

Theory question paper for Limited Competitive Examination for entry to cadre of District Judge (Entry Level), 2013 on 28.04.2013 (Sunday). Answer all ten questions. Each question carries 10 marks. Pass marks 40. Total marks 100. Time 3 hours.

1. What are the provisions for set off and remission or commutation of sentence under CrPC ? A person is charged of murder. He is convicted under Section 302 of Indian Penal Code and sentenced to life imprisonment on 01.04.1995. He spent five years as under trial prisoner. State Government's policy was that a life convict, who has suffered physical imprisonment for fourteen years and with remission twenty years, will be released. In the year, 2000 State modified the policy of remission removing the stipulation of twenty years. When will the life convict be released? Give reasons and case laws.
2. A lady files a petition in terms of Section 125, CrPC claiming maintenance from her husband before the Principal Judge, Family Court. The Court awards her monthly maintenance of Rs.5,000/-. Husband does not pay claiming inability to pay as the maintenance is excessive. What is the remedy to the wife and what is the jurisdiction and procedure in regard to enforcement and recovery of maintenance?
3. What are the similarities and dissimilarities, if any, as between Section 6 of the Specific Relief Act and Section 145 of CrPC ? Explain.
4. Two persons A and B started quarrelling over first right to draw water from a well for bathing. A strikes B on the head with the bucket. B faints and collapses. A, thinking B is dead, pushes him in the well and runs away. Post mortem of B conclusively shows death by drowning. For what offence, if any, will you convict A and what will be the sentence? Discuss giving reasons.
5. What are the similarities and distinctions between right to adopt a child as between a Male Hindu and a Female Hindu adult? Can a Hindu couple, adopt a Muslim child or a Hindu orphan child? Give reasons.
6. Explain what offence has been committed in the following cases:
 - (a) A police constable at mid night entered the premises of a person who was regarded by the police as a suspicious character and knocked at his door to ascertain if he was here. Thereupon, he came out and assaulted the constable and lifted a stick as if he were about to hit the constable.
 - (b) A puts a biscuit as a bait for dog in his pocket and shows the biscuit to the neighbour's dog. The dog begins to follow A.
 - (c) A is a newly married woman. B is a complete stranger to her and her husband's family, removes the veil of A exposing her face and looks at her.
 - (d) A sets fire to a heap of dried leaves in his own field. A gust of wind came and carried flames to an adjacent hut and burns it.
 - (e) A files a suit against B for declaring plaintiff's title to suit property. B files written statement stating that B is in possession of the property having purchased the same

from C who is A's brother. B pleads that the suit is not maintainable. Decide with reference to statutory provisions.

7 Distinguish res judicata from res sub judice.

A filed a suit to recover possession of land belonging to him from B who is an annual tenant and claiming damages for use and occupation of land for three years prior to the suit. In the written statement, B takes an objection that a proper notice to quit had not been given and, as such, no decree for possession can be given. A, while the said suit is pending, files another suit after notice terminating tenancy and claims recovery of possession with mesne profits from B. Both suits are in your Court. How would you proceed with the cases and decide them?

8 A files a suit against B for declaring plaintiff's title to suit property. B files written statement stating that B is in possession of the property having purchased the same from C who is A's brother. B pleads that the suit is not maintainable. Decide with reference to statutory provisions.

9 Examine the validity of the following transfers with reasons:-

a) A testator died leaving his property to his wife for life. He also gave power to his wife to arrange for their son and his issues in such manner as she thought fit. The wife died leaving a will, whereby she gave the property to her son for life, with remainder to such of his children living at her death as shall attain the age of 25 years. All the son's children attained 25 years of age before the wife died.

b) A transfers property to B in trust for C, and directs B to give possession of the property to C, when he attains the age of 25 years.

c) A makes a gift of land to B. Subsequently C sues A for possession of the land. While the suit is pending, B transfers the land to D. A dies. C obtains a decree of possession against B, as legal representative of A. C got the land attached in execution of the decree. D filed an objection that B was not a party to the suit at the time of transfer by B to D. Moreover A's gift was made before the suit. Decide.

