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## High Court of SIKKIM

WRITTEN EXAMINATION (PAPER – I) FOR RECRUITMENT TO THE POST OF CIVIL JUDGE-CUM-JUDICIAL MAGISTRATE (GRADE-III) IN THE SIKKIM JUDICIAL SERVICE, 2014

Paper – I : Procedural Law – Code of Civil Procedure, Code of Criminal Procedure, Indian Evidence Act, Limitation Act & Local Laws

Time : 3:00 hours (9:30 a.m. to 12:30 noon)

Total Marks : 200

### Instructions

1. Answer all questions
2. The answer sheet shall be filled by a BLACK/BLUE Ball Point Pen only.
3. Question No. 1 to 190 are multiple choice questions for which only one answer is to be given. If more than one answer is marked, it would be treated as wrong answer.
4. The Answer sheet shall be submitted to the invigilator at the end of examination, along with the answer sheet for Language Test.
5. The candidates can keep the question paper booklet with them. No Candidate shall carry out the answer sheet with him out of the examination hall.
6. Please fill your Roll Number carefully & correctly and question booklet number on the Answer Sheets for multiple choice questions as well as the Language Test Sheet.
7. Each question from 1 to 190 has four optional responses marked serially as a,b,c and d. The candidates have to **tick only one option** for indicating the correct answer on the answer sheet.
8. Language Test consist of 2 questions of 5 marks each.
  - a. Translation of English Paragraph to Nepali or any language of the State (5 Marks).
  - b. Short notes on any one of the Topics in Nepali or any language of the State, provided in the question (5 Marks).
9. No candidate shall be allowed to enter the examination hall beyond 30 minutes from the time of commencement of the examination. Any candidate joining the examination hall late will not be allowed any extra time.
10. No candidate shall be allowed to leave the examination hall before expiry of one hour of commencement of the examination.
11. Mobile Phones, Pagers, Tablets, Electric Equipments, etc are prohibited inside the examination hall. The candidate shall not possess any such equipment or device even in switched- off mode.
12. No candidate is permitted to carry with him/her any book, slip or writing as a mean of communication in the examination.
13. Violation of any of these instructions will entail the cancellation of examination.

1. When did the Code of Civil Procedure, 1908 came into force:
  - a) 1 July, 1909
  - b) 1 January, 1909
  - c) 1 July, 1908
  - d) 1 April, 1909
  
2. Provision for interpleader suit is contained in which of the following section of C.P.C.
  - a) Section 87
  - b) Section 88
  - c) Section 89
  - d) Section 90
  
3. Which section of CPC defines decree?
  - a) Section 2 (1)
  - b) Section 2 (2)
  - c) Section 2 (3)
  - d) Section 2 (4)
  
4. A decree holder:
  - (a) Need not be a party to the suit
  - (b) The term is not confined to plaintiff
  - (c) Both (a) & (b)
  - (d) Neither (a) nor (b)
  
5. Principle of res-subjudice is contained in
  - (a) Section 10 of CPC
  - (b) Section 11 of CPC
  - (c) Section 13 of CPC
  - (d) Section 14 of CPC
  
6. Under the Principle of res-subjudice
  - (a) The second suit has to be stayed
  - (b) The previous suit has to be stayed
  - (c) Either (a) or (b) depending on the facts & circumstances of the case
  - (d) Either (a) or (b) depending on the valuation of the suit for the purposes of jurisdiction
  
7. 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
  
8. Place of institution of suit in respect of immoveable property situated within the jurisdiction of different courts, has been provided
  - (a) Under section 17 of CPC
  - (b) Under section 18 of CPC
  - (c) Under section 19 of CPC
  - (d) Under section 20 of CPC
  
9. A plaint can be rejected
  - (a) Under order VII, Rule 10 of CPC
  - (b) Under order VII, Rule 8 of CPC
  - (c) Under order VII, Rule 11 of CPC
  - (d) All the above

10. A person can be made a party in the suit either as a plaintiff or a defendant
  - (a) Under order I, Rule 8A of CPC
  - (b) Under order I, Rule 10 of CPC
  - (c) Under order x, Rule 1 of CPC
  - (d) Under order X Rule 8 of CPC
11. Pleading must state
  - (a) Facts
  - (b) Law
  - (c) Evidence
  - (d) All the above
12. Set-off is a
  - (a) Reciprocal agreement between the plaintiff and defendant
  - (b) Reciprocal ascertainment of debts between the parties
  - (c) Both (a) or (b)
  - (d) Neither (a) nor (b)
13. An ex-parte decree can be set aside
  - (a) Under order IX, Rule 7 of CPC
  - (b) Under order IX, Rule 11 of CPC
  - (c) Under order IX, Rule 13 of CPC
  - (d) Under order IX, Rule 12 of CPC
14. Affidavit in answer to interrogatories shall be filed
  - (a) Within 7 days of the order
  - (b) Within 10 days of the order
  - (c) within 14 days of the order
  - (d) Within 15 days of the order
15. Issues mean
  - (a) Contentions arising out of plaint only
  - (b) Contentions arising out of written statement only
  - (c) Rival contentions of the parties based on their pleading
  - (d) Presumptions of fact or law or fact & law
16. Issues can be altered
  - (a) Under order XIV, Rule 2 (2) of CPC
  - (b) Under order XIV, Rule 3 of CPC
  - (c) Under order XIV, Rule 5 of CPC
  - (d) Under order XIV, Rule 6 of CPC
17. Transfer of a decree for execution to another court has been dealt with
  - (a) Under section 37 of CPC
  - (b) Under section 38 of CPC
  - (c) Under section 39 of CPC
  - (d) Under section 40 of CPC
18. Modes of execution of a decree have been
  - (a) Section 48 of CPC
  - (b) Section 49 of CPC
  - (c) Section 51 of CPC
  - (d) Section 52 of CPC

