

CPC -50 QUESTION

TIME – 45 MIN

CURRENT AFFAIRS - 10 QUESTION

TIME -5 MIN

EVIDENCE -10 QUESTION

TIME - 10 MIN

1- Dasti summons for service on the defendant can be given to the plaintiff under:

- (a) Order V, Rule 9A, C.P.C.
- (b) Order V, Rule 9, C.P.C.
- (c) Order IV, Rule 7, C.P.C. ,
- (d) Order VI, Rule 6, C.P.C.

2- Under Order II Rule 4 of the CPC, in a suit for the recovery of immovable property, a plaintiff is not entitled, without the leave of the Court, to join any claim expect –

- (a) Claims for mesne profit or arrears of rent.
- (b) Claims for damages for breach of any contract under which the property is held.
- (c) Claims in which the relief sought is based on the same cause of action.
- (d) All of the above

3- . In which of the following case, it was said by the Hon'ble Supreme Court with regards to Section 92 CPC that “as regards to any charitable or religious institution, any devotee could move the jurisdictional District Judge throughout India with any grievance and the court could give appropriate directions for sound management and if need be send a report to the High Court which will consider issues of Public Interest with reference to these institutions and supplement or supplant the directions as may become necessary”.

- (a) Mrinalini Padhi vs. UOI 2018 SCC online 667
- (b) Krishnaveni Nagam vs. Harish Nagam AIR 2017 SC 1345
- (c) Swapnil Tripathi vs. Supreme Court of India (2018) 10 SCC 639
- (d) Salem Advocate Bar association, Tamil Nadu vs. UOI 2005 SC

4- Under Section 34 (2) of the CPC, where a decree is silent with respect to the payment of further interest [on such principal sum] from the date of the decree to the date of the payment or other earlier date, the court shall be deemed to have refused such interests and a separate suit —

(a) May not lie.

(b) May lie.

(c) Shall not lie.

(d) The court may allow the party to file a suit for such interest because the procedure is the handmaid of justice and not its mistress

5- . Where the Court directs that any costs shall not follow the event, the court —

(a) May state its reason.

(b) May or may not state its reasons because it depends upon the discretion of the court either to pass an order for cost or not.

(c) Shall state its reasons.

(d) No need to state its reasons.

6. Under Section 35A of the CPC, compensatory costs in respect of false or vexatious claims or defenses may be ordered by the court —

(a) In any suit or other proceedings, including the execution proceedings but excluding an appeal or a revision.

(b) In any suit or other proceedings, excluding the execution proceedings but including an appeal or a revision.

(c) In any suit or other proceedings, including an execution proceedings, appeal or revision.

(d) In any suit or other proceedings, excluding an execution proceedings, appeal or revision.

7- . If, on any date fixed for the hearing of a suit or for taking any step therein, a party to the suit either fails to take the step which he was required to take on that date or obtains an adjournment, the Court may make an order requiring such party to pay to the other party-

(a) Not exceeding 3000/- or the limits of its pecuniary Jurisdiction.

(b) Not exceeding 5000/- or the limits of its pecuniary Jurisdiction.

(c) Such cost as would, in the opinion of the Court, be reasonably sufficient to reimburse the other party.

(d) Not exceeding 2,000/- or the limits of its pecuniary Jurisdiction

8- In case of public nuisance or other wrongful act affecting, or likely to affect the public, a suit for a declaration and injunction or for such other relief may be instituted –

(a) By the Advocate-General or with the leave of the Court a person even though no special damage has been caused to such person.

(b) By the Advocate-General or with the leave of the Court by one or more persons even though no special damage has been caused to such person.

(c) By the Advocate-General or with the leave of the Court by two or more persons when special damage has been caused to such persons.

(d) May only be instituted by the two or more persons with the leave of the Court even though no special damage has been caused to such persons.

9- . Find out the correct statements –

(i) In a suit for partition, all sharers are the necessary parties.

(ii) A purchaser of property in a public-auction is a necessary party to the suit for a declaration to set aside the said public auction.

(iii) A sub-tenant is necessary party in a suit for possession by the landlord against the tenant.

(iv) Grandsons are the necessary parties to a suit for partition by sons against their father.

(v) A local authority for whose benefit land is sought to be acquired by the govt. is a proper party in land acquisition proceedings.

