceedings the standard is beyond reasonable doubt and also in civil proceedings
  - b) In criminal proceedings the standard is beyond reasonable doubt while in civil proceedings it is 'upon the balance of probabilities'
  - c) In criminal proceedings the standard is 'upon the balance of probabilities' while in civil proceedings it is 'beyond reasonable doubt'
  - d) In criminal and civil proceedings both it is 'upon the balance of probabilities.
9. The presumption under section 109 of Evidence Act as to certain human relationship
  - a) Is obligatory and arises irrespective of the lapse of time
  - b) Is permissive and operates only for a period for which the state of things which are the subject matter of presumption ordinarily lasts
  - c) Is obligatory and operates only for a period for which the state of things which are the subject matter of presumption ordinarily lasts
  - d) Either (a) or (b).
10. Presumption as to dowry death is contained in
  - a) Section 111A of the Indian Evidence Act, 1872
  - b) Section 113A of the Indian Evidence Act, 1872
  - c) Section 113B of the Indian Evidence Act, 1872
  - d) Section 113 of the Indian Evidence Act, 1872.

11. The doctrine of *estoppel* is a
- Substantive law
  - Rule of equity
  - Rule of evidence
  - Law of pleadings.
12. In which of the following there is no *estoppel*
- On a point of law
  - Against a statute
  - Attestation of a deed
  - All of the above.
13. *Estoppel* operates in case of a tenant
- During the continuance of tenancy
  - Who remain in possession after the termination of tenancy by notice to quit
  - Only (a) and not (b)Both (a) and (b)
  - Both (a) and (b).
14. An accomplice is
- Not a competent witness against an accused
  - A competent witness against an accused
  - Cannot be a competent witness against an accused
  - None of the above.
15. The deciding factor under section 112 of Evidence Act is
- The date of conception of the child
  - The date of birth or conception depending on the facts and circumstances
  - The date of death of the child
  - The date of birth of the child.
16. Marks on the ground, produced by a struggle at or near the place of murder, are
- Relevant issues
  - Relevant facts
  - Irrelevant issues
  - Irrelevant facts
17. Confessional statement of an accused before a police officer is
- Admissible as against the police officer
  - Admissible as against the accused
  - Inadmissible as against the police officer
  - Inadmissible as against the accused
18. Facts can be
- Physical facts
  - Psychological facts
  - Physical facts as well as psychological facts
  - Physical facts only and not psychological facts
19. Fact in issue means
- Fact, existence or non-existence of which is admitted by the parties
  - Fact, existence or non-existence of which is disputed by the parties
  - Fact, existence or non-existence of which is not disputed by the parties
  - All the above
20. Confession of an accused is admissible against co-accused
- If they are tried jointly for the same offences
  - If they are tried jointly for different offences
  - If they are tried for the same offences but not jointly
  - If they are tried for different offences and not jointly
21. Document includes
- Written facts
  - A map or plan
  - An inscription on a stone
  - All the above
22. A person makes a confession while in police custody and such confession is inadmissible as per
- section 25 of the Evidence Act
  - section 26 of the Evidence Act
  - section 27 of the Evidence Act
  - section 28 of the Evidence Act

23. Under section 27 of the Evidence Act, 'discovery of fact' includes
- The object found
  - The place from where it is produced
  - Both (a) and (b)
  - Neither (a) nor (b)
24. Statements made by an agent of a party to a proceedings is
- admissible only if it is expressly authorized by the party
  - admissible only if it is impliedly authorized by the party
  - admissible if it is expressly or impliedly authorized by the party
  - not admissible at all even if it is expressly or impliedly authorized by the party
25. Section 27 of the Evidence Act applies
- When the person giving information is an accused and not in police custody
  - When the person giving information is an accused and is in police custody
  - When the person giving information is not an accused but is in police custody
  - When the person giving information is neither an accused nor is in police custody
26. Which of the following sections of the Evidence Act deals with 'the amount of information received from accused which may be proved'?
- Section 24
  - Section 27
  - Section 23
  - Section 28
27. Which of the following sections is a proviso to section 25 and 26 of the Evidence Act?
- Section 23
  - Section 24
  - Section 27
  - Section 28
28. Under section 32 of the Evidence Act, the statement of a person who is dead to be admissible
- Must relate to the cause of his own death
  - May relate to the cause of someone else's death
  - May relate to the cause of his own death or someone else's death
  - None of the above
29. Under section 32 of the Evidence Act, the declaration
- As to private rights and customs are admissible
  - As to public rights and customs are admissible
  - As to both public and private rights and customs are admissible
  - Only as to customs are admissible
30. A dying declaration
- Can form the sole basis of conviction without any corroboration by independent evidences
  - Can form the basis of conviction only on any corroboration by independent evidences
  - Cannot form the sole basis of conviction unless corroborated by independent witness
  - Only (b) and (c) are correct
31. Under section 83 of the Evidence Act presumption as to the accuracy of maps and plans can be raised in respect of
- Maps and plans made by private persons
  - Maps and plans made by authority of Government
  - Both (a) and (b) above
  - Only (a) but not (b)
32. Due execution and authentication of a power of attorney shall be presumed under section 85 of the Evidence Act when executed before and authentication by
- A magistrate
  - A judge
  - A notary
  - All the above
33. Secondary evidence of a document means
- Copies of that document
  - Oral account of the contents of that document
  - Both (a) and (b) above
  - Only (a) but not (b)