19. A person arrested & detained in Civil imprisonment in execution of a decree can be released
- (a) On payment of the outstanding amount
  - (b) On the ground of illness of self
  - (c) On the ground of illness of a member of his family
  - (d) Only (a) or (b) not (C)
20. Effect of abatement or dismissal of a suit
- (a) Under order XXII, Rule 9 of CPC
  - (b) Under order XXII, Rule 8 of CPC
  - (c) Under order XXII, Rule 10 of CPC
  - (d) Under order XXII, Rule 11 of CPC
21. Provisions relating to interpleader suit are contained in
- (a) Order XXII of CPC
  - (b) Order XXXIV of CPC
  - (c) Order XXXV of CPC
  - (d) Order XXXVI of CPC
22. Attachment before judgment can be ordered
- (a) Under order XXXVIII, Rule 1 of CPC
  - (b) Under order XXXVIII, Rule 3 of CPC
  - (c) Under order XXXVIII, Rule 5 of CPC
  - (d) Under order XXXVIII, Rule 7 of CPC
23. A temporary injunction can be granted to a party establishing
- (a) Ex parte
  - (b) Balance of convenience in his favour
  - (c) Irreparable injury to him in the event of non-grant of injunction
  - (d) All the above
24. A receiver can be appointed
- (a) During the pendency of proceedings
  - (b) After the termination of proceedings
  - (c) Both (a) and (b)
  - (d) Either (a) or (b)
25. Next friend' is
- (a) A local commissioner
  - (b) A receiver
  - (c) A person defending a suit on behalf of the minor
  - (d) A person filing a suit on behalf of a minor
26. Summary procedure in relation, to suits has been provided
- (a) Under order XXXV of CPC
  - (b) Under order XXXVII of CPC
  - (c) Under order XXXVIII of CPC
  - (d) Under order XLIV of CPC

27. Delay in putting in the appearance in a suit under order XXXVII  
(a) Cannot be condoned  
(b) Can be condoned as a matter of right  
(c) Can be condoned on sufficient cause being shown  
(d) Either (a) or (b).
28. Right to lodge a caveat has been provided under  
(a) Section 148 of CPC  
(b) Section 148 A of CPC  
(c) Section 148 B of CPC  
(d) Section 147 of CPC
29. The cross-examination of a witness in attendance whose examination-in-chief has been furnished by affidavit under order XVIII, Rule 4 (2) of CPC shall be taken  
(a) By the court  
(b) By the commissioner appointed by the Court  
(c) Either (a) or (b)  
(d) None of above
30. A suit to set aside a decree on the ground of lack of territorial jurisdiction is barred.  
(a) Under section 21 of CPC  
(b) Under section 21A of CPC  
(c) Under section 22 of CPC  
(d) Under section 23 of CPC
31. Second appeal shall not lie from any decree, as provided under section 102 of CPC when the subject matter of the original suit is for recovery of money not exceeding  
(a) Rs. 10,000  
(b) Rs. 25,000  
(c) Rs. 50,000  
(d) Rs. 1,00,000
32. On account of mis-joinder or non-joinder of parties, under order I, Rule 9 of CPC, the suit is  
(a) Liable to be dismissed  
(b) Cannot be dismissed  
(c) May be dismissed or may not be dismissed as per the discretion of the court.  
(d) None of the above
33. In set-off fee is  
(a) Payable  
(b) Not payable  
(c) Discretionary  
(d) None of the above
34. Attachment of property under a precept shall remain valid for a period of  
(a) 90 days until extended  
(b) 60 days until extended  
(c) 30 days until extended  
(d) Till further order

35. Maximum period of detention in civil imprisonment where the decree is for more than Rs. 2000 but less than Rs. 5000 is  
(a) Six weeks  
(b) Two months  
(c) Three months  
(d) Six months
36. A suit filed on behalf of a minor can be  
(a) Withdrawn at any time as a matter of right  
(b) Cannot be withdrawn  
(c) Withdrawn only with the leave of the court  
(d) None of the above
37. Public nuisance within the meaning of section 91 of CPC is  
(a) Nuisance in law  
(b) Nuisance in fact  
(c) Both (a) and (b)  
(d) None of the above
38. Pauper appeals have been provided  
(a) Under order XLII of CPC  
(b) Under order XLIII of CPC  
(c) Under order XLIV of CPC  
(d) Under order XLV of CPC
39. Decree means  
(a) Formal expression of an adjudication  
(b) Informal expression of an adjudication  
(c) Formal expression of an adjudication but shall not include any adjudication from which an appeal lies as an appeal from an order  
(d) All of the above
40. A decree may be executed by  
(a) Tehsildar  
(b) Collector  
(c) District Judge  
(d) Either by the court which passed it or to which it is sent.
41. Dasti summons for serving on the defendant(s) can be given to the plaintiff by virtue of  
(a) Order V, Rule 9A of CPC  
(b) Order V, Rule 9 of CPC  
(c) Order V, Rule 7 of CPC  
(d) Order V, Rule 6 of CPC
42. Rights to appeal from every original decree has been provided under  
(a) Under section 94 of CPC  
(b) Under section 95 of CPC  
(c) Under section 96 of CPC  
(d) Under section 100 of CPC

