

**WRITTEN EXAMINATION FOR RECRUITMENT TO THE POSTS OF CIVIL JUDGE (JUNIOR DIVISION)
CONDUCTED BY**

HIGH COURT OF ANDHRAPRADESH: HYDERABAD

DATED: 5TH AUGUST 2012

Answer any Five (5) questions from each Part

PART – A

1. Write a brief note on the following

- (a) Does the Indian Penal Code extend to extra-territorial offences? Explain.
- (b) State the contents of judgment
- (c) Which provision of the Code of Criminal Procedure deals with anticipatory bail? Which Court is empowered to grant anticipatory bail?
- (d) How the period of limitation shall commence in relation to an offender

2.

- (a) What are the offences relating to marriage under the Indian Penal Code. Explain.
- (b) What are the ingredients of Section 498-A of IPC? Explain.

3.

- (a) Explain the effect of non-appearance or death of complainant in the trial of summons case?
- (b) What is the effect of the non-examination of the approver?

4.

(a) Explain the purport of Section 89 of IPC, including the exceptions to the exception contained therein?

(b) 'A' has enmity with his neighbour 'B' and is of sound mental condition. He has an altercation with 'B' on a particular day. On the next day, he consumed alcohol and- assaulted 'B'. In the course of prosecution, an exception was pleaded on behalf of 'A'. Explain whether 'A' is liable to be punished for causing injury to 'B', and furnish reasons in support of your conclusions?

5. Explain the following:

(a) Mistake of fact and mistake of law.

(b) Define burden of proof and explain it with reference to civil and criminal cases.

6.

(a) What is a test identification parade and under what provision of Law it is relevant and when it is necessary. Whether any rules prescribe the procedure for conducting a test identification parade and, if so, what is the procedure?

(b) Briefly write about the procedure prescribed for trial of warrant cases instituted otherwise than on police reports quoting the provisions. Whether a summons case can be tried as a warrants case? Give reasons for your answer.

7.

(a) What action the Executive Magistrate has to take when he is satisfied from the report of a Police Officer or upon other information that a dispute is likely to cause a breach of peace concerning any land or water or the boundaries thereof within his local jurisdiction?

(b) A and B are quarrelling with each other over a petty issue. In the meanwhile C intervened and tried to pacify them B dealt a knife blow on A. who managed to escape and ultimately the knife blow landed on the chest of C resulting in his instantaneous death. What is the offence committed by B? Explain with reference to the relevant provisions of the Indian Penal Code.

PART – B

1. Answer the following

(a) Does Power of Attorney require registration? Explain

(b) What are the documents, registration of which is compulsory and optional?

(c) What is pleading? Distinguish between plaint and written statement.

(d) What remedies are available to the plaintiff when there are numerous persons claiming same interest in the subject-matter of the suit.

2.

(a) Explain the terms 'primary evidence' and 'secondary evidence'. Discuss the circumstances under which secondary, evidence may be allowed?-

(b) What are the facts of which evidence need not be given.

(c) What is the procedure when a witness lets down the party who calls him as a witness.

(d) When are admissions irrelevant?

3.

(a) What are the duties of bailee and bailor under the Indian Contract Act?

(b) Discuss the following in brief:

i) Unlawful agreement

ii) Guarantee and indemnity

4. 'A' entered into an agreement to purchase an item of immovable property with 'B'. Against the total consideration of Rs. Ten Lakhs, he paid six lakhs, on the date of agreement. Six months later, he filed a suit for specific performance of agreement of sale, pleading that 'B' did not execute the sale deed in spite of repeated demands. In his written statement, 'B' raised a plea that 'A' did not mention in his plaint that he i e, 'A' is ready and willing to pay the balance of consideration This is found to be correct In the course of evidence, 'A' deposes that he has necessary funds to pay to 'B'. Explain whether the suit can be decreed or not and state reasons in support of your conclusion?

5. Answer the following:

(a) Discuss the grounds on which a landlord can seek eviction of tenant under the provisions of the A P Buildings (Lease, Rent and Eviction) Control Act, 1960.