34. Which section of the Indian Evidence Act, 1872 provides for the circumstances under which secondary evidence is admissible
- Section 63
  - Section 64
  - Section 65
  - Section 66
35. X, a businessman, executes a document in several parts. Which part of the document is primary evidence of the document?
- The part containing the major issues / facts
  - The part containing the most significant issue / fact
  - None, since a document cannot be executed in part
  - Each part
36. The calling of at least one attesting witness to prove a document under section 68 is not necessary
- When the document other than a Will is registered under the Indian Registration Act 1908
  - When the document including a Will is registered under the Indian Registration Act 1908
  - When the document irrespective of whether it is a Will is registered under the Indian Registration Act 1908
  - Both (b) and (c) are correct
37. Which section of the Indian Evidence Act, 1872 provides for admissibility of electronic record
- Section 65
  - Section 65A
  - Section 65B
  - Section 66
38. Documents which are not covered under section 74 of the Indian Evidence Act, 1872 are called
- Semi-public documents
  - Quasi-public documents
  - Private documents
  - None of the above
39. Admission of oral evidence, in respect of a written document, is prohibited under section 92 of the Indian Evidence Act, 1872, for the purpose of
- Contradicting its terms
  - Varying its terms
  - Adding to its terms
  - All the above
40. Re-examination of a witness can be done
- After examination-in-chief but before cross-examination
  - After examination-in-chief and after cross-examination
  - Either (a) or (b)
  - Neither (a) nor (b)
41. Public Prosecutors may be appointed
- In High Courts
  - In District and Sessions Courts
  - In Special Courts
  - All the above
42. Public Prosecutors may be appointed for conducting any prosecution, appeal or other proceedings for
- The Central Government
  - For the State Government
  - For (a) and (b)
  - Neither (a) nor (b)
43. The Code of Criminal Procedure, 1973 came into force from
- 1<sup>st</sup> January 1974
  - 1<sup>st</sup> February 1974
  - 1<sup>st</sup> March 1974
  - 1<sup>st</sup> April 1974
44. Who among the following authorities after being authorized by the State Government can issue conditional order for removal of public nuisance under section 143 of the CrPC?
- District Magistrate
  - Sub-Divisional Magistrate
  - Executive Magistrate
  - All the above
45. Who among the following authorities has power to prohibit repetition or continuance of public nuisance?
- District Magistrate
  - Sub-Divisional Magistrate
  - Executive Magistrate
  - All the above