43. A leave to defend may be  
(a) Refused  
(b) Granted unconditionally  
(c) Granted conditionally  
(d) All the above
44. Notice under section 80 of CPC has to be served on  
(a) The Secretary to the Government  
(b) The Deputy Commissioner  
(c) The President of India  
(d) The Prime Minister of India
45. Under section 75, a commission can be issued  
(a) To make local investigation  
(b) To hold a scientific technical or expert investigation  
(c) To perform any ministerial act  
(d) All the above
46. Right to withdraw the suit is  
(a) An absolute right of the plaintiff  
(b) A qualified right of the plaintiff  
(c) Fettered by certain conditions  
(d) All the above
47. A 'garnishee' is  
(a) The judgment debtor  
(b) Judgment debtor's debtor  
(c) Judgment debtor's creditor  
(d) The banker of the judgment debtor
48. A magistrate has the power to direct the police to investigate into an offence in IPC under  
(a) Section 156 (1) of Cr. P. C.  
(b) Section 156 (2) of Cr. P. C.  
(c) Section 156 (3) of Cr. P. C.  
(d) All the above
49. Non-cognizable offence has been defined  
(a) Under section 2 (a)  
(b) Under section 2 (c)  
(c) Under Section 2 (i)  
(d) Under Section 2 (1)
50. In a bailable offence, the bail is granted as a matter of right.  
(a) By the police officer  
(b) By the court  
(c) Both by the police officer & the court  
(d) None of the above

51. Warrant case has been defined under section 2 (x) or Cr.P.C. as a case relating to an offence punishable with death, imprisonment for life or imprisonment for a term
- Exceeding three years
  - Exceeding two years
  - Exceeding one year
  - Exceeding one year but less than two years.
52. Classification of summons case & Warrant case
- Is useful to determine the trial procedure to be adopted
  - Is useful to determine the investigation procedure to be adopted
  - Is useful to decide the question of issuance of process to the accused.
  - Both (a) & (c)
53. Complaint, as provided under section 2 (d) of Cr. P. C.
- Can be in writing only
  - Can be oral
  - Either in writing or oral
  - Can be by gestures
54. It is mandatory for a police officer to inform the person arrested, the grounds of arrest and right of bail if the offence is not non-bailable, under
- Section 49 of Cr. P. C.
  - Section 50 of Cr. P. C.
  - Section 51 of Cr. P. C.
  - Section 54 of Cr. P. C.
55. Period of limitation for filing claims & objections to the attachment of any property attached under section 83 of Cr. P. C. by any person other than the proclaimed person, as provided under section 84 of Cr. P. C.
- Within three months of attachment
  - Within six months of attachment
  - Within one year of attachment
  - Within two months of attachment
56. During investigation a search can be conducted without warrant by
- Any police officer
  - The investigating officer
  - Both (a) or (b)
  - None of the above
57. Sections 39 & 40 of Cr. P. C. make it mandatory to give information regarding commission of certain offences such information can be given to
- A Magistrate
  - A police officer
  - Either to a Magistrate or to a police officer
  - The Magistrate & the police officer both simultaneously
58. The Power of direct investigation under section 156 (3) of Cr. P. C. can be exercised by
- S Magistrate
  - A session Judge
  - None of the above
  - Either (a) or (b)



59. A person can be summoned as a witness under section 160 of Cr. P.C. by  
 (a) Any police officer  
 (b) The Station House Officer  
 (c) An Investigating Officer  
 (d) Any of the above
60. Section 161 of Cr. P.C. covers the cases of information received by the Police  
 (a) Before the commencement of investigation  
 (b) After the commencement of investigation  
 (c) After the conclusion of trial  
 (d) Both (a) & (b)
61. Complaint to the police or statements made to the police that fall within exception 8 of section 499, IPC, can claim  
 (a) Absolute privilege  
 (b) A qualified privilege  
 (c) Both absolute as well as qualified privilege  
 (d) Neither absolute nor qualified privilege.
62. FIR is not a substantive evidence, it can be used during trial  
 (a) To corroborate the informant  
 (b) To contradict the informant  
 (c) Both (a) & (b)  
 (d) Neither (a) nor (b)
63. The bar created by section 162 of Cr. P.C. does not apply to  
 (a) Civil proceedings  
 (b) Proceedings under Article 34 of the Constitution  
 (c) Proceedings under Article 226 of the Constitution  
 (d) All of the above.
64. In re-examination, the previous statement made to a police officer can be used for  
 (a) The purposes of contradicting what is stated in the cross-examination  
 (b) The purposes of explaining what is left over in the examination-in-chief  
 (c) The purpose of explaining any matter in the cross examination  
 (d) All of the above
65. The non-compliance with the provisions of section 164 of Cr. P. C.  
 (a) Reduces the statement recorded by the Magistrate to a nullity  
 (b) Is an irregularity curable under section 463 of Cr. P. C.  
 (c) Both (a) and (b)  
 (d) Neither (a) nor (b)
66. A confession under section 164 of C. P. C. can be recorded by  
 (a) Metropolitan/Judicial Magistrate  
 (b) Executive Magistrate  
 (c) Police officer on whom the power of a magistrate has been conferred  
 (d) Either (a) or (b)

67. Obtaining signature on the confession of the person making the confession, under section 164 of Cr. P.C. is
- (a) Mandatory
  - (b) Directory, being procedural
  - (c) Discretionary
  - (d) Optional
68. Under section 167 of Cr. P. C. the longest period for which an accused can be remanded to police custody is
- (a) Fifteen days
  - (b) Fourteen days
  - (c) Ten days
  - (d) Twenty eight days
69. Under section 167 of Cr. P. C. for offences other than those punishable with death, imprisonment for life or imprisonment for a period not less than 10 years, the detention during investigation, can be authorized for a total period of
- (a) 30 days
  - (b) 45 days
  - (c) 60 days
  - (d) 75 days
70. Section 125 of Cr. P. C. provides a remedy
- (a) By way of summary procedure which is co-extensive with the civil liabilities under the personal law
  - (b) By way of summary procedure which is co-extensive with the civil liabilities under the civil law
  - (c) By way of summary procedure which is not co-extensive with the civil liabilities under the personal law or civil law
  - (d) Both (a) and (b)
71. Under section 125 of Cr. P. C. the father and the mother i.e. the parents can claim maintenance from their
- (a) Son
  - (b) Daughter
  - (c) Stepson
  - (d) Both son and daughter
72. Under section 195 of Cr. P. C. a complaint can be filed by
- (a) A public servant
  - (b) A private individual
  - (c) Police
  - (d) None of the above
73. Section 210 of Cr. P.C. can be invoked
- (a) When there is a complaint case & police is also investigating the matter
  - (b) When there is a complaint case but no police investigation is in progress
  - (c) When there is a complainant case & the police has already completed the investigation & filed the final report
  - (d) All the above