(vi) In complaint against a seniority list prepared by an employer, even if no relief is sought against a particular individual, the persons shown as senior to the petitioner are necessary parties.

(vii) In an action against selection and appointment by an authority, candidates who are selected and appointed are directly affected are necessary parties

(a) (i), (ii), (iv), (vi), (vii)

(b) (i), (ii), (iii), (iv), (vii)

(c) (i), (ii), (iv), (v), (vii)

(d) (i), (ii), (vii)

10- While dealing with an application for adding, deleting, substituting or transposing a party, a court –

- (a) Must have the Jurisdiction to try the suit
- (b) Need not to have the jurisdiction to try the suit
- (c) May or may not have the Jurisdiction to try the suit
- (d) Need not to have the jurisdiction to try the suit and in the interest of justice may add delete, substitute or transpose and, thereafter, may return the plaint to the court which has the jurisdiction to try the suit

11- The provisions of Order II Rule 2 CPC applies to the –

- (a) Suits
- (b) Suits, including execution proceedings
- (c) Suits, appeals, execution proceedings
- (d) Suits, appeals, execution proceedings, arbitration proceedings or to petitions under Article 226 of the Constitution of India.

12- . Point out the right statement – The date of first hearing of a suit given under Order X Rule 1 of the CPC –

- (a) Can be earlier than the date fixed for preliminary examination of the parties and settlement of issues.
- (b) Can never be earlier than the date fixed for preliminary examination of the parties and settlement of issues.
- (c) It may or may not be earlier than the date fixed for the preliminary examination of the parties and settlement of issues because it depends upon the judicial discretion of the court.
- (d) The date on which the court proposes to apply its judicial mind to the contention in the pleadings of the parties to the suit and in the document filed by them for the purpose of framing the issues to be decided in the suit and it can never be earlier than the date fixed for preliminary examination of parties and settlement of issues.

13- Select the correct statements –

- (i) Non-framing of proper issues is fatal to the suit
- (ii) Non-framing of proper issues is not fatal to the suit
- (iii) Issues can be amended at any stage of the trial.
- (iv) Issues can also be amended by the appellate court or revisional court.

(v) Issues can be amended by the trial Court only and not by the appellate court or revisional court.

(vi) A trial gets vitiated on wrong, improper or defective issues.

(vii) A trial does not get vitiated on wrong, improper or defective issues.

(a) (i), (iii), (v), (vi)

(b) (i), (iv), (vii)

(c) (ii), (iii), (iv), (vii)

(d) (ii), (iii), (iv), (vi)

14- . Choose the correct statements:-

(i) Section 34 CPC has application to interest prior to the institution of the suit.

(ii) Section 34 CPC has no application to interest prior to the institution of the suit since it is a matter of substantive law.

(iii) It can also be awarded when there is no agreement express or implied between the parties.

(iv) It can be awarded only when there is an agreement, express or implied between the parties.

(v) The award of interest from the date of the suit to the date of the decree is not at the discretion of the court but the award of interest from the date of decree to the date to payment is at the discretion of the court.

(vi) The award of interest from the date of the suit to the date of the decree is at the discretion of the court but award of interest from the date of decree to the date of payment is not at the discretion of the court.

(vii) As a general rule, the court should award interest at the contractual rate except where it would be inequitable to do so.

(viii) The award of interest from the date of decree to the date of payment is also at the discretion of the court.

(a) (i), (ii), (v), (vi)

(b) (ii), (iv), (vii), (viii)

(c) (ii), (iv), (v), (vii)

(d) (i), (iv), (vii), (viii)

15- 'A' files a petition in Delhi High Court under Article 226 of the Constitution for reinstatement in service and consequential benefits contending that an order of dismissal passed against him was illegal. The petition filed by 'A' was dismissed by Delhi High Court. Whether, 'A' –

- (a) Can thereafter file a fresh petition in the Supreme Court under Article 32 of the Constitution of India.
- (b) Cannot file a fresh petition in the Supreme Court under Article 32 of the Constitution of India but can institute a suit in a civil court because such suit would not be barred by the Res-Judicata.
- (c) Can file either a fresh petition in the Supreme Court under Article 32 of the Constitution of India or can also institute a suit in Civil Suit as such petition under Article 32 or suit is not barred by the doctrine of Res-Judicata.
- (d) Cannot file a fresh petition in the Supreme Court under Article 32 of the Constitution nor can institute a suit in civil court as such petition or suit is barred by the Doctrine of Res-Judicata.