46. When there exists cause of any breach of action regarding the right of land or water, the Executive Magistrate
- Can make an order to parties to be present before him in person
  - Can make an order to parties to be present before him with their pleaders
  - Can send a written statement about their claim for right by post
  - Either (a) or (b)
47. Who among the following authorities has power to command an unlawful assembly to disperse?
- District Magistrate
  - Sub-Divisional Magistrate
  - Executive Magistrate
  - None of the above
48. A case relating to an offence punishable with an imprisonment for a term of less than two years is
- A summon-case
  - A warrant-case
  - An appeal case
  - None of the above
49. In a summon case, when an accused is brought before a magistrate, he shall be
- Stated of the particulars of the offences he is accused of
  - Asked if he pleads guilty
  - Asked if he has any defence to make
  - All the above
50. In every trial in a Court of Session, the prosecution is conducted by the
- Concerned judge
  - Defence lawyer
  - Public prosecutor
  - Investigating officer
51. In a summon case, a magistrate of first class may stop the proceeding by
- giving reasons to be announced in open court
  - giving reasons to be recorded in writing
  - giving no reason
  - getting approval of the public prosecutor
52. In case of non-appearance of the complainant due to his death, the magistrate may dispense with his attendance
- Insist on the attendance of his legal representative and proceed with the case
  - Insist on the attendance of his counsel and proceed with the case
  - dispense with his attendance and proceed with the case
  - None of the above
53. In case of complaints against many persons, subject to the satisfaction of the magistrate, a complainant may withdraw his complaints
- Only against the prime accused
  - Against one or all of the accused
  - Only against the witnesses
  - None of the above is correct
54. In a summon case, the magistrate may at his discretion convict an accused if
- The accused pleads innocent
  - The accused pleads guilty
  - The public prosecutor observes the accused guilty
  - The investigating officer observes the accused guilty
55. Summon-case is provided under
- section 2(s) of Cr.PC
  - section 2(t) of Cr.PC
  - section 2(u) of Cr.PC
  - section 2(w) of Cr.PC.
56. Which chapter of the CrPC provides the provision of withdrawal of complaint?
- Chapter X
  - Chapter XV
  - Chapter XX
  - Chapter XXI
57. Which among the following authorities has authority to issue summons
- A court
  - A Commissioner of Police
  - A police officer-in-charge
  - Only the High Court of a State

58. Who among the following District Magistrate has power to try a case summarily under CrPC?
- Any Chief Judicial Magistrate
  - Any Metropolitan Magistrate
  - Any First Class Magistrate
  - All the above
59. A Second Class Magistrate is empowered to try a case summarily
- When the Public Prosecutor empowers him
  - When the defence lawyer empowers him
  - When a High Court confers the power upon him
  - When the plaintiff and the defendant apply for early disposal of the case
60. Which of the following offences may not be tried summarily
- Theft where the value of the property stolen does not exceed two thousand rupee
  - Receiving or retaining stolen property where the value of the property does not exceed two thousand rupee
  - Offences punishable with death, imprisonment for life or imprisonment for a term exceeding two years
  - Insult with intention to provoke a breach of peace
61. Under Section 450 of the Code of Criminal Procedure, 1973, which Court has been conferred the power to direct any Magistrate to levy the amount due on bond for appearance or attendance at such Court.
- High Court
  - Court of Session
  - Only (a)
  - Both (a) and (b)
62. Which provision under the Code of Criminal Procedure deals with the circumstance when the person required by any court or officer to execute a bond is a minor?
- Section 446
  - Section 447
  - Section 448
  - Section 449
63. Under Section 449 of the Code of Criminal Procedure, 1973 all orders passed under section 446 in case of an order made by a Magistrate, shall be appealable to:
- High Court
  - Session Judge
  - Only (a)
  - Both (a) and (b)
64. Under section 499 of the Code of Criminal Procedure, 1973 all orders passed under section 446 in case of an order made by a Court of Sessions, shall be appealable to:
- High Court
  - To the Court to which an appeal lies from an order made by such court
  - Either (a) or (b)\
  - Both (a) and (b)
65. Which provision of the Code of Criminal Procedure, 1973 deals with the cancellation of Bond and Bailbond?
- Section 445
  - Section 446
  - Section 446-A
  - Section 447
66. Which provision under the Code of Criminal Procedure, 1973 deals with the procedure in case of insolvency or death of surety or when a bond is forfeited?
- Section 447
  - Section 448
  - Section 449
  - Section 450
67. Under Section 447 of the Code of Criminal Procedure, 1973 when any surety to a bond becomes insolvent or dies, or when any bond is forfeited under the provisions of section 446, which of the following Court may order the person from whom such security was demanded to furnish fresh security in

