

[This question paper contains 04 printed pages]

SCREENING TEST FOR THE POST OF ASSISTANT DISTRICT ATTORNEY – 2022.

Time Allowed : 03 Hours.

Maximum Marks : 100

- Note :** (i) Answer in all FIVE questions, selecting at least TWO questions from each part. All questions carry equal marks.
- (ii) Answer all parts of question consecutively indicating question number and its part as assigned in the question.

PART – A (CRIMINAL LAW)

1. (a) The deceased (A) and his friends were going in a boat in river Indus to collect reeds. On their way, they met (M), the father of (W) who warned them not to collect reeds from his land. Ignoring this warning, when (A) and his friends were returning downstream with some bundles of reeds which they have collected, (M)'s nephew (G) blocked their way and tried to take away the bundles of reeds. He caught the rope of the boat and pushed A. Agitated by this, (A) picked up a ten feet long wooden pole used for rowing the boat. Seeing this, (G) shouted for help. whereupon (W) and (M) came to the place armed with guns. (W) fired at (A) and ran away. (A) was thus killed by (W). (M) fired at (A)'s friend (H) causing him injuries. (W) was never caught thereafter.

Discuss the criminal liability of (M). Support your answer with legal provisions and the relevant case law.

- (b) Wherein the accused (A) was assaulting a person by fists, the wife of the victim (i.e. person who was being assaulted) intervened with a baby in her arms in order to rescue her husband. The accused (A) gave a blow to her which accidentally hit the baby with the result it fell down and the baby died after two days. Can accused (A) plead the defence of 'Accident'? Give answer with the help of legal provisions and case law, if any, on the point.
2. (a) What offence, if any, is made out in the following cases? Support your answers with arguments in the light of legal provisions and the case law, if any.
- (i) Deepak and Ritika were found kissing and embracing each other in a Maruti Van parked at a distance of 01 mile away from the police post at a lonely place.
- (ii) During the search of the residential house of the accused for the offences under Section 120 B, 420, 468 and 471 I.P.C., one video cassette containing pornographic scenes is recovered from an Almirah, key of which was supplied by the accused.

- (b) (A), a passerby, sees (B) mercilessly beating his wife (C). (A) gives a single blow to (B) who dies immediately at the spot. What offence, if any, has (A) committed? Give arguments and the legal provisions in support of your answer and also case-law, if any.
3. (a) An accused, (A), who was Superintendent in a Government Department took away a file at home and made it available to another person who replaced certain papers in it by other papers and the accused (A), then returned the file and placed it in its original place. What offence, if any, has been committed by accused (A)? Support your answer with arguments and legal provisions and the case-law, if any.
- (b) Write short notes on the following:-
- (1) Mens – Rea.
 - (2) Cyber crimes.
 - (3) Distinction between ‘Culpable Homicide’ and ‘Murder’.
 - (4) Distinction between ‘Abduction’ and ‘Kidnapping’.
4. (a) Ram, an accused of an offence of murder stated before a police officer that, “ the knife by which I have killed Sohan, has been hidden by me in the field, which I can show ”. On this information, the police officer discovers the said knife from the field, on which human blood is detected. Is the whole of statement given by the accused admissible in evidence?
- If not, what part or parts of the statement are admissible in evidence? Give answer with the support of relevant legal provisions and case-law, if any, on the point.
- (b) A man was prosecuted for the murder of his wife. His defence was that the shot went off accidentally. There was evidence to the effect that the deceased telephoned “Get me the police please “. Before the operator could connect the police to the caller, who spoke in distress her address and the call ended abruptly. Thereafter the police reached the house and found the body of the deceased woman. Discuss the relevancy of the ‘telephone call’ and the words she spoke and whether they are admissible in evidence? Give answer with the support of legal provisions and the case-law, if any, on the point.
5. (a) (A) married young woman who was discarded by her husband, lived with her father and brother in Madras. She became intimate with the accused who was her next door neighbour. The two ran away from Madras in a Motorcar, flew to Bangalore in an aeroplane and eventually settled in Bombay. The accused was convicted of kidnapping by a Presidency Magistrate Bombay. It was alleged that taking or the enticing of the women, if there was any, having taken place in Madras and the

Magistrate in Bombay has no jurisdiction to try the offence. Decide and give your answer with reasons supported with legal provisions and the relevant case-law, if any.