74. Under section 439 (2) of Cr. P. C, the jurisdiction to cancel the bail vests with
- (a) The Court of sessions
  - (b) The High Court
  - (c) The Court of Magistrate
  - (d) Only (a) & (b)
75. In a case of non-bailable offence, a bail granted by a Magistrate can be cancelled under section 437 (5) of Cr. P. C.
- (a) By the Magistrate granting the bail
  - (b) By the Court of sessions
  - (c) By the High Court
  - (d) All of the above
76. Additional or alteration of charge has been provided
- (a) Under section 214 of Cr. P. C.
  - (b) Under section 215 of Cr. P. C.
  - (c) Under section 216 of Cr. P. C.
  - (d) Under section 218 of Cr. P. C.
77. Joinder of charges is permissible
- (a) Under section 219 of Cr. P. C.
  - (b) Under section 220 of Cr. P. C.
  - (c) Under section 221 of Cr. P. C.
  - (d) All the above
78. Under section 267 production warrants in respect of a person detained in prison, can be issued for the purposes of
- (a) Investigation
  - (b) Inquiry
  - (c) Trial
  - (d) All the above
79. Withdrawal of a complaint under section 257 of Cr. P. C. results in
- (a) Acquittal of the accused in cases where charge has already been framed
  - (b) Discharge of the accused in cases where the charge has not been framed
  - (c) Acquittal of the accused irrespective of whether the charge has been framed or not
  - (d) Either (a) or (b)
80. Stoppage of proceedings under section 258 of Cr. P. C. has the effect of
- (a) Acquittal under all circumstances
  - (b) Acquittal where the evidence of the principal witness has been recorded
  - (c) Discharge in all other case where the evidence of the principal witness has not been recorded
  - (d) Only (b) and (C)
81. Under section 311 of Cr. P. C., a witness can be called
- (a) On the motion of the prosecution
  - (b) On the motion of the defence
  - (c) On its own motion by the court
  - (d) All the above

82. The Magistrate has the power to grant compensation to the victim as provided under
- (a) Section 360 of Cr. P. C.
  - (b) Section 359 of Cr. P. C.
  - (c) Section 358 of Cr. P. C.
  - (d) Section 357 of Cr. P. C.
83. In a non-cognizable case, investigation made by the police, without order of the Magistrate under section 155 (2) of Cr. P. C. is an
- (a) Illegality not curable under section 460 of Cr. P. C.
  - (b) Illegality curable under section 460 of Cr. P. C.
  - (c) Illegality but the Magistrate can proceed on the report if so desires and can be validated subsequently
  - (d) Irregularly and the Magistrate has to proceed on the report submitted.
84. Irregularities which vitiate trial have been stated in
- (a) Section 460 of Cr. P. C.
  - (b) Section 461 of Cr. P. C.
  - (c) Section 466 of Cr. P. C.
  - (d) Section 467 of Cr. P. C.
85. The FIR can be quashed in the exercise of inherent powers by
- (a) The Magistrate's Court
  - (b) The Court of Session
  - (c) The High Court
  - (d) Either (a) or (b) or (C)
86. The inherent power of the High Court are contained in
- (a) Section 462 of Cr. P. C.
  - (b) Section 472 of Cr. P. C.
  - (c) Section 482 of Cr. P. C.
  - (d) Section 492 of Cr. P. C.
87. Within the meaning of section 144A of Cr. P. C., who among the following authorities has power to prohibit carrying arms in procession or mass drill or mass training with arms?
- (a) SDJM
  - (b) Munsiff
  - (c) District Magistrate
  - (d) Any Judicial Magistrate
88. Plea bargaining interest by Criminal Law (Amendment) Act, 2005 (2 of 2006) does not apply in case of
- (a) Offences affecting socio-economic conditions of country
  - (b) Offences committed against woman
  - (c) Offences against children below the age of fourteen years
  - (d) All of the above

89. The powers of Magistrate to order person to give specimen signatures or handwriting has been inserted by Criminal Procedure (Amendment) Act, 2005 (25 of 2005) under
- (a) Section 310 A
  - (b) Section 311 A
  - (c) Section 312 A
  - (d) Section 313 A
90. Section 304 of Code of Criminal Procedure provides for
- (a) In certain cases making available a pleader to the accused At the expenses of state
  - (b) Tender of pardon to accomplice
  - (c) Power to adjourn proceedings
  - (d) Power to proceed against other persons appearing to be guilty of offence
91. On a busy Junction of road, a huge poster/banner installed by an association is creating obstruction in traffic. Who from amongst the following, on having information, may remove such banner/poster by initiating proceedings under the provisions of the Code of Criminal Procedure?
- (a) The District Judge
  - (b) The Chief Judicial Magistrate
  - (c) The Sub Divisional Magistrate
  - (d) The Collector
92. In a criminal trial, without producing the Chemical Examiner to the Government the report given by him upon a thing duly submitted for analysis in the course of any proceedings under the Code of Criminal Procedure
- (a) Cannot be used as evidence
  - (b) Can be used as evidence only in summons cases
  - (c) Can be used as evidence
  - (d) Can be used only to refresh memory of the investigating officer coming in evidence
93. The Offence affecting the Socio-economic condition of the country, to which plea bargaining is not applicable, shall be notified by
- (a) The State Government
  - (b) The Scheduled Castes / Scheduled Tribes Commission
  - (c) The Human Rights Commission
  - (d) The Central Government
94. In a summons case, when the accused appears or is brought before the Magistrate, it shall not be necessary to –
- (a) State the particulars of the offence of which he is accused
  - (b) Ask whether he pleads guilty
  - (c) Ask whether he has any defence to make
  - (d) Frame a formal Charge