10 What are the Rules, Procedures and distinctions in respect there to with regard to preservation and destruction of records of civil and criminal cases at the Civil Court level?

Theory Question Paper for Limited Competitive Examination for entry to the cadre of District Judge (Entry Level), 2014 on 13th December, 2014 (Saturday).

Answer all ten questions. Each question carries 10 marks. Pass marks 40. Total marks 100. Time 3 hours.

1. A person is charged under Section 304 B of IPC. His wife died of extensive third degree burns in their matrimonial house seven years after her marriage. Prosecution alleges that she was killed by her husband. Prosecution establishes demand of dowry. Husband alleges that she had died of accidental burns while cooking. As a Sessions Judge how you would conduct the proceeding and the trial. What will be the conviction and punishment, if any? Could Section 106 of the Evidence Act have any play in the matter?

2. Distinguish and differentiate between common intention, abetment, criminal conspiracy and being member of unlawful assembly.

3. A files a money suit against B. A gets immoveable property of B attached before judgment for satisfying the decree, which he may get. On the suit being decreed in favor of A, and B not paying the decretal amount, A institutes execution proceeding for sale of property so attached earlier. C files objection in the execution proceedings in respect of the said property taking the plea that long before the attachment order was passed B had entered into an agreement for sale of the said property with C though sale-deed was executed after the attachment order. C pleads that the property cannot be sold in execution for satisfying the decree. Decide with reference to case law and statute law.

4. Explain the maxim "res ipsa loquitur". How will it apply before Motor Accident Claims Tribunal where claimant for compensation alleges that the deceased was riding a cycle alone and was run over by the bus being rashly and negligently driven. The owner of the bus alleges that the deceased was negligently riding the cycle on the highway. The driver of the bus is absconding and no one had seen the accident.

5. A files a complaint accusing B of defaming A's wife with false imputation of unchastity. While the complaint is pending trial, A and B enter into a compromise. They file an application under

Section 320 (2) of the CrPC to compound the offence under Section 500 of IPC. Decide.

5. ^(B) A strikes a person on his head. The person faints and collapses. Taking him to be dead, A, to hide his crime of murder, throws him in a well. On body being recovered, on post-mortem the cause of death is determined as drowning. Is A guilty of murder or of any other offence?

6. What is the difference between res judicata and res sub judice?

7. (i) The village Priest tells a man accused of murder that if he does not tell the truth he will go to jail and his family will suffer. The accused confesses. Is the confession so made admissible in evidence?

(ii) A person goes to a Doctor for treatment of injuries. Doctor asked him about the injuries and he confessed that he had a fight with another person whom he killed and he had received injuries in course of the fight. Would the conversation and the confession of the patient with the Doctor be admissible in evidence?

8. In a trial under NDPS Act what are the safeguards available to the accused in respect of search of his person for recovery of incriminating articles and proof of articles being incriminating articles?

9. Can the plea of bail in anticipation of arrest be entertained in a case registered at the Harijan Thana for an offence under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act, 1989)? If yes on what conditions if no why? Discuss.

10. What are the provisions for preservation and destruction of records and what are the differences between the Civil Court Rules and the Criminal Court Rules in this regard as framed by the High Court of Judicature at Patna for the subordinate courts?

Theory Question Paper for Limited Competitive Examination for entry to the Cadre of District Judge (Entry Level) 2016 on 10th September, 2016 (Saturday).

Answer all ten questions, each question carries 10 marks. Pass marks 40. Total marks 100. Time 3 hours.