16- The provision of Order II Rule 2 CPC is based on the cardinal principle of law that a defendant should not be vexed twice for the same cause. The principle contained in this provision is designated to counteract evil or evils namely –

- (a) Splitting up to claim
- (b) Splitting up of remedies
- (c) Either splitting up to claim or splitting up of remedies.
- (d) Splitting up of claim and splitting up of remedies.

17- . In the case of any alleged breach of any express or constructive trust created for the purposes of charitable or religious nature or where the directions of the Court is deemed necessary for the administration of any such trust –

- (a) The advocate general or two or more persons having an interest in the trust and having obtained the leave of the Court may institute a suit.
- (b) The advocate general or two or more persons not having an interest in the trust but after having obtained the leave of the Court may institute a suit.
- (c) The advocate general or two or more persons having an interest in the trust but without obtaining the leave of the Court also may institute a suit.
- (d) The advocate general or two or more persons neither having an interest in the trust nor having obtained the leave of the Court also may institute a suit for the general welfare of the people.

18- The Court may strike out or add parties under -

- (a) Order I Rule 10(1) CPC
- (b) Order I Rule 10(2) CPC
- (c) Order I Rule 10(2A) CPC
- (d) Order I Rule 10(3) CPC

19. The objections as the 'Misjoinder of Causes of action' is given under -

- (a) Order I Rule 12 CPC
- (b) Order I Rule 13 CPC
- (c) Order II Rule 6 CPC
- (d) Order II Rule 7 CPC

20- . Select the correct statement —

- (a) The plea of bar under Order II Rule 2 is a highly technical plea and must be taken specifically and if not taken, the court shall not entertain and decide the Plea suo moto.
- (b) The plea of bar under Order II Rule 2 CPC is technical plea but need not to be taken specifically and the same if not taken by the party, the court may still entertain and decide the plea suo-moto.
- (c) The plea of bar under Order II Rule 2 CPC is a highly technical plea and therefore, must be taken specifically either by the court suo-moto or by the party.
- (d) The plea of bar under Order II Rule 2 CPC is not technical plea and may be even taken by the Court suo-moto also.

21- Under Order X Rule 2 CPC, at the first hearing of the suit, the Court —

- (a) May, with a view to elucidating matters in controversy in the suit, examine orally such of the parties to the suit appearing in person or present in Court, as it deems fit.
- (b) Shall, orally examine any person, able to answer any material question relating to the suit, by whom any party appearing in person or present in Court or his pleader is accompanied.
- (c) Both A and B
- (d) Shall, with a view to elucidating matters in controversy in the suit, examine orally such of the parties to the suit appearing in person or present in court, as it deems fit.

22- . In any suit, _____ may deliver interrogatories in writing for the examination of the opposite party or any one or more of such parties.

- (a) The court
- (b) The plaintiff by the leave of the Court.
- (c) The defendant by the leave of the Court.
- (d) The plaintiff or defendant as the case may be, by the leave of the Court.

23. Any interrogatories may be set-aside on the ground that they have been exhibited unreasonably or vexatiously or struck out on the ground that they are prolix, oppressive, unnecessary or scandalous and any application for this purpose may be made within _____ days after service of the interrogatories.

- (a) Thirty days
- (b) Seven days
- (c) Nine days
- (d) Ten days

24- An agreement or compromise in a representative suit –

- (a) May be entered into by the parties without the leave of the Court and the same shall be valid because the parties have right to enter into an agreement or compromise as the case may be.
- (b) May be entered into without the leave of the Court but the same shall be voidable at the option of the parties.
- (c) No agreement or compromise in a representative suit shall be entered into without the leave of the court but if any such agreement or compromise entered into without the leave of the court, the same shall be legal and valid because the parties have right to enter into an agreement or compromise as the case may be.
- (d) No agreement or compromise in a representative suit may be entered into without the leave of the court and if any such agreement or compromise entered into without the leave of the court, the same shall be void.

25- What is/are the effect/effects of non-joinder of necessary party –

- (a) The suit may be liable to be rejected

- (b) The suit will be liable to be rejected straight away
- (c) The suit may be dismissed
- (d) The Court cannot straight away dismiss the suit and opportunity must be given to the plaintiff to amend the plaint by adding parties necessary for effective adjudication.