95. To whom as per section 98 of the Code of Criminal Procedure, a complaint on oath for restoration of an abducted female child to the person having her lawful charge, may be presented?
- (a) The District Magistrate
  - (b) The Sub Divisional Magistrate
  - (c) The Magistrate First Class
  - (d) All the above
96. For the purpose of the Code of Criminal Procedure 1973 who from amongst the following, may determine the language of each court in the state other than the High Court ?
- (a) The High Court of the State
  - (b) The Supreme Court of India
  - (c) The State Government
  - (d) The Legislative Assembly of the State
97. Law of evidence is
- (a) lex talliens
  - (b) lex fōri
  - (c) lex loci solutionis
  - (d) lex situs.
98. Section 108 of Evidence Act relates to
- (a) Presumption of life
  - (b) Presumption of death
  - (c) Presumption of legitimacy
  - (d) Presumption of relationship
99. Fact in issue means
- (a) Fact, existence or non-existence of which is admitted by the parties
  - (b) Fact, existence or non-existence of which is disputed by the parties
  - (c) Fact existence or non- existence of which is not disputed by the parties
  - (d) All the above
100. Relevancy is
- (a) Question of law and can be raised at any time
  - (b) Question of law but can be raised at the first opportunity
  - (c) Question of law which can be waived
  - (d) Question of procedure which can be waived.
101. Which of the following documents are not admissible in evidence
- (a) Documents improperly procured
  - (b) Documents procured by illegal means
  - (c) Both (a) & (b)
  - (d) Neither (a) nor (b)
102. Alibi is governed by
- (a) Section 6 of Evidence Act
  - (b) Section 8 of Evidence Act
  - (c) Section 12 of Evidence Act
  - (d) Section 11 of Evidence Act

103. Admission has been defined as a statement made by a party or any person connected with him, suggesting any inference as to a fact in issue, or relevant fact under certain circumstances, under
- (a) Section 16 of Evidence Act
  - (b) Section 17 of Evidence Act
  - (c) Section 18 of Evidence Act
  - (d) Section 19 of Evidence Act
104. Admissions bind the maker
- (a) In so far as it relates to facts
  - (b) In so far as it relates to question of law
  - (c) Both on questions of facts & of law
  - (d) Neither (a) nor (b)
105. Persons who can make admissions are mentioned in
- (a) Section 17 of Evidence Act
  - (b) Section 20 of Evidence Act
  - (c) Section 19 of Evidence Act
  - (d) Section 18 of Evidence Act
106. Confession of an accused is admissible against the other co-accused
- (a) Under section 28 of Evidence Act
  - (b) Under section 29 of Evidence Act
  - (c) Under section 30 of Evidence Act
  - (d) Under section 31 of Evidence Act
107. Necessity rule as to the admissibility of evidence is contained in
- (a) Section 31 of evidence Act
  - (b) Section 32 of Evidence Act
  - (c) Section 60 of Evidence Act
  - (d) Section 61 of Evidence Act
108. A dying declaration is admissible
- (a) Only in criminal proceedings
  - (b) Only in civil proceedings
  - (c) In civil as well as criminal proceedings both
  - (d) In criminal proceedings alone & not in civil proceedings
109. Secondary evidence is admissible
- (a) Where the non-production of primary evidence has not been accounted for
  - (b) Where the non-production of primary evidence has been accounted for
  - (c) Irrespective of whether the non-production of primary evidence has been accounted for or not
  - (d) Both (a) & (c) are correct.
110. Public documents are mentioned in
- (a) Section 72 of Evidence Act
  - (b) Section 73 of Evidence Act
  - (c) Section 74 of Evidence Act
  - (d) Section 75 of Evidence Act

111. In cases of wills, the period of thirty years shall run
- (a) From the date of the will
  - (b) From the date of the death of the testator
  - (c) From the date of registration of the will, if registered
  - (d) None of the above
112. Electronic record in proper custody gives rise to a presumption as the digital signature, to be affixed by that particular person under section 90 A of Evidence Act if the electronic record produced is
- (a) 20 years old
  - (b) 15 years old
  - (c) 10 years old
  - (d) 5 years old
113. Burden of proof means
- (a) The burden of proof as a matter of law & pleadings is burden of establishing a case
  - (b) The burden of proof as to introduction of evidence
  - (c) Both (a) & (b)
  - (d) None of the above
114. Any person in section 106 of Evidence Act refers to
- (a) A party to the suit
  - (b) A stranger to the state
  - (c) A person who is not a party to the suit but interest in the outcome of the suit
  - (d) A witness
115. In cases a child is born within 280 days of dissolution of marriage, the mother remaining unmarried the presumption of legitimacy of child under section 112 of Evidence Act arises
- (a) If the father is alive on the day the child is born
  - (b) If the father is not alive on the day the child is born
  - (c) Irrespective of whether the father is alive or dead on the day the child is born
  - (d) Either in (a) or (b)
116. Section 112 of Evidence Act applies when there is a dispute regarding
- (a) Maternity of a child
  - (b) Paternity of a child
  - (c) Both (a) & (b)
  - (d) None of the above
117. An accomplice is
- (a) Not a competent witness against an accused
  - (b) A competent witness against an accused
  - (c) Cannot be a competent witness against an accused
  - (d) Either (a) or (c)