1. 'A' entered into an agreement with 'B' for purchase of property at Exhibition Road for a sum of Rs. 1 crore and paid a sum of Rs.15 lacs to 'B' who failed to execute a sale deed in his favour. 'A' filed a complaint under Section 200 of the Code of Criminal Procedure together with an application for its registration as an F.I.R. under Section 156(3) thereof. Magistrate refuses to pass any order. What is the remedy available to 'A' as against the order of the Magistrate in refusing to order for registration of an F.I.R. against 'B' and whether 'A' is pursuing the appropriate remedy for his grievance? If not why? Give reasons with supportive case laws.
 2. What is the principle underlying 'Res Judicata', 'Constructive Res Judicata' and 'Estoppel' ? Support your answer with case laws.
 3. What is the difference between a 'necessary party' and a 'proper party' and are the consequences of a non-joinder of either of them?
 4. Whether a gratuitous passenger in a goods vehicle on suffering injury from an accident caused by the Vehicle, is entitled to a compensation under the Motor Vehicles Act, 1988? Discuss with case laws.
 5. A money decree was passed on 1.8.2000. The appellate court affirmed the decree on 5.10.2003. There was no stay of the trial court decree. Execution Proceedings was filed on 30.7.2013. Objection was raised by the judgment debtor that in absence of stay to the decree, the execution proceedings were barred, having been filed after 12 years. Decide with reference to Statute and case laws.
 6. The general proposition is that an Executing Court cannot go behind a decree. Is there exceptions & whether it means that an Executing Court has no duty to find out the true effect of a decree? Explain.
 7. A member of the State Legislature is to be prosecuted for demanding illegal gratification for using his position to secure Government job for a person. He is charge-sheeted under
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Section 13 and other provisions of the Prevention of Corruption Act, 1988. The accused contends that no court can take cognizance for an offence under the Prevention of Corruption Act, 1988 against him as he is neither an employee of the Central Government or the State Government nor there is any competent authority who can remove him from his position as a legislator and as such he cannot be tried. Decide.

8. A lady files a petition in terms of Section-125 Cr.P.C. claiming maintenance from her husband before the Principal Judge, Family Court. The Court awards her monthly maintenance of Rs.5,000.00. Husband does not pay claiming inability to pay as the maintenance is excessive and he is out of employment. What is the remedy to the wife and what is the jurisdiction and procedure in regard to enforcement and recovery of maintenance?
9. In course of police investigation, an accused states before the Investigating Officer that "the knife by which I have killed has been hidden by me which I can show". On this information, police recovers the knife with blood stains. State with reasons whether the whole of the statement made by the accused or which part thereof is admissible in evidence.
10. An Executive Engineer of CPWD is deputed by the Central Government to the Building Construction Department, Government of Bihar where he is caught receiving illegal gratification and a case under Prevention of Corruption Act is instituted. At the time when the charge-sheet is filed, he has been reverted back to the parent Department CPWD. Who would be the authority to sanction his prosecution decide?

Theory Question Paper of 9th Limited Competitive Examination for entry to the cadre of District Judge (Entry Level) 2017-18 on 15th December, 2018 (Saturday).

Answer all ten questions. Each question carries 10 marks.

Total Marks : 100

Time : 3 hours

PassMarks : 40

1. Under what circumstances, appellate court can frame issues and decide the same if the said issue was not decided by the trial court?
2. (a) Explain the doctrine of lis pendens.
(b) Explain the doctrine of transfer by ostensible owner.
3. Anjali is an assistant professor in Patna Science College. Her husband is an engineer in TELCO at Jamshedpur. Anjali is not willing to leave her job, but she used to visit her husband once in a week and also assures her company during husband's visit at Patna during holidays. Husband has filed a petition for divorce. Decide.
4. A, Muslim girl was given in marriage by her father at the age of 10. On attaining puberty, she repudiated marriage. Husband claims that marriage has been consummated, as such, A has lost right to repudiate marriage. Decide.
5. Write short notes on :
(a) res gestae; (b) suicide note.
6. What are the stages of a crime? What is an attempt to commit an offence? Distinguish between preparation and attempt. What do you mean by an attempt to commit murder?
7. When can a proclamation for an absconding person be issued by a court? How shall such proclamation be published? When may a court order attachment of the property of a person, who has absconded?
8. Are the provisions contained in Section 360 of the Cr.P.C, 1973 and the Probation of Offenders Act, 1958 applicable in cases of conviction under

the NDPS Act, 1985? If yes, under what circumstances. If no, give reasons.