26- 'Pro-forma defendant' is a person —

- (a) Who has no conflict of interest with the plaintiff but against whom the relief has been claimed.
- (b) Who has conflict of interest with the plaintiff but against whom no relief has been claimed.
- (c) Who has no conflict of interest with the plaintiff and against whom no relief has been claimed.
- (d) Who has no conflict of interest with the plaintiff but against whom relief has also been claimed

27- Choose the correct statement —

- (a) Res judicata is a question of fact and can be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.
- (b) Res judicata is a question of law and can be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.
- (c) Res judicata is a mixed question of fact and law can be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.
- (d) Res judicata is a mixed question of fact and law cannot be disposed of as a preliminary issue under Order XIV, Rule 2(2) (b) of the Code.

28- Where a decree is passed against the Union of India or a state, or against the public officer in respect of an act done by him in his official capacity, the decree shall not be executed, unless it remains unsatisfied for the period of —

- (a) Thirty days
- (b) Sixty month
- (c) Three months
- (d) Six months

29- Where the defendant resides in Pakistan, then the summon shall be sent by post to defendant together with a copy thereof for the service to —

- (a) Through Indian High Commission situated at Pakistan
- (b) Through Pakistan High Commission situated in India
- (c) Through concerning High Court in Pakistan having Jurisdiction in the place where defendant resides.
- (d) Any court in Pakistan (not being the High Court) having Jurisdiction in the place where defendant resides.

30- Select the incorrect statement.

Where it appears to the Court that any joinder of defendants may embarrass or delay the trial of the suit, the court may -

- (a) Put the defendants to their elections
- (b) Order separate trials
- (c) Make such other order as may be expedient in the interest of justice.
- (d) All of the above

31- The Court may order separate trials or make such other order as may be expedient in the interest of Justice, where —

- (a) The joinder of cause of action in one suit may embarrass the trial
- (b) The joinder of cause of action in one suit may delay the trial
- (c) Either A or B
- (d) The joinder of causes of action in one suit may embarrass or delay the trial or is otherwise inconvenient.

32. Material propositions are those propositions of law or fact which a plaintiff must allege in order to show a right to sue or a defendant must allege in order to constitute his defense is given under -

- (a) Order XIV Rule 1(1) CPC
- (b) Order XIV Rule 1(2) CPC
- (c) Order XIV Rule 1(3) CPC
- (d) Order XIV Rule 1(4) CPC

33- Under Order XV Rule 1 of the CPC, the court may at once pronounce the Judgement —

- (a) If at the first hearing of suit, it appears that the parties are not at issue on any question of law.

(b) If at the first hearing of suit, it appears that the parties are not at issue on any question of fact.

(c) If at the first hearing of suit, it appears that the parties are not at issue on any question of law or of fact.

(d) If at the first hearing of suit, it appears that the parties are at issue on question of law only and not of fact

34- According to Section 83 of the Code -

(a) Alien enemies residing in India without the permission of the Central Govt. may sue in any court otherwise competent to try the suit, as if they are citizens of India

(b) Alien friends may not sue in any court otherwise competent to try the suit, as if they are citizens of India

(c) Alien enemies residing in India with the permission of the Central Govt. may sue in any court otherwise competent to try the suit, as if they are citizens of India

(d) Alien enemies residing in India either with or without the permission of the Central Govt. may sue in any court otherwise competent to try the suit, as if they are citizens of India

35- The definition of 'foreign state' and 'Ruler' given under —

(a) Section 86 CPC

(b) Section 87 CPC

(c) Section 87A CPC

(d) Section 87 B CPC

36- According to which section this Code is applicable to Revenue Courts?

a) Section 3

b) Section 4

c) Section 5

d) Section 6

37- Which provision of the CPC provides that one person may sue or defend on behalf of all in same interest

a) 1 R 1

b) 1 R 2

- c) 1 R 8
- d) 1 R 9

38- Which of the following tests are to be applied in cases where the plea of bar of the suit under O. 2, r 2 is raised?

- A. Whether the cause of action in the previous suit and that in the subsequent suit are identical
- B. Whether the relief claimed in the subsequent suit could have been given in the previous suit on the basis of the pleadings filed in that suit
- C. Whether the plaintiff omitted to sue for a particular relief on the cause of action which had been disclosed in the previous suit
- D. All of these

39- A sues B for a declaration of title to land and obtains a decree. A then sues C for possession. C contends that B is owner and that he is in possession as B's tenant.