(b) Explain the period of limitation as defined under the Limitation Act of 1983 and discuss the scope and ambit of Section 5 of the said Act.

6.

(a) What is judgment? What is a decree? How a judgment of Small Cause Court should be written and how a judgment of other Court should be written according to the Code of Civil Procedure. Explain.

(b) What should be the contents of a decree for recovery of immovable property? Whether a Judge who has succeeded the Judge in a Court who passed the decree can sign it? Explain with reference to provisions.

7.

(a) What is the procedure contemplated for appearance of the defendant in summary suits under Order XXXVII of the Code of Civil Procedure?

(b) What is Lis pendens? Explain with reference to the relevant provisions in the Transfer of Property Act, 1882 and give one illustration

JCJ Model Examination dated 29.07.2012

Time : 3 Hrs,

Answer any Five from each Part

Part – A (Criminal)

1.

a) What is meant by alteration of Charges ? At what stage of the trial such alteration may be allowed? What is the duty of the court relating to alteration of charges?

b) Briefly explain Consolidation of Criminal cases by the court as laid down U/Secs 218 and 220 of Cr.P.C.

2.

a) Briefly explain the procedure to be followed by a Magistrate in case of trial of warrant case instituted otherwise than on a police report?

b) Explain the differences between 'Acquittal' and 'Discharge'

3.

a) Distinguish between 'Kidnap' and 'Abduction'.

b) Distinguish between 'Criminal breach of Trust' and 'Criminal Misappropriation'.

4.

a) Briefly explain the evidentiary value of 'Test Identification Parade' with relevant legal provisions

b) Explain the evidentiary value of 'Dying Declaration'

5. Explain

a) Abetment

- b) Forgery
- c) Cheating
- d) Conspiracy

6. Explain

- a) Res Gestae
- b) F.I.R
- c) Denovo trial
- d) Burden of Proof

7.

- a) Explain the limitations under which Right of Private defence of person and property can be exercised by a person.
- b) A Judicial First Class Magistrate, while recording a confession of accused, forgot to issue a warning about the consequences of the confession, but satisfied that it is voluntarily given. The accused during the trial pleaded that the confession is invalid. Decide the validity

Part – B (CIVIL)

1. A obtained an ex parte decree for divorce against her husband, the husband preferred an appeal in the High Court. However as the appeal was beyond Limitation, an application under Sec. 5 of the Limitation Act for condonation of delay in filing the appeal was also made. The High Court dismissed the appeal as being time barred, There after, the husband filed in the trial court an application under Order IX Rule 13 of the Code of Civil Procedure for setting aside the ex parte decree. It was contended on behalf of the wife in the said application that as the appeal in the High Court against the ex parte decree was dismissed, the application for restoration of the suit under Order IX Rule 13 was not maim tamable. The court, However negatived the contention of the wife and held that the application was maintainable

notwithstanding the dismissal of the appeal by the High Court. Discuss the correctness of the decision in the light of the provisions of the Order IX Rule 13 of the Code of Civil Procedure.

2.

- a) State the cases where an injunction is not granted when a suit is instituted for. Whether a court can grant an injunction for enforcement of negative agreement?
- b) Briefly explain the cases where a temporary injunction is granted. Whether the court is bound to follow any cardinal principles at the time of granting the injunction? If so, what are they?

3. Explain

- a) Sub agent and Substituted agent
- b) Contract of Indemnity and Guarantee
- c) Vested and Contingent Interest
- d) Time bar and Claim bar

4.

- a) Briefly explain the elements of lease and kinds of lease.
- b) What is a mortgage? How it differs from pledge?

5.

- a) What is meant by estoppel? How it differs from res judicata?
- b) What is meant by impounding of an instrument? How the impounded instruments are dealt with?

6. Explain

- a) Holder in due course
- b) Dishonour of a cheque
- c) Effect of part payment

d) Adverse Possession

7. Explain

a) Wilful default

b) Joinder of parties

c) Garnishee order

d) Restitution

Answer ALL questions. Each question carries 10 Marks.

