

PONDYCHERRY MAINS CIVIL JUDGE 2023

MHCPCJ-M-II-2023

Register No.

LAW PAPER I

Date of Examination : 05/08/2023 (AN)
(02.00 p.m. to 05.00 p.m.)

Total Marks : 100

General Instructions to Candidates :

- (i) The facts and particulars provided in the Question paper i.e. the court's name, place, case numbers, document details, names of parties and witnesses are fictional. Yet candidates have to take them to be true for the purpose of answering the questions.
- (ii) Candidates need not provide cause title with citation while answering the questions. Providing wrong or incomplete cause title or quoting a wrong citation will be detrimental to the candidates.
- (iii) Sections A, B, C, D have seven 3 marks questions and four 5 marks questions respectively in each Part and candidate shall answer five 3 mark questions and two 5 mark questions respectively in each Part.
- (iv) The candidates should answer the Questions in each Section of Part-A not exceeding two pages and Questions in Part-B not exceeding three pages. No additional answer sheets will be provided.

LAW PAPER I

SECTION A

PART A – (5 × 3 = 15 marks)

Answer any FIVE questions.

CODE OF CIVIL PROCEDURE

1. Define 'decree'. Give two examples when a court may pass a preliminary decree.
2. Short notes on: 'Commercial Disputes'.
3. Distinguish : Rejection of plaint and Return of plaint.
4. Costs and Compensatory costs.
5. Explain 'Representative Suit'.
6. Explain the effects of misjoinder and non joinder of parties in a civil suit.
7. Distinguish set off and counter claim.

PART B – (2 × 5 = 10 marks)

Answer any TWO questions

8. Can Salary of a person employed in a Private firm be attached? Discuss the limitations on attachment of salary?
9. How and under what provision a decree passed by a competent Foreign Court be executed in the Indian Court?
10. State the provision for settlement of disputes outside the court. Explain various modes of settlement recognised under the code of civil procedure.
11. Difference between a Revision and an Appeal in CPC.

SECTION B

PART A – (5 × 3 = 15 marks)

Answer any FIVE questions.

CODE OF CRIMINAL PROCEDURE

12. Define 'Victim'. State briefly the rights of victim under the code of criminal procedure.
13. Explain First Information Report and Final Report with provisions of law in Cr.P.C.
14. Under what circumstances a Judicial Magistrate can take cognizance of an offence?
15. Explain the chapter relating to maintenance of Wife, Children and Parents under the Code of Criminal Procedure.
16. Explain in detail the purpose of examination of Accused under Section 313 Cr.P.C and the consequence?
17. What is meant by a 'Protest Petition'? When can a Judicial Magistrate entertain a protest petition Magistrate?
18. Write short notes on 'Inquest'.

PART B – (2 × 5 = 10 marks)

Answer any TWO questions

19. Joinder of charges, is an exception to the rule "For every distinct offence there shall be a separate charge and separate trial". Explain.
20. Explain Plea Bargain and the procedure for plea bargaining of cases before the magistrate.
21. Explain in brief Victim Compensation Scheme.
22. Explain the difference between cancellation of bail and cancellation of bond.

SECTION C

PART A – (5 × 3 = 15 marks)

Answer any FIVE questions.

INDIAN EVIDENCE ACT

23. 'A' and 'B' were seen together at 9.30 pm talking in the park by a tea vendor. Next day, morning watchman of the park found 'A' dead. Under what sections, the evidence of the tea vendor become relevant?
24. Is the following statement correct:
- (i) Court shall presume, A man who is in possession of a stolen goods soon after the theft, is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession. Yes/NO.
- A is tried for the murder of B by intentionally shooting him dead.**
- (ii) The fact, that A, on other occasions, shot at B is relevant, as showing his intention to shoot B. Yes/NO
- (iii) The fact that A was of the habit of shooting at people with intent to murder them, is irrelevant. Yes/NO.
25. Explain resgestae. Whether, the statement made by a rape victim, Shortly after departure of the accused is resgestae.
26. Define Public Documents.
27. Explain under what provision of law Identification parades are conducted.
28. Whether a child below 7 years old is competent to be a witness in a Civil Case.
29. Explain:
- (a) Estoppel by Grant
- (b) Conclusive proof and
- (c) Dying Declaration.

SECTION C

PART A – (5 × 3 = 15 marks)

Answer any FIVE questions.

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PART B – (2 × 5 = 10 marks)

Answer any TWO questions

30. What does secondary evidence means and includes?
31. Explain the preconditions for admitting an Electronic Evidence.
32. Write about the probative value of the evidence given by a witness, who is declared hostile.
33. Reverse burden of proof.

SECTION D

PART A – (5 × 3 = 15 marks)

Answer any FIVE questions.

34. Explain Pleadings and subsequent pleadings.
35. What are the six freedoms enshrined under Article 19 of the Indian Constitution?
36. Explain: Money Bill.
37. Explain Article 368 of the constitution.
38. What is meant by colourable legislation?
39. Explain the powers of the 'Administrator of Union Territory' in promulgating ordinances.
40. Separation of power in the context of Indian Constitution.

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PART B – (2 × 5 = 10 marks)

Answer any TWO questions

41. Explain briefly the principle of basic structure. State any 5 basic structures declared by the Supreme Court.
42. Explain Article 20(2) of the Indian Constitution, with judgments.
43. What are the fundamental rules of pleading mentioned in the Civil Procedure Code?
44. State any three incidences where Supreme Court has exercised its power under Article 142 of the Constitution to do complete justice?