- A. The defence is not barred
- B. The defence is barred
- C. Either (A) or (B)
- D. None of these

40- A sues B to recover one of two properties left by C, on the ground that he and not B is his heir. Thereafter, he applies to amend his plaint for including the second property left out in the plaint as originally filed. B opposes the application for amendment which is disallowed by the court. A suit by A against B to recover the second property as heir of C would be barred under rule 2:

- A. On the ground that A is to be taken to have omitted to sue for it in the first suit
- B. He made an attempt to include it in that suit which was failed by the opposition of B
- C. Both (A) and (B)
- D. None of these

41- The assignee of the holder of a life estate sued for declaration of title and injunction, immediately after the death of the life estate-holder. The suit for declaration of title was decreed, but the suit for injection was dismissed after holding that the possession was with the defendants only. Subsequently, the assignee of the life estate filed a suit for possession on the strength of the title. The bar of O. 2, r 2 was raised by the defendant.

- A. The bar under O. 2, r 2 is not applicable to the subsequent suit
- B. In the first suit he plaintiffs could not claim the recovery of possession as they had sought only an injunction, claiming themselves to be in possession
- C. Both (A) and (B)
- D. None of these

42- Which of the following deals with conduct of suit in the Code of Civil Procedure?

- A. Order 1, Rule 11
- B. Order 12, Rule 2
- C. Order 3, Rule 6
- D. Order 14, Rule 8

43- Original documents to be produced at or before the settlement of issues under which of the following in the Code of Civil Procedure?

- A. Order 13, Rule 1
- B. Order 4, Rule 13
- C. Order 6, Rule 10
- D. Order 9, Rule 22

44- Validity of a foreign judgment can be challenged under section 13 of CPC:

- (a) in a civil court only
- (b) in a criminal court only
- (c) in both civil and criminal court
- (d) neither in civil nor in criminal court.

45- Husband got his petition for restitution of conjugal rights dismissed as 'withdrawn'. Subsequently a petition is filed for divorce.

- A. This subsequent petition was barred by O.2, r 2, as restitution and divorce are same remedies provided by the law
- B. This subsequent petition was not barred by O.2, r 2, as restitution and divorce are separate remedies provided by the law
- C. This subsequent petition was barred by O.2, r 2, as restitution and divorce are separate remedies provided by the law
- D. None of these

46- Admission in pleading can be:

- A. Actual, that is, those contained in the pleadings (O. 7, r 5) or in answer to interrogatories (O. 11, r 22)
- B. Constructive, that is, those which are merely the consequence of the form of pleading adopted (O. 8, rr. 3, 4, 5)
- C. Either (A) or (B)
- D. None of these

47- A sues B for rent due for the year 1902. The defence is that the land is rent-free. An issue is raised, 'whether the land is rent-free'. The court finds that the land is rent-free, and A's suit is dismissed. Subsequently, A sues B claiming rent for the year 1904. B again sets up the same defence, namely, that the land is rent-free.

- A. Here, the question of A's right to recover the rent having not been 'directly and substantially' in issue in the previous suit, a suit for the rent for 1904 is barred as res judicata
- B. Here, the question of A's right to recover the rent having been 'directly and substantially' in issue in the previous suit, a suit for the rent for 1904 cannot be barred as res judicata
- C. Here, the question of A's right to recover the rent having been 'directly and substantially' in issue in the previous suit, a suit for the rent for 1904 is barred as res judicata
- D. None of these

48- A and B were assaulted by C at an interview in C's house. A and B jointly sued C for damages for assault. It was held that the assault on A and that on B constituted two distinct causes of action, and the suit was therefore, bad for misjoinder of plaintiffs.

- A. They could not join as plaintiffs in one suit on the ground that the causes of action were separate and distinct
- B. They could be joined as plaintiffs in one suit on the ground that C assaulted them in his house
- C. Either (A) or (B)
- D. None of these

49- Which of the following deals with the appearance before the conciliatory forum or authority in the Code of Civil Procedure?

- A. Order 5, Rule 30
- B. Order 4, Rule 13
- C. Order 10, Rule IB
- D. Order 13, Rule 22

50- Which of the following deals with recording of admitted and return of rejected documents in the Code of Civil Procedure?