9. (a) What is the remedy to an aggrieved person against an order passed by the special court and exclusively special court under the provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989? Refer the provisions and explain whether any period of limitation for exercise of such remedy is there.
 - (b) Can an interlocutory order passed by the special court under the aforesaid Act be challenged in appeal before the appellate forum. If not, what is the remedy to the aggrieved person against an interlocutory order.
10. (a) What are the duties and powers of the J.J.B. with respect to a child above the age of 16 years, who has committed a heinous offence and is brought before him?
 - (b) What are the powers of the Children's Court after J.J.B. order transfer of the trial of the case to it under Section 18(3) of the Juvenile Justice (Care & Protection) Act, 2015.

**10th Limited Competitive Examination for promotion to the cadre
of District Judge (Entry Level) against 10% quota (2018-19).**

Date of Examination: 18th August, 2019 (Sunday)

Paper: Theory

Total Marks : 100

Time : 3 hours

Pass Marks : 40

Answer all the ten questions. Each question carries 10 marks.

1. Discuss the powers of a first appellate court with respect to matters which ought to have been decided but have not been decided by the trial court.
2. A cyclist was riding on a highway and at one place he caught hold of the trailer of a tractor and started getting pulled by the tractor. At the point where the cyclist had to take a turn, he left the tractor, however, at that very moment he lost control and fell down, hitting his head against a boulder lying on the side of the road and subsequently died in course of treatment. Decide upon the accident claim of his dependants when it has come in evidence that the driver of the tractor had no knowledge of the misadventure of the cyclist.
3. A Sessions Judge calls for certain documents which a public servant 'A' is legally bound to produce. 'A' intentionally omits to produce the same, or on a notice to 'A' to furnish information on any subject, he omits to furnish such information intentionally – What offences are made out against 'A', the public servant? Can he be punished for contempt of court? What is the prescribed procedure and sentence and what sentence can be passed against him?
4. 'A' Committed rape with a minor girl 'B' aged about 12 years. Immediately after the occurrence mother of 'B' reached there and she disclosed the occurrence to her mother, who narrated the same in the court that her daughter disclosed to her about the occurrence immediately

after the occurrence – What will be the evidentiary value of the evidence of mother of 'B' – Explain with the provisions under the Indian Evidence Act.

5. (a) Under the NDPS Act, 1985, what is the procedure of making confiscation of the conveyance which is intercepted while carrying illicit drugs ?
(b) 500 cough syrup bottles were seized while being transported by a Tempo-Car from Bettiah to Motihari. The vehicle belongs to 'A' who had given it to 'B' by a power of attorney for plying it commercially. 'B' has also a pharmaceutical shop, which fact is known to 'A'. A' approaches the concerned court for release of his vehicle. Decide.
6. A Muslim man in India can no longer divorce his wife by simply uttering 'Talaq, Talaq, Talaq'. Discuss with reference to the judgment of Apex Court in Syrabano case and the punitive scheme under the Muslim Women (Protection of Rights on Marriage) Act, 2019.
7. Discuss the background of Negotiable Instruments (Amendment) Act, 2018 and the changes introduced by the amendment.
8. A Hindu converted and joined Christianity and married a Christian girl. Son born out of such marriage claimed inheritance in the property left by his Hindu Uncle. Decide the claim by giving reason.
9. "Adultery is no longer a crime, but it will continue to be a ground for divorce". Explain with reference to the recent Constitution Bench judgment of the Apex Court.
10. "Children do not choose their parents". Discuss the rights of children born out of void marriage under the Hindu Law.