118. Presumption as to abetment of suicide by a married woman has been provided
- (a) Under section 111 A of Evidence Act
  - (b) Under section 113 A of Evidence Act
  - (c) Under section 113 B of Evidence Act
  - (d) Under section 113 of Evidence Act
119. The estoppel in section 115 of Evidence Act
- (a) Is an estoppel by record
  - (b) Is an estoppel by deed
  - (c) Is an estoppel by pais
  - (d) All the above
120. Under section 118 who amongst the following are competent witnesses
- (a) Child
  - (b) Accused
  - (c) lunatic
  - (d) All the above
121. Privilege in respect of husband & wife under section 122 of Evidence Act relates to
- (a) Question which a witness cannot be compelled to answer
  - (b) Question which a witness cannot be permitted to answer
  - (c) Both (a) & (b)
  - (d) Only (b) & not (a).
122. Cross-examination of a witness
- (a) Must relate to relevant facts but need not be confined to what the witness testified in examination in chief
  - (b) Must relate to relevant facts but need not be confined to what the witness testified in examination in chief
  - (c) May not relate to relevant facts but must relate to what the witness testified in examination in chief
  - (d) May not relate to relevant facts & may not be confined to what the witness testified in examination in chief.
123. Re-examination of a witness
- (a) Can be for the purpose of filling what is left-over in examination in chief
  - (b) Can be for the purposes of explaining the matters referred to in cross-examination
  - (c) Can be for the purpose of explaining the matters referred to in the examination in chief
  - (d) All the above
124. Leading questions can be asked during
- (a) Examination in chief
  - (b) Cross-examination
  - (c) Re-examination
  - (d) All the above

125. The provision "Hostile witness" is provided under section ..... of Indian Evidence Act
- (a) Section 155
  - (b) Section 133
  - (c) Section 154
  - (d) Section 145
126. DNA Finger Print is admissible under section
- a) 45 of Evidence Act
  - b) 46 of Evidence Act
  - c) 47 of Evidence Act
  - d) 48 of Evidence Act
127. In which year Indian Evidence Act was passed
- a) 1871
  - b) 1973
  - c) 1864
  - d) 1872
128. In the Indian Evidence Act, the expression "Court means
- (a) All Judges-
  - (b) All Magistrates
  - (c) All persons except arbitrators, legally authorized to take evidence
  - (d) All of the above
129. In a trial, while explaining any circumstances appearing in evidence against him, an accused of committing murder states that due to grave and sudden provocation he was deprived of the power of self control and thus, gave a single lathi blow to A, causing his death.  
The burden to prove grave and sudden provocation is on –
- (a) The prosecution
  - (b) The investigating agency
  - (c) The Court
  - (d) The Accused
130. Under which provision of the Indian Evidence Act, an accused may plead alibi?
- (a) Section 10
  - (b) Section 11
  - (c) Section 12
  - (d) Section 13
131. In a Criminal Case, the primary burden to prove a fact is upon
- (a) Accused
  - (b) Prosecution
  - (c) Police
  - (d) Court
132. Which one document from the following is not a "Public Document"?
- (a) Judgment of a Court
  - (b) Police Charge Sheet
  - (c) Postmortem Report
  - (d) Will

133. Which Kind of agreement can be presumed by the court under section 85-A of the Indian Evidence Act?
- (a) Written Agreement
  - (b) Oral Agreement
  - (c) Electronic Agreement
  - (d) None of the above
134. Which one of the following statement is not correct?
- (a) A sentence of death passed by the Session court is subject to confirmation by the High Court
  - (b) A sentence of death passed by the Session court can be confirmed by the High Court only when a bench hearing the case consists of a least two judges, when such court consists of two or more judges.
  - (c) No order of confirmation of death sentence shall be made prior to expiry of the period for preferring appeal.
  - (d) The High Court, considering the death punishment for confirmation, if no appeal is preferred by the accused challenging the death sentence passed, can not acquit the accused person.
135. A confession made by a conspirator involving other members is relevant against the co-conspirator jointly tried with him and is admissible
- (a) Under section 8 of Evidence Act
  - (b) Under section 10 of Evidence Act
  - (c) Under section 30 of Evidence Act
  - (d) None of the above
136. A confession made by a person while in police custody is inadmissible as per
- (a) Section 25 of Evidence Act
  - (b) Section 26 of Evidence Act
  - (c) Section 27 of Evidence Act
  - (d) Section 30 of Evidence Act
137. Section 27 of Evidence Act applies
- (a) When the person giving information is an accused but not in police custody
  - (b) When the person giving information is an accused and is in police custody
  - (c) When the person is in police custody but not an accused.
  - (d) When the person is neither in police custody nor an accused.
138. A disputed handwriting can be proved
- (a) By calling an expert
  - (b) By examining a person acquainted with the handwriting of the writer of the questioned document
  - (c) By comparison of the two-admitted & disputed handwritings
  - (d) All the above
139. Secondary evidence of a document means
- (a) Copies of the document
  - (b) Oral account of the contents of the documents
  - (c) Both (a) and (b)
  - (d) Only (a) & not (b)