- A. Order 19, Rule 5
- B. Order 4, Rule 13
- C. Order 13, Rule 7
- D. Order 15, Rule 22

CURRENT AFFAIRS

1- Loktantra Ke Swar' and 'Republican Ethics' are the selected speeches of which Indian personality?

- [A] Narendra Modi
- [B] Ramnath Kovind
- [C] Venkaiah Naidu
- [D] S Jaishankar

2- 'Ghar Ke Upar Solar is Super' campaign has been launched from which state?

- [A] Kerala
- [B] Karnataka
- [C] Rajasthan
- [D] Punjab

3- Who recently became the first black vice president of Colombia?

- [A] Gustavo Petro
- [B] Francia Marquez
- [C] Virgilio Barco Vargas
- [D] Juan Guaido

4- Snake Island, which was seen in news recently, is part of which country's territory?

- [A] Russia
- [B] Ukraine
- [C] China
- [D] South Korea

5- Mandakini River, which was recently found in the news, is the tributary of which river?

- [A] Alaknanda River
- [B] Bhagirathi River
- [C] Koshi River
- [D] Ramganga River

6- What is the objective of 'Dak Karmayogi' portal, which was launched recently?

- [A] Grievance Redressal
- [B] Training Employees
- [C] Awarding Best Performers
- [D] Participation of Public

7- Which Indian personality has been named the season ambassador of British Council's 'India/UK Together 2022, a Season of Culture'?

- [A] Virat Kohli
- [B] A R Rahman
- [C] Deepika Padukone
- [D] Pa Ranjith

8- Which Union Ministry organised the 'National Conference on Competition Law'?

- [A] Ministry of Finance
- [B] Ministry of Corporate Affairs
- [C] Ministry of Law and Justice
- [D] Ministry of Home Affairs

9- Mahatma Gandhi Setu (bridge), the longest steel bridge in the country, is located in which state?

- [A] Uttar Pradesh
- [B] Bihar
- [C] Gujarat
- [D] Karnataka

10- Which Indian author was named as 'Companion of Honour' by the United Kingdom?

- [A] Ruskin Bond
- [B] Salman Rushdie
- [C] Arundhati Roy
- [D] Vikram Seth

EVIDENCE ACT

1- . Select the correct statements:–

- i. The very purpose of test identification parade is to test the veracity of witness on the question of identity, therefore if such parade is not held, to reliance could be placed on the evidence about the identity of the accused.
- ii. Where a witness identifies an accused that is not known to him in the court for the first time, his evidence is absolutely valueless unless there has been a previous test identification parade to test his power of observation.
- iii. The idea of holding test identification parade under section 9 of the Evidence Act is to test the veracity of the witness on the question of his capability of identity an unknown person whom the witness may have seen only once.
- iv. If no test identification parade is held then it will be wholly unsafe to rely on his testimony regarding the identification of an accused for the first time in the court.
- v. Delay in test identification parade by itself cannot be a ground to reject identification if otherwise the same is acceptable.
- vi. Delay, however, is a circumstance to be given weight since normal course of conduct is that a duty is discharged by the officers immediately if otherwise there is no impediment and where delay is outcome of laches, bonafide to actions of the officers become doubtful.
- vii. Where no laches can be inferred, mere delay by itself ought not to be a ground to reject the test identification parade. To draw an inference depends upon the judicial approach of the judge considering the matter.
- viii. T.I.P by witnesses is not regarded as substantive piece of evidence; no conviction can be recorded merely on the identification of accused.
- ix. T.I.P by witnesses is a substantive piece of evidence and therefore, conviction can be recorded merely on the identification of accused.
- x. The evidence of identification in parade on its own and independently, without evidence and identification in court, is of a very weak character rather no evidence and has only corroborating value to the evidence in court.
- xi. The evidence of identification in parade on its own and independently, without evidence

and identification in court, is of a very weak character rather no evidence and has only contradicting value to the evidence in court.

xii. Where the accused person is not previously known to the witness concerned then identification of the accused by the witness soon after his arrest is of great importance.

xiii. Where the accused person is previously known to the witness concerned then identification of the accused by the witness soon after his arrest is of great importance.