- accordance with the directions of the original order?
- a) The Court by whose order such bond was taken
- b) Magistrate of the First Class
- c) Both (a) and (b)
- d) None of the above
68. Which provision of the Code of Criminal Procedure, 1973 deals with the procedure when bond has been forfeited?
- a) Section 445
- b) Section 446
- c) Section 446-A
- d) Section 447
69. Under Section 445 of the Code of Criminal Procedure 1973, when any person is required by any Court or Officer to execute a bond with or without sureties, such Court or Officer may excepting which of the following cases, permit him to deposit a sum of money or Government promissory notes to such amount as the court or officer may fix in lieu of executing such bond?
- a) In the case of bond for good behaviour
- b) In the case of the bond for appearance on the next date fixed
- c) Only (a)
- d) Both (a) and (b)
70. Under which provision of the Code of Criminal Procedure, 1973, provides for a circumstance where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond.
- a) Section 446 (1)
- b) Section 446 (3)
- c) Section 446 (4)
- d) Section 446 (5)
71. Under Section 301 of the Code of Criminal Procedure, 1973 the Public Prosecutor or the Assistant Public Prosecutor in charge of a case may appear and plead without any written authority before any Court in which that case is under:
- a) Inquiry
- b) Trial
- c) Appeal
- d) All of the above
72. Under Section 321 of the Code of Criminal Procedure, 1973, at what stage of the prosecution, the Public Prosecutor or the Assistant Public Prosecutor in charge of a case may, with the consent of the Court withdraw from the prosecution of any person.
- a) Any time before the judgment is pronounced
- b) Any time after the judgment is pronounced
- c) Either (a) or (b)
- d) None of the above
73. Under Section 321 of the Code of Criminal Procedure, 1973 where the Public Prosecutor or the Assistant Public Prosecutor withdraws from the prosecution of the any person before a charge has been framed
- a) The Accused shall be discharged in respect of such offence or offences
- b) The Accused shall not be discharged in respect of such offence or offences
- c) Prosecution cannot be withdrawn before a Charge has been framed
- d) None of the above
74. Under Section 302 of the Code of Criminal Procedure, 1973 which of the following may be excluded by a Magistrate to conduct a case?
- a) Police Officer below the rank of Inspector
- b) Police Officer below the rank of Sub-Inspector
- c) Police Officer above the rank of Sub-Inspector
- d) All of the above



75. Under Section 321 of the Code of Criminal Procedure 1973, the Public Prosecutor or Assistant Public Prosecutor in charge of a case may, with the consent of the Court, withdraw the prosecution of any person tried of some offences. Such offences include:
- Either generally
  - In respect of any one of the offences for which he is tried
  - In respect of more than one of the offences for which he is tried
  - All of the above
76. In which of the following offences under Section 321 of the Code of Criminal Procedure, the Prosecutor in charge of the case may not move the Court for its consent to withdraw from the prosecution, unless already permitted by the Central Government to do so?
- the offence was committed by a person in the service of the Central Government while acting in the discharge of his official duty
  - the offence involved misappropriation or destruction of, or damage to, any property belonging to the Central Government
  - the offence was against any law relating to a matter to which the executive power of the Union extends
  - All of the above
77. If a private person instructs a pleader to prosecute any person in any court, the public prosecutor in charge of the case shall conduct the prosecution and the pleader so instructed shall act:
- Under the direction of the Magistrate
  - Under the direction of the Public Prosecutor
  - Under the direction of the Defence Lawyer
  - None of the above
78. A Police Officer investigating into an offence for which the accused is being prosecuted may conduct the prosecution:
- With permission of the Court
  - With permission of the Judge
  - With permission of the Public Prosecutor
  - No permission can be granted
79. Under the Code of Criminal Procedure, 1973, a person may conduct the prosecution:
- Through a Pleader
  - Through a personal friend who is not a pleader
  - Both (a) and (b)
  - Neither (a) nor (b)
80. For purposes of section 24 of the CrPC, a person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor only if he has been in practice as an advocate for not less than:
- 10 years
  - 7 years
  - 6 years
  - 5 years
81. The Assam Opium Smoking Act, 1927 defines the term "Opium" under which provision?
- Section 2 (a)
  - Section 2 (b)
  - Section 2 (c)
  - Section 2 (d)
82. Under the Assam Opium Smoking Act, 1927, the term "Collector" has been defined as:
- Chief Officer in-charge of the revenue administration of the district
  - Any Officer whom the Government may, by notification, declare or appoint to be a collector for the purposes of the Act
  - Only (a)
  - Both (a) and (b)
83. Which provision under the Assam Opium Smoking Act,