140. A dumb person is a competent witness as provided under  
(a) Section 118 of Evidence Act  
(b) Section 119 of Evidence Act  
(c) Section 120 of Evidence Act  
(d) Section 121 of Evidence Act
141. Presumptions under the law of evidence are  
(a) Presumption of facts  
(b) Presumption of law  
(c) Both (a) or (b)  
(d) Only (b) & not (a)
142. Under section 8 of Evidence Act  
(a) Motive is relevant  
(b) Preparation is relevant  
(c) Conduct is relevant  
(d) All the above
143. Mode of proof of a custom is contained in  
(a) Section 32 (4) of Evidence Act  
(b) Section 32 (7) of Evidence Act  
(c) Section 48 of Evidence Act  
(d) All the above
144. Under section 32 of Evidence Act, a statement of a person who is dead, to be admissible  
(a) Must relate to the cause of his own death  
(b) May relate to the cause of someone else death  
(c) May relate to the cause of his own death or someone else death  
(d) Both (b) & (c)
145. Opinion as to relationship of marriage under section 50 of CPC  
(a) Is admissible in cases of offences against marriage  
(b) Is admissible in proceedings under Indian Divorce Act  
(c) Is admissible both in (a) & (b)  
(d) Is neither admissible in cases of offences against marriage nor in proceedings under Indian Divorce Act
146. Period of thirty years under section 90 of Evidence Act is to be reckoned from  
(a) The date on which the document is relied upon  
(b) The date on which the document is filed in the court  
(c) The date on which the document is tendered in evidence, when its genuineness becomes a subject of proof  
(d) All the above
147. Before the Limitation Act of 1963 which Limitation Act was being followed in Indian Courts and Tribunals?  
(a) The Limitation Act of 1859  
(b) The Indian Limitation Act, 1871  
(c) The Indian Limitation Act, 1908  
(d) None of the above

148. Section 4, Limitation Act, 1963 applies
- (a) Where a certain period has been prescribed by a statute
  - (b) Where a certain period is fixed by agreement of parties
  - (c) Where a certain date is fixed by agreement of parties
  - (d) All the above
149. The prescribed period of limitation for preferring an appeal under section 28 of the Hindu Marriage Act is :
- (a) Thirty Days
  - (b) Sixty Days
  - (c) Ninety Days
  - (d) One hundred & Twenty days
150. Under the Limitation Act, the period of limitation for filing an application for an order to set aside an abatement is
- (a) 60 days
  - (b) 90 days
  - (c) 120 days
  - (d) None of the above
151. Under the Limitation Act, the period of Limitation for filing a suit for compensation for false imprisonment begins to run from the time:
- (a) When imprisonment ends
  - (b) When imprisonment begins
  - (c) When prosecution terminates
  - (d) None of the above
152. Where the prescribed period of limitation for any application is expiring on a holiday, the application
- (a) Should be made a day prior to holiday
  - (b) May be made on the day when the court re-opens
  - (c) May be made within thirty days of re-opening of the court
  - (d) May be made on any day after the courts re-opens.
153. Section 5 of Limitation Act applies to
- (a) Suits
  - (b) Execution
  - (c) Election petitions
  - (d) None of the above
154. Period of limitation stands extended, by virtue of section 6 of Limitation Act for a maximum period of
- (a) 1 year
  - (b) 3 year
  - (c) 6 year
  - (d) 12 year
155. Limitation for filing an appeal commence from
- (a) The date of judgment
  - (b) The date of signing of the decree
  - (c) The date of application for copy of the judgment
  - (d) The date of availability of copy of the judgment

156. Section 17, Limitation Act, 1963 does not apply to  
 (a) Criminal Proceedings  
 (b) Civil Proceedings  
 (c) Execution Proceedings  
 (d) Both (a) and (C)
157. Law of limitation is  
 (a) Lex loci  
 (b) Lex Fori  
 (C) Non-obstante  
 (d) All the above
158. Law of Limitation has to be strictly construed. In view of the same section 5 of Limitation Act has to be construed  
 (a) Strictly  
 (b) liberally  
 (c) Harmoniously  
 (d) Ejusdem- generic
159. Section 3 of Limitation Act does no apply to :  
 a) Suits  
 c) Appeals  
 c) Application  
 d) Execution
160. Section 13 of Limitation Act applies to  
 a) Suit filed in forma paupers  
 b) Appeal filed in forma paupers  
 c) Both (a) and (b)  
 d) None of the above
161. Section 6 of Limitation Act does not apply to –  
 a) Insolvent  
 b) Minor  
 c) Insane  
 d) Idiot
162. Period of limitation stands extended, by virtue of section 6 of Limitation Act for a maximum period of  
 a) 1 Year  
 b) 3 Year  
 c) 6 yea  
 d) 12 years
163. Section 17 of Limitation Act does not take within its ambit  
 a) Suits  
 b) Appeals  
 c) Execution application  
 d) All the above
164. Period of limitation for setting aside an exparte decree is  
 a) 10 days  
 b) 30 days  
 c) 60 days  
 d) 90 days
165. An appreciation for Special Leave to Appeal to the Supreme Court can be filed within  
 a) 30 days to 180 days depending upon the subject-matter  
 b) 30 days to 90 days depending upon the subject-matter  
 c) 60 days to 180 days depending upon the subject-matter  
 d) 60 days to 90 days depending upon the subject-matter.

166. Delay in filling the suit  
(a) Cannot be condoned  
(b) Can be condoned under section 3, Limitation Act  
(c) Can be condoned under order VII, Rule 6, CPC  
(d) Can be condoned under section 5, Limitation Act.
167. Section 3 Limitation Act does not apply to  
(a) Suits  
(b) Appeals  
(c) Application  
(d) Execution
168. Legal disabilities are  
(a) Minority  
(b) Insanity  
(c) Idiocy  
(d) All the above
169. Acknowledgement after the period of Limitation  
(a) Is of no effect  
(b) Gives rise to an independent & enforceable contract  
(c) Both (a) & (b)  
(d) Neither (a) nor (b)
170. The period of limitation for a review of the judgment is  
(a) 30 days  
(b) 60 days  
(c) 90 days  
(d) 180 days
171. The period of limitation of preferring an appeal to the High Court from a decree of order is  
(a) 15 days  
(b) 30 days  
(c) 60 days  
(d) 90 days
172. Section 14 of Limitation Act will have no application  
(a) Where the suit is dismissed after adjudication on its merits  
(b) Where the suit is dismissed because the court was unable to entertain it  
(c) Both (a) and (b)  
(d) Neither (a) nor (b)
173. Condonation of delay is dealt with under  
(a) Section 5 of the Limitation Act  
(b) Section 7 of the Limitation Act  
(c) Section 9 of the Limitation Act  
(d) Section 10 of the Limitation Act

174. The Limitation Act does not apply to
- (a) Industrial Tribunal
  - (b) Labour courts
  - (c) Both (a) and (b)
  - (d) Neither (a) nor (b)
175. Any bhutia and lepchas can sell or sublet his land without sanction of Darbar
- (a) He will be punished
  - (b) Such sell is valid
  - (c) He will not be punished
  - (d) None of above
176. Mortgaging land to another person who enjoys the produce of the land as interest, so long at the principal loan remains unpaid is known as
- (a) Masikata
  - (b) Biyaz
  - (c) Pakhuria
  - (d) None of above
177. Bhutia/Lepcha woman marrying a person of community other than her own may sell land to her own community
- (a) Only if such land was acquire by her after to her marriage
  - (b) She cannot sell any property
  - (c) Only if such land was acquire by her prior to her marriage
  - (d) None of the above
178. Under Sikkim State Notification No. 2947 G, An unregistered document, may however be validated and admitted in court to prove title
- (a) On payment of a penalty upto 100 times the usual registration fees
  - (b) On payment of a penalty upto 50 times the usual registration fees
  - (c) On payment of a penalty upto 5 times the usual registration fees
  - (d) None of the above
179. Under Sikkim state rules registration of document relating to immoveable property shall be accepted for registration
- (a) If it contains description of the property
  - (b) With out identity of the property
  - (c) Without adopting any procedure
  - (d) None of above
180. Under Government of Sikkim, which of the following is not valid ground of ejection of tenant by landlord
- (a) Has scarcity of housing accommodation
  - (b) Premises required for his personal occupation
  - (c) Need of over hauling of the premises
  - (d) Failure to pay rent for 6 months
181. Sikkim Land (Requisition & Acquisition) Act, 1977, does not apply on
- (a) Land used for the purpose for religious worship
  - (b) Private land
  - (c) Can be requisition when essential
  - (d) None of the above



182. The Sikkim Regulation of transfer of land Act, 2005 was enacted to regulate the transfer of land
- (a) For certain section of population
  - (b) For covering wider section of population
  - (c) To restrict the transfer of land in Sikkim
  - (d) None of the above
183. According to Sikkim court fees and stamps on documents (Amendment) Act, 2013, Value of stamp chargeable on Rs. 3 lakhs to Rs. 6 lakhs is
- (a) 1 %
  - (b) 1.25%
  - (c) 1.50%
  - (d) 2%
184. The Chief Inspector may suspend or revoke a registration certificate granted under the Sikkim shops & commercial Establishments Act, 1983
- (a) In the interest of public safety
  - (b) License was obtained by suppression of material information
  - (c) If the holder of license has failed to comply with notice given
  - (d) All (a), (b) & (c)
185. Punishment for making false entries by employer or manager in register with intention to deceive, under Sikkim shops & commercial Establishments Act, 1983 is
- (a) 6 months imprisonment or fine up to Rs. 2000/- or with both
  - (b) 1 Year imprisonment or fine up to Rs. 2000/- or with both
  - (c) 2 Year imprisonment or fine up to Rs. 2000/- or with both
  - (d) 3 Year imprisonment or fine up to Rs. 3000/- or with both
186. Under the Sikkim Cinema (Regulation) Amendment Act, 1985, Video Library does not means
- (a) A place where film is kept for the purpose of exhibition
  - (b) A place of business of selling the films
  - (c) A place where video film are kept for hire
  - (d) A place where raw film are kept
187. Sikkim Interpretation and General Clauses Act, was passed in the year
- (a) 1976
  - (b) 1977
  - (c) 1978
  - (d) 1979
188. Sikkim Anti Drugs Act 2006 contains provisions for offences and penalties in section
- (a) 1 to 8
  - (b) 9 to 19
  - (c) 20 to 39
  - (d) 40 to 44

189. An appeal from a decree or order of the District Judge or an Additional district judge shall lie to the
- (a) Same court
  - (b) District Judge/ Additional District Judge
  - (c) The High Court
  - (d) None of the above
190. What will be the standard rent of a premise on market value under gangtok rent control, and eviction Act of 1956
- (a) 8%
  - (b) 9%
  - (c) 10%
  - (d) 11%

**High Court of SIKKIM**

WRITTEN EXAMINATION (PAPER – I) FOR RECRUITMENT TO THE POST OF CIVIL JUDGE-CUM-JUDICIAL MAGISTRATE (GRADE-III) IN THE SIKKIM JUDICIAL SERVICE, 2014

For Language Test - Question Paper – I Procedural Law

(Question No. 191 & 192) of 5 Marks each

191. Following paragraph is to be translated in Nepali or any language of the state.

(5 Marks)

The appellants had filed a suit against the present respondents for a declaration to the effect that the agreement to sell entered into between the appellants and the respondents should be cancelled and the appellants should be put in possession of the land in question, which had been agreed to be sold in pursuance of the agreement to sell dated 17.08.1995. Certain undisputed facts in the case are to the effect that the aforesaid agreement to sell had been entered into and in pursuance of the said agreement; possession of the land in question had been handed over to the respondents upon a payment of Rs. 1 lac, which was part of the consideration. The consideration for sale was Rs. 10 lacs. The remaining amount of Rs. 9 lacs was to be paid in two installments of Rs. 4 lacs and Rs. 5 lacs each. Rupees 4 lacs were to be paid by the respondents by the end of 30.01.1996 and the remaining Rs. 5 lacs were to be paid at the time of execution of the sale deed.

192. Short Note of any of the following in Nepali or any language of the state.  
in 150 words

(5 Marks)

- (a) Judicial Reforms
- (b) Environment
- (c) Right to Information Act
- (d) Corruption