11th Limited Competitive Examination for promotion to the cadre of District Judge (Entry Level) against 10% quota

Date of Examination : 10th October, 2020 (Saturday)

Paper : Theory

Total Marks : 100

Pass Marks : 40

Time : 3 hours

Answer all the ten questions. Each question carries 10 marks.

1. Write short notes on –

- (a) Judicial Immunity
- (b) Doctrine of necessity
- (c) Good faith
- (d) Grave and sudden provocation.

2. Explain general rules of succession in the case of female Hindus. In what order and manner the property of a female Hindu shall be distributed among the heirs.

3. (a) Nine Akali Sikhs sue for removal of the mahant of a religious institution. The suit is dismissed on the ground that the institution is a Hindu Dera and not a Sikh Gurudwara. Subsequently and after the passing of the Sikh Gurudwara Act, 1925, sixty-four Sikhs sue for a declaration that the institution is a Sikh Gurudwara. Is the suit barred by *res judicata* ?

(b) A alleging that he is the adopted son of X sues B to recover certain property granted to him by X under a deed and forming part of the estate of X, the Court finds that A is not the adopted son of X, but that he is entitled to the property under the deed and a decree is passed in favour of A. Will the finding that A is not the adopted son of X operate as *res judicata* in a subsequent suit between A and B in which the question of adoption is again put in issue?

4. (a) Two Muslims A and B were married on 18-6-85. It is agreed by the parties that if A took a second wife, B will have a right to pronounce divorce to herself. A took a second wife on 10-4-87. B pronounced divorce on 20-4-87. Is it a valid divorce?

- (b) A Mohammedan husband becomes a convert to Christianity. The wife then marries another man before expiration of the period of *Iddat*. State if she is guilty of bigamy under section 498 IPC.
- (c) *T*, a Muslim wife, seeks dissolution of her marriage with *P* on the ground that *P* neglected to maintain her for a period of 3 years. *T* had in fact, voluntarily left when *P* took a second wife. Decide.
5. (a) Describe the law and procedure for maintenance of wife, children and parents in Cr.P.C.

Under what circumstances and by whom maintenance may be claimed under the provisions of Cr.P.C.?

- (b) *A* and *B* were married at Calcutta. They last resided together at Delhi. *A* came on transfer to Jaipur leaving *B* with her brother at Delhi. He neglected and refused to maintain *B*. At what place application for maintenance under Sec. 125, Cr.P.C. can be filed?
6. "The foundation of the doctrine of election is that one may not approbate and reprobate at the same time." Comment.

A Hindu widow dies making a Will in respect of property which she inherited from her husband. She bequeathed Rs.2,000 as a legacy to the plaintiff, and the immovable property to the defendant's father. The plaintiff and the defendant's father were the heirs of her husband. The plaintiff sued for the legacy under the Will and for half of the immovable property as heir. Will the plaintiff succeed? Answer with reasons.

7. Whether provisions of Section 50 of Narcotic Drugs and Psychotropic Substances Act are attracted in case of search of any premises etc.
8. *B*, the wife of *A*, a public servant, receives a diamond necklace from *X*, for soliciting *A* to provide some Government land at a cheaper rate (than the rate fixed) for establishing a hotel near airport. *A* agrees and allots the said land to *X*.

Fix the liability of *A* in this case, under provisions of the Prevention of Corruption Act, 1988. Also state the liability of *B*, if any. Give reasons for your Answer.

9. A, an extremely backward class girl and B, a Scheduled Caste boy were class fellows. They fell in love with each other and ultimately married in 2001. They were living in a village where B had some agricultural property in addition to his job as a teacher in Government School. In the absence of B, A used to take care of agricultural land. One day she had some altercation with X, an adjacent landowner, who abused her with derogatory words relating to caste in which she has married. On the complaint of A, can X be prosecuted for the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Justify your answer.
10. (a) 'A' lodges FIR alleging that in morning, he had hacked his aunt with an axe and the dead body was lying in the house. The dead body and blood-stained axe were recovered therefrom by the police. 'A' is prosecuted for murder. There is no eye-witness or any other evidence against him. Prosecution seeks 'A's conviction for murder on the basis of his version contained in the FIR. Decide.
- (b) Whether extra-judicial confession made before a home guard on duty is admissible in evidence?