(a) (i), (ii), (iii), (iv), (viii), (xii)

(b) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (xi), (xii)

(c) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (x), (xii)

(d) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (xi), (xiii)

2. Select the correct statements: -

i. Section 10 of the Evidence Act does apply to incriminating statements made by accused to the police in course of investigation provided they incriminate themselves or others.

ii. Section 10 of the Evidence Act does not apply to incriminating statements made by accused to the police in course of investigation whether they incriminate themselves or others.

iii. Section 10 of the Evidence Act relates to things said or done by conspirator in reference to common design even if such statement made by the co-accused during course of investigation before the investigating agency is said to be relevant fact then also that alone cannot bind the makers of that statement along with other co-accused on the basis of such statement alone. That relevant fact might be taken into consideration if coupled with other circumstances or evidence available.

iv. Section 10 of the Evidence Act relates to the things said or done by conspirator in reference to common design if such statement made by the co-accused during the course of investigation before the investigating agency is said to be relevant fact and that alone can bind the maker of that statement along with other co-accused on the basis of such statement alone.

v. For the application of section 10 of the Evidence Act, it is not necessary to prove the conspiracy.

vi. For the application of section 10 of the Evidence Act, it is necessary to prove the conspiracy

- (a) (i), (iii), (vi)
- (b) (i), (iv), (v)
- (c) (ii), (iv), (v)
- (d) (ii), (iii), (v)

3. The 'plea of alibi' is taken by the –

- (a) Defence and the same are required to be proved only after prosecution has proved its case against the accused.
- (b) Prosecution and the same are required to be proved only after defence has discharged his onus.
- (c) Defence and the same are required to be proved before the prosecution has proved its case against the accused beyond reasonable doubts.
- (d) Defence and the same are required to be proved either before or after the prosecution has proved its case beyond reasonable doubts, against the accused.

4. 'acta exteriora indicant interiora' means -

- (a) External action reveals inner secret.
- (b) Inner action reveals outer secret
- (c) External action reveals outer secret
- (d) Inner action reveals inner secret

5-Fact does not include the –

- (a) motive
- (b) relation of thing
- (c) state of things
- (d) mental condition of a person

6- Under the Indian Evidence Act, the facts which are not otherwise relevant, are relevant –

- I. If they are consistent with any fact-in-issue or relevant fact.
- II. If they are inconsistent with any fact-in-issue or relevant fact.
- III. If they make the existence or non-existence of any fact-in-issue or relevant fact highly probable or improbable.

Choose correct answer using the code given below –

- (a) I, II, III

- (b) II only
- (c) I and II only
- (d) II and III only

7- Find out the correct statements:-

(i) Section 8 of the Indian Evidence Act, 1872 declares that motive, inter alia, is a relevant fact for which evidence may be adduced. Motive is that state of mind which compels one person to do a particular act. For every voluntarily act, there is usually an impelling motive behind.

(ii) Since Motive is physical fact, it can be fathomed by the conduct of the person. The facts of previous threats, altercation, litigation etc. manifest motive.

(iii) Proof of motive only adds weight and value to evidence of prosecution.

(iv) If motive is proved, it will be a contradictive piece of evidence. But if the prosecution is not able to prove motive, it will not be a ground to throw away the prosecution case or corrode its credibility.

(v) As per explanation 1 to section 8 of the Evidence Act, the conduct of a party interested in any proceeding at the time when the facts occurred out of which the proceedings arises is extremely relevant. Therefore, the word 'conduct' includes statements even if does not accompany and explain the acts.

(vi) Motive is not a necessary element in deciding culpability but is an equally important missing link which can be used to corroborate the evidence.

- (a) (i), (ii), (iii), (v), (vi)
- (b) (i), (ii), (iii), (iv), (v), (vi)
- (c) (i), (ii), (iii), (vi)
- (d) (i), (iii), (vi)

8- . Select the correct statements –

(i) Section 6 of the Evidence Act, is an exception to the general rule where under the hearsay evidence becomes admissible. But for brining such hearsay evidence within the provisions of section 6, what is not required to be established is that it must be almost contemporaneous with the acts.

(ii) There should not be an interval which would allow fabrication.

(iii) The statements sought to be admitted, therefore, as forming part of res gestae, must

have been made contemporaneously with the acts or immediately thereafter.

(iv) Rule of res gestae is exception to rule of evidence, test is that the statement should be spontaneous and should form part of the same transaction ruling out any possibility of concoction.

(v) The question is, whether certain goods ordered from 'B' were delivered to 'A'. The goods were delivered to several intermediate persons successively. Each deliver is irrelevant fact.

(vi) 'A' sues 'B' for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, provided they do contain the libel itself.