Explain the following

- (a) Doctrine of Basic Structure
- (b) Doctrine of Pith and Substance
- (c) Doctrine of Marshalling
- (d) Doctrine of Contribution

(a) Under what circumstances a Culpable homicide becomes Murder. What are the differences between Culpable homicide and Murder. Refer to the relevant cases.

(b) What is meant by Arrest? Who can Arrest? What are the rights of art arrested person?

Explain the following

- (a) Resjudicata
- (b) Garnishee Order
- (c) Consensual Jurisdiction
- (d) Cross Appeals - Cross Objections

(a) State the grounds on which a Woman married under Muslim Law is entitled to obtain a decree for the dissolution of her marriage.

(b) State the grounds on which a Woman married under Hindu Law is entitled to obtain a decree of divorce.

5.

(a) What is meant by a 'Will'? What are the legal formalities of a Will? Whether a testator can transfer his properties by will to a stranger? Is there any restriction on this point under Muslim Law?

(b) Who can seek re-determination of compensation of land under Sec. 28-A of the Land Acquisition Act? What are the conditions to be satisfied for such re-determination?

6. Explain the following

(a) Conclusive Proof

(b) Dying Declaration

(c) Contracts opposed to Public Policy

7.

(a) “Preferential treatment to certain persons belonging to backward classes in the form of reservation in education and jobs as provided in Articles 15(4) and 16(4) of the constitution of India is a means of ensuring the canon of equality enshrined in the preamble of the constitution of India”. — Evaluate the statement.

(b) What is meant by Evidence? Explain Primary and Secondary evidence of documents. Under what circumstances Secondary evidence is allowed by the Court?

8. Distinguish between

- (a) Contract of Indemnity and Guarantee
- (b) Lease and License
- (c) Vested Interest and Contingent Interest
- (d) Coercion and Undue Influence

DESCRIPTIVE PAPER – 4/2012

Answer Any Five Questions from each Part.

PART – A (CRIMINAL)

1.

- a) Bring out the differences between “Murder” and “Culpable Homicide”.
- b) What is meant by Dowry? When can the court Presume that the death is dowry death? What is the punishment for such offence?

2.

- a) What is meant by taking” Cognizance “? How cognizance of any offence is taken by a Magis-trate?
- b) Explain the principle of “ autrefois convict “ and “ autrefois acquit” as provided under the provisions of Cr.P.C and the constitution of India

3.

- a) Explain the difference between Sec. 34 I.P.C. and Sec. 149 I.P C.
- b) What is meant by committal to a court of sessions? What the Magistrate should do at the time of such committal?

4.

- a) “No confession made to a police officer shall be proved against a person accused of an offence” Explain.
- b) Explain the procedure for trial of a warrant case by magistrate instituted otherwise on a Police Report.

5. Explain

- a) Refreshing Memory
- b) Impeaching credit of a witness
- c) Burden of Proof
- d) Res gestae

6. Explain

- a) Examination-in-chief
- b) Cross-examination
- c) Supplemental charge sheet
- d) Plea bargaining

7. Explain the significance of General Exceptions under Criminal Law

PART – B (CIVIL)

1.

- a) Briefly Explain “ Set-off and “ Counter-Claim
- b) State the Presumptions under Sec. 118 of N.I. Act?

2.

- a) Bring out the differences between “Lease” and “License”?
- b) What is meant by “Transfer of Property”? What properties cannot be transferred?

3.

- a) What is meant by abatement of a suit? State the effect of abatement?
- b) Define Easement". Briefly explain various kinds of easements?

4.

- a) Explain "Contract of Guarantee". Bring out the differences between Guarantee and Indemnity
- b) State the documents of which Registration is Compulsory? What is time of Registration?

5. Explain

- a) Public Document
- b) Mode of Proof of will
- c) Amendment of pleadings
- d) Summary Procedure

6.

- a) Briefly explain procedure to be followed by the court for granting a temporary injunction?
- b) Explain - Judicial Separation and Divorce.