- (b) Explain the following briefly:-
- (1) Summary Trial.
 - (2) Cognizable and non-cognizable offences.
 - (3) Anticipatory Bail.
 - (4) First Information Report (FIR).

PART – B (CIVIL LAW)

6. (a) A landlady filed a civil suit for recovery of possession and mesne profits from her tenant. The tenant pleaded that the Rent Controller, not the Civil Court, has jurisdiction to entertain eviction suit. The Landlady contended that her two earlier eviction petitions were rejected by the Rent Controller, which has jurisdiction to entertain eviction suit against him as the Rent Act did not apply to his tenancy. She has pleaded that those two judgements of the Rent Controller constitute Res Judicata between the parties and the tenant cannot be allowed to appropriate and reprobate and he is also estopped from taking inconsistent pleas in the civil suit. Dispose of the plea of the tenant and the lady by giving arguments supported with legal provisions and case-law, if any, on the point.
- (b) (A) resides at Shimla, (B) at Calcutta and (C) at Delhi. (A), (B) and (C) being together at Banaras, (B) and (C) make a joint promissory note payable on demand, and delivered it to (A). Advise (A) for the place to institute the suit. Support your answer with legal provisions and the case-law, if any.
7. (a) (A) plaintiff gives notice under Section 80 of the Civil Procedure Code and institutes a suit before two months but is allowed to withdraw the same with liberty to file a fresh suit. Is he entitled to file a fresh suit without giving a fresh Notice? Support your answer with legal provisions and the relevant case-law, if any, on the point.
- (b) (A) obtained a decree against (B) for possession. (B) filed an appeal against the decree and obtained stay of delivery. The appeal was allowed and the suit dismissed. Against the dismissal, (A) preferred a second appeal and that was allowed and the decree of trial Court restored. (A) applied for restitution for mesne profits from the date of stay order of the first appellate Court to the date of decree of the second Appellate Court. Is (A) entitled to the mesne profits so claimed? Give your answer in the light of legal provisions and the relevant case-laws, if any, on the point.

8. (a) (A) and (B) are two brothers constituting Joint Hindu Family. Before coming into the operation of Hindu Succession Act, 1956, (A) brings suit for partition, but during the pendency of suit (A) dies. His widow claims to be substituted for her husband and thus to continue the suit. Her claim is resisted by (B) on the ground that the interest of (A) passed to him by survivorship.

Decide. Give reasons, statutory law and case-law, if any, in support of your answer.

- (b) A State Government makes registration of all marriages solemnized under the Hindu Marriage Act compulsory. Non-registration under the rules renders the marriage void and off-springs illegitimate. (M) and (N) have married according to Hindu Marriage Act but the marriage was not registered under these rules. A son (X) is born to (M) and (N). Decide the validity of the marriage and legitimacy of son (X). Quote relevant legal provisions and case-law, if any, in support of your answer.
9. (a) (A) agrees with (B) to print libellous matter against (C) and (B). In consideration, pays Rs.500/- to (A) as advance and promise, to pay Rs.10,000/- more, after the matter is printed. (B) claims back the advance from (A). Decide. Give the reasons for your answer supported by legal provisions and 'case-law', if any, on the point. Can (A) recover the balance money of Rs.10,000/- from (B) in case of breach of contract?
- (b) (A) agreed to sell his house to (B) for Rs.15 lacs. Rs. 5 lacs were paid in advance. After one month, further Rs.5 lacs were paid and (A) put (B) in possession of the house and balance amount of Rs.5 lacs was to be paid on completion of paper work and registration of sale-deed. (A) fails to keep his commitment. (B) filed suit for specific performance of the contract which is decreed. Court allows (B) a period of 2 months to make the balance payment. However, (B) fails to make the payment of Rs.5 lacs within the time allowed by the Court decree. (A) then applies for the rescission of decree and contract. Will he (A) succeed?

Give reasons, legal provisions and case-law, if any, in support of your answer.

10. (a) The Executing Court, cannot go beyond the decree. However, it does not mean that the Court has no duty to find the true effect of the decree. Comment briefly.
- (b) Explain the following terms:
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|---------------------------|-----------------------------------|
| (1) RES SUB JUDICE | (2) Inherent powers of the Court. |
| (3) Suit of Civil Nature. | (4) Interpleader Suits. |