(a) (ii), (iii), (iv), (v), (vi)

(b) (ii), (iii), (iv)

(c) (ii), (iii), (iv), (vi)

(d) (i), (ii), (iii), (iv), (vi)

9. Choose the correct statements with respect to 'motive' –

(i) Mere existence of motive by itself is not an incriminating circumstance and it cannot give rise to an inference of guilt nor it form the basis for conviction but if motive for the crime is adequate, can by itself sustain a criminal charge.

(ii) Even if the evidence against the accused is clear and clinching, failure on the part of the prosecution to establish motive is of no consequence because it is well-settled that motive does not have a major role to play in cases based on eye-witness account of the incident, it assumes importance in cases that rest entirely on circumstantial evidence.

(iii) It is settled legal position that even if motive is absent, it is of no consequence and pales into insignificance when direct evidence establishes the crime. Therefore, in case there is direct trustworthy evidence of witnesses as to the commission of an offence, the motive part loses its significance. If the genesis of the motive of the occurrence cannot be discarded only on the ground of absence of motive, if otherwise the evidence is worthy of reliance.

(iv) Motive no doubt assumes importance in a case resting on circumstantial evidence but the absence of motive is fatal even if the circumstantial evidence is established with cogent evidence.

(v) The absence of motive is not fatal if the circumstantial evidence is established with cogent evidence.

(vi) It cannot be doubted for a pause that motive is an important factors which prompts a person to commit the crime. The motive has to be established beyond doubt and only then evidence either visual or circumstantial would supplement the motive for the commission of the crime.

(a) (i), (ii), (iii), (iv), (v), (vi)

(b) (ii), (iii), (iv), (v), (vi)

(c) (ii), (iii), (v), (vi)

(d) (i), (iii), (iv), (v), (vi)

10. Select the correct statements with respect to the “test identification parade” –

(i) If there is delay in holding TIP of accused persons, then that mere delay would also be regarded a factor as to invalidate the said TIP.

(ii) Under the schemes of Code of Criminal Procedure and Evidence Act, there are provisions which create a right in favour of the accused to claim TIP.

(iii) The evidence of identification is substantive piece evidence and such tests are for the purpose of helping the investigating agency and also to be used in corroboration of the statement in the court.

(iv) The idea of holding TIP under section 9 of the Evidence Act is to test the veracity of the ‘accused’ on the question of his capability of identify ‘victim’ whom the ‘accused’ may have seen only once. If no TIP is held then it will be wholly unsafe to rely on his testimony regarding the identification of ‘victim’ for the first time in the court.

(v) The question of holding an identification parade would arise only in event of witness claiming to be a position to identify a person whom he/she had not seen before the incident.

(vi) It is well settled that the evidence of identification can only be relied upon if all the chances of the suspects being shown to the witnesses prior their test identification are eliminated.

(vii) The whole object behind the TIP is really to find whether or not the suspect is the real offender. The evidence of identification in parade on its own and independently is of a very weak character rather no evidence and has only contradicting value to the evidence in court.

- (a) (i), (ii), (iv), (v), (vii)
- (b) (ii), (iii), (iv), (vi), (vii)
- (c) (v), (vi)
- (d) (iv), (v), (vi), (vii)

CPC

- 1. A
- 2. D
- 3. A
- 4. C
- 5. C
- 6. A
- 7. A
- 8. B
- 9. D
- 10. A
- 11. A
- 12. D
- 13. C
- 14. B
- 15. D
- 16. D
- 17. A
- 18. B
- 19. D
- 20. A
- 21. D
- 22. D
- 23. B
- 24. D

- 25. D
- 26. C
- 27. D
- 28. C
- 29. D
- 30. D
- 31. D
- 32. B
- 33. C
- 34. C
- 35. C
- 36. C
- 37. C
- 38. D
- 39. B
- 40. C
- 41. C
- 42. A
- 43. A
- 44. A
- 45. B
- 46. C
- 47. C
- 48. A
- 49. C
- 50. C

CURRENT AFFAIRS

- 1. B
- 2. B
- 3. B
- 4. B
- 5. A
- 6. B
- 7. B
- 8. A

- 9. B
- 10. B

EVIDENCE

- 1. C
- 2. D
- 3. A
- 4. A
- 5. A
- 6. D
- 7. D
- 8. B
- 9. C
- 10. C

ААРАМБЕН