7. Explain

- a) Doctrine of Frustration
- b) Agreement in restraint of Trade
- c) Precept
- d) Free consent.

Answer any Five (5) Questions from each Part

PART – A (CRIMINAL)

1.

- a) What do you mean by warrant of arrest? State the duration of operation of such warrant. Against whom such warrant is issued ? Whether a warrant of arrest can direct any person other than a police officer ?
- b) Briefly explain law relating to securities for keeping the peace on conviction as provided U/Sec. 106 Cr.P.C.

2. Explain:

- a) Cognizable offence and Non Cognizable offence
- b) Summons case and Warrant Case
- c) Bailable offence and Non bailable offence
- d) Complaint and Police Report

3.

- a) Briefly explain how the evidence is recorded by the Magistrate in Summons case and Warrant cases.
- b) Briefly explain the Procedure laid down under Sec. 164 Cr.P.C

4. Explain:

- a) Primary and Secondary evidence
- b) Documentary and Oral evidence
- c) Public document and Private document
- d) Direct evidence and Hearsay evidence

5.

- a) Briefly explain the relevancy of previous Judgments and Judgment iii probate, matrimonial and other matters.
- b) Briefly explain - May presume and shall presume with relevant illustrations.

6. Briefly Explain:

- a) Theft
- b) Extortion
- c) Robbery
- d) Dacoity

7. Explain:

- a) Criminal Trespass
- b) House Trespass
- c) Lurking House Trespass
- d) House Breaking

PART - B (CIVIL)

1. Explain:

- a) Coercion
- b) Undue Influence

- c) Wagering Agreement
- d) General — Specific offer

2.

- a) State the cases where a temporary injunction can be granted by the Court. Whether such injunction can be granted without hearing the respondent? If so when?
- b) State the rights of the parties when the suit is decreed ex-parte and suit dismissed for default

3.

- a) Explain briefly the 'Doctrine of part performance'
- b) Explain various rights of Mortgagor and Mortgagee

4. Explain:

- a) Easement by Prescription
- b) Tenancy at will
- c) Tenancy at sufferance
- d) Quasi Easement

5. Explain:

- a) Inherent powers of a court U/Sec. 151 C.P.C.
- b) Caveat
- c) Enlargement of time
- d) Necessary Party and Proper Party

6. Explain:

- a) Promissory Note

- b) Bill of Exchange
- c) Adverse Possession
- d) Delay Condonation

7. Explain:

- a) Mandatory injunction
- b) Rectification of Instrument
- c) Indigent Person
- d) Interpleader Suit

DESCRIPTIVE PAPER – 2/2012

Answer all Questions. Each question carries 8 marks.

1. Explain the following

- (a) Breach of contract
- (b) Privity of contract
- (c) Contingent contract
- (d) Quasi contract

2. Briefly explain

- (a) Material alteration
- (b) Negotiation
- (c) Crossing of cheque and types of crossing
- (d) Endorsement and its types

3. (a) Under what circumstances an injunction cannot be granted.

(b) What are the essential allegations which plaintiff must allege and prove before a decree for specific performance of contract can be granted in his favour.

4. Briefly explain

- (a) Condition precedent, condition subsequent
- (b) Marshalling, Contribution
- (c) Onerous gift, Universal donee
- (d) Lis pendens

5. (a) Explain briefly Doctrine of election.

(b) Explain Rule of estoppel.

6. (a) Effect of registration and non-registration of documents.

(b) When an instrument is said to be duly stamped? Where such stamp will appear? Explain time of stamping.

7. (a) Explain the methods of acquisition of easement.

(b) State the circumstances under which an acknowledgement provide fresh period of limitation for filing the suit. Bring out the difference between acknowledgement and part payment.

8. (a) Explain the grounds of divorce under Hindu Marriage Act.

(b) Explain general provisions relating to Succession.

9. (a) Garnishee order

(b) Misjoinder and Non-joinder of parties

(c) Return of plaint and Rejection of plaint

(d) Leave to sue

10. (a) Briefly explain Resjudicata

(b) Briefly explain appointment of Commissioner & powers of Commissioner.