12th Limited Competitive Examination for promotion to the cadre of District Judge (Entry Level) against 10% quota (2020-21).

Date of Examination: 27th February, 2022 (Sunday)

Total Marks : 100

Paper: Theory

Pass Marks : 40

Time: 3 Hours

Answer all the ten questions. Each question carries 10 marks.

1. Whether officers empowered under section 53 of the NDPS Act, 1985 are Police Officers or not for the purpose of attracting the bar under Section 25 of the Evidence Act, 1872, against admissibility of the confession to a Police Officer. Explain with reasons. Can the statements made before the Officer empowered under Section 53 of the Act be made the basis for the conviction of an accused; if yes, under what circumstances? Also explain as to whether statement recorded under Section 67 of the Act by an Officer referred to in Section 42 of the Act can be used as a confessional statement in the trial of an offence under NDPS Act and what is the nature, purpose, extent and scope of the power conferred under Section 67 of the NDPS Act.

2. At about 2 PM on the fateful day, 4 years old son of a person went missing while he was playing in front of his house. The parents of the missing boy made a frantic search for their son. At about 6.30 PM, the parents came to know that the dead body of a child is thrown beside a field and upon coming to know about the recovery of the dead body of a child, they immediately reached that place and found that a large number of people had assembled there and police party had also arrived there with sniffer dog. The parents identified the dead body to be of their son which was wrapped in a bed roll. They claimed that some unknown miscreant had killed their son and thrown his body to conceal the evidence. The sniffer dog was taken to the place from where the dead body of the deceased was recovered and after taking smell of the place and bed-roll, the dog entered

the house / room of the accused. Explain with reasons whether a person can be convicted of a crime based on the evidence gathered by the Police sniffer dog? Refer to case law if any.

3. Explain with case law the five golden principles which constitute the *panchsheel* of the proof of a case based on circumstantial evidence.

4. What is Electronic evidence? Explain the procedure and safeguards with respect to search, seizure and production of electronic evidence and appreciation of electronic evidence during trial.

5. "A" who belongs to Schedule Caste Community lodged an FIR alleging that his brother has been killed by "C" and other accused persons "D" & "E". The Harijan Police Station registered the FIR under Section 302, 34 of IPC and under the Provisions of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 and the accused persons "C", "D" & "E" were arrested. A final report under Section 173 of Cr.P.C. was submitted by the Investigating Officer against them. "E" moved an application before the Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for grant of bail. The Special Judge granted bail to accused "E" without hearing the informant or dependant of the victim. Whether the bail granted to the accused "E" is valid order. Discuss, with the case law if any.

6. Differentiate

- (a) Lease and License
- (b) Proper Party and Necessary Party.
- (c) Preliminary decree and Final decree.
- (d) *Res judicata* and constructive *res judicata*.

7. "A" inducts "B" as his tenant for 5 years in his house and for which a lease agreement was entered between the parties but not registered. After 5 years "A" wants to evict "B" on expiration of period of lease. Discuss.

8. "A" executes a registered sale deed in favour of "B" but possession not given due to non-payment of consideration amount. "A" executes another registered sale deed in favour of "C" after receiving consideration amount. "B" files suit for declaration of title and possession. Discuss.

9. "A" files suit for eviction of "B" on ground of default in payment of rent but fails to establish relationship of land lord and tenant but prima facie proves the Title over the property. Discuss.

10. (i) "A" files an application for grant of probate executed in his favour by testator after 15 years of death of testator. Opposite party takes preliminary objection of application to be barred by limitation. Discuss.

(ii) Explain due execution of will.