- 1927 provides for the penalty for smoking Opium?
- a) Section 12  
b) Section 3  
c) Section 5  
d) Section 4
84. Under section 3 of the Assam Opium Smoking Act, 1927, the penalty for smoking Opium in case of first conviction has been made punishable with:
- a) Imprisonment for one month  
b) Fine of Rupees Fifty  
c) Only (a)  
d) Both (a) and (b)
85. Under section 3 of the Assam Opium Smoking Act, 1927, the penalty for smoking Opium in case of second or subsequent conviction has been made punishable with:
- a) Imprisonment for one month only  
b) Imprisonment for one month and fine of Rupees 50  
c) Fine only for Rupees 50  
d) None of the above
86. Which provision under the Assam Opium Act, 1927 provides for the search warrants and power to search?
- a) Section 9  
b) Section 10  
c) Section 11  
d) Section 12
87. Under Section 10 of the Assam Opium Smoking Act, 1927, whoever possesses or deals in prepared opium shall be punishable with imprisonment which may extend to:
- a) 1 year  
b) 1 year or with fine or with both  
c) 2 years  
d) 2 years or with fine of with both
88. Under Section 12 of the Assam Opium Smoking Act, 1927 the Magistrate of the First class may after recording his reasons issue warrant to which of the following Officers?
- a) An Officer of the Excise Department not below the rank of a Sub-Inspector  
b) An Officer of the Police Department not below the rank of a Sub-Inspector or an Officer In-Charge of A police station  
c) Only (b)  
d) Both (a) and (b)
89. Which provision of the Assam Opium Smoking Act, 1927 provides for the Application of the Code of Criminal Procedure, 1898 to warrants and searches?
- a) Section 14  
b) Section 12  
c) Section 13  
d) Section 11
90. Section 15 of the Assam Smoking of Opium Act, 1927, a person arrested under this Act, may be released on bail when:
- a) He is prepared to furnish bail  
b) At the discretion of the officer making the arrest on his own bond  
c) Only (b)  
d) Both (a) and (b)
91. Under Section 16 of the Assam Opium Smoking Act, 1927, which of the following persons shall be bound to give reasonable aid to any Excise Officer or Police Officer in carrying out the provisions of this Act upon notice given and request made?
- a) Every Officer of the Police and Land Revenue Departments  
b) Every Village Headman or Goanbura  
c) Every Village Choukidar  
d) All of the above
92. Under which provision of the Assam Opium Smoking Act, 1927 provides for the Aid to the Excise Officer by every officer of the Police and Land Revenue Departments, every village headman or gaonbura and every village chaukidar in carrying out the provisions of this Act?
- a) Section 14  
b) Section 15  
c) Section 16  
d) Section 17
93. Which provision of the Assam Opium Smoking Act, 1927 provides for the making of report within 48 hours next after such arrest or seizure?

- a) Section 12  
 b) Section 13  
 c) Section 14  
 d) Section 15
94. Which provision of the Assam Opium Smoking Act, 1927 provides for the confiscation and destruction of opium and things seized under this Act?  
 a) Section 16  
 b) Section 17  
 c) Section 18  
 d) Section 19
95. Under Section 14 of the Assam Opium Smoking Act, 1927, whenever any officer makes any arrest or seizure under this act, the time for making a full report of all particulars thereof to his immediate official superior shall be:  
 a) 74 hours  
 b) 24 hours  
 c) 48 hours  
 d) 12 hours
96. Under Section 18 of the Assam Opium Smoking Act, 1927, a Magistrate can take cognizance of an offence punishable under this Act on the complaint or report of which of the following?  
 a) Collector or a Mauzadar  
 b) An Officer of the Excise Department or the Police Department not below the rank of Sub-Inspector  
 c) An Officer of the Police Department not below the rank of Sub-Inspector  
 d) All of the Above
97. Which provision of the Assam Opium Smoking Act, 1927 provides for the taking of the cognizance of an offence punishable under this Act?  
 a) Section 20  
 b) Section 18  
 c) Section 21  
 d) Section 19
98. Under Section 19 of the Assam Opium Smoking Act, 1927 no suit shall lie in any civil court for damages for any act in good faith done or ordered to be done in pursuance of this Act under which of the following officers?  
 a) Government or Collector or Mauzadar  
 b) Officer of the Excise or Police Department  
 c) All of the above  
 d) None of the above
99. Under Section 20 of the Assam Opium Smoking Act, 1927 no Magistrate shall take cognizance of any charge made against any person in case of a suit under this Act, unless the suit is instituted within  
 a) 6 months  
 b) 8 months  
 c) 1 year  
 d) 2 years
100. Under Section 20 of the Assam Opium Smoking Act, 1927 the Magistrate shall take cognizance of any charge made against any person in case of a prosecution under this Act:  
 a) 6 months  
 b) 8 months  
 c) 1 year  
 d) 2 years