

Kerala Prelims 2023

PART-A

1. A civil court shall have no jurisdiction over suits if the amount or value of the subject matter of such suits exceeds its pecuniary limits of ordinary jurisdiction Section .. of the Code of Civil Procedure, 1908 says so.

- (A) 4
- (B) 5
- (C) 6
- (D) 21

Answer: (B) 5

Explanation: Section 5 of the Code of Civil Procedure, 1908 specifies the jurisdiction of civil courts and states that civil courts will not have jurisdiction over matters exclusively within the purview of special tribunals or bodies. However, the pecuniary jurisdiction is typically determined by state laws and not by the CPC itself.

2. The Supreme Court of India in Dhulabhai v. State of Madhya Pradesh [AIR 1969 SC 78] laid down the principles governing -

- (A) res Judicata
- (B) territorial Jurisdiction of civil courts
- (C) suits relating to minors
- (D) exclusion of Jurisdiction of civil courts

Answer: (D) Exclusion of Jurisdiction of civil courts

Explanation: In Dhulabhai v. State of Madhya Pradesh, the Supreme Court laid down the principles that govern the exclusion of the jurisdiction