

GUJARAT JUDICIAL SERVICE MAINS EXAM 2022

PAPER-I (CRIMINAL)

1. Answer the following: (Any Five)

(i) Difference between cognizable offence and non-cognizable offence.

(ii) Difference between Inquiry and Trial.

(iii) Difference between common intention and common object.

(iv) Offences by Companies under the Negotiable Instruments Act.

(v) Provision of bail as contained in Section 437 of Criminal Procedure Code

(vi) Difference between direct evidence and hearsay evidence.

(vii) Powers of Court to release certain offenders on Probation of good conduct.

2. Explain the following:

(i) Grievous Hurt.

OR

(i) Right of Private Defence.

(ii) Summary Trials.

OR

(ii) Charge.

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(iii) Kinds of punishment under Indian Penal Code

OR

(iii) Cancellation of Bail.

3. Discuss in detail: (Any Four)

(i) Admissibility of Electronic Records.

(ii) Criminal Conspiracy.

(iii) Presumptions as to Negotiable Instruments.

(iv) Law on discharge of an accused.

(v) Orders that can be passed by the Board regarding children found to be in conflict with law.

(vi) Maintenance of wives, children and parents.

4. Write an Essay in English only: (Any One)

(i) Rights of the Arrested Person.

(ii) Victim Compensation.

5. State whether the given statements are true or false:(Any Five)

(i) Section 82 of Indian Penal Code provides that nothing is an offence which is done by a child under fourteen years of age.

(ii) As per Section 139 of Negotiable Instruments Act, it shall be presumed, unless the contrary is proved, that the holder of a cheque received the cheque of the nature referred to in section 138 for the discharge, in whole or in part, of any debt or other liability.

(iii) Section 165 of The Indian Evidence Act provides for the Judge's power to put questions or order production.

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(iv) Section 15(2) of Criminal Procedure Code provides that the Chief Judicial Magistrate may, from time to time, make rules or give special orders, consistent with the Code, as to the distribution of business among the Judicial Magistrates subordinate to him.

(v) As per the Information Technology Act, cyber cafe means any facility from where access to the internet is offered by a qualified person in the designated business to the members of the public.

(vi) As per the Protection of Women from Domestic Violence Act, 'aggrieved person' means only married woman who alleges to have been subjected to any act of domestic violence by the respondent.

6. Draw an Order granting or refusing a bail on an application filed by the applicant - accused.

FIR being CR III No. 315/2018 came to be registered against the applicant - accused and co-accused for offence under Sections 66(1) (b), 85, 84, 68, 65(a)(e), 116(b) and 81 of the Gujarat Prohibition Act. Investigation is pending. FIR briefly alleges that the accused including the applicant - accused at the mentioned date, time and place were caught drinking liquor and smoking hookah during raid at a party along with muddamal of foreign liquor bottles, beer bottles, mobile phones, articles of party and a car and thereby committed the offence under the aforementioned sections of the Prohibition Act.

It is argued on the side of applicant – accused that no offence as alleged in the FIR is made out for the offence under sections 65(a), 65(e), 68, 84 and 85 of the Prohibition Act. It is argued that co-accused are released on regular bail.

It is argued on behalf of the prosecution that the investigation is pending. The case of the applicant-accused cannot be compared with the case of co-accused as the co-accused did not have any antecedents whereas the applicant - accused has antecedent of this nature and is on bail in connection with the conviction mainly u/s 304(Part - 2) of Indian Penal Code against which Criminal Appeal is pending. It is further argued on the side of prosecution that it is found from FSL Report that blood sample of the applicant is tested positive with alcohol content.

PAPER - II (CIVIL)

1. Answer the following: (Any Five)

(i) Difference between temporary injunction and perpetual injunction.

(ii) Rejection of Pleint

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(iii) Void and Voidable Contracts.

(iv) Amendment of Pleadings.

(v) Difference between lease and licence.

(vi) Difference between Partnership and Joint Hindu Family Business.

(vii) Remedy to a person dispossessed of immovable property otherwise than in due course of law.

2. Explain the following:

(i) Representative Suit.

OR

(i) Kinds of jurisdiction in civil cases

(ii) Modes of Service of Summons.

OR

(ii) Modes of Execution of Decree.

(iii) Dissolution of the Firm.

OR

(iii) Effect of non-registration of the Firm.

3. Discuss in detail: (Any Four)

(i) Remedies for breach of contract.

(ii) Contingent Contracts.

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(iii) Exclusion of time of proceeding bona fide in Court without jurisdiction as per the provision in Limitation Act.

(iv) Doctrine of Lis Pendens.

(v) The provisions and principles with regard to Summary Suits.

(vi) Different kinds of mortgage.

4. Write an Essay in English only: (Any One)

(i) Mediation - a powerful tool of Alternative Dispute Resolution System and a need of the hour.

(ii) Law of Injunctions in Civil Cases.

5. State whether the given statements are true or false: (Any Five)

(i) Clerical or arithmetical mistakes in judgements, decrees or orders may at any time be corrected by the Court only on the application of any of the parties.

(ii) Article 121 of the Schedule to the Limitation Act provides for limitation of 60 days from the date of abatement under the Code of Civil Procedure for an order to set aside an abatement.

(iii) Every promise and every set of promises, forming the consideration for each other, is an agreement.

(iv) Where a partner acting within his apparent authority receives money or property from a third party and misapplies it, the firm is not liable to make good the loss.

(v) Article 21A of the Constitution of India provides for free an education to all children of the age of six to sixteen years.

(vi) Preventive relief is granted at the discretion of the court by Injunction temporary or perpetual

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6. Draw an Order allowing or dismissing the application for leave to defend.

The plaintiff filed Summary Suit in the City Civil Court against the defendant for recovery of dues amounting to Rs. 68 lacs along with interest amounting to Rs. 7 lacs. Plaintiff's case is that the defendant had written a letter and asked the plaintiff to send the statement of accounts in detail, so as to enable the defendant to make the payment on schedule. The cheques issued by the defendant were dishonoured. Defendant appeared and filed an affidavit for leave to defend raising a dispute as to the quality of goods supplied to the defendant and also challenging the interest on delayed payments. Defendant's case is that a sizeable amount has already been paid by the defendant to the plaintiff and that there was no contract between the parties as regards interest. Defendant stated that the summary suit is required to be tried as a long cause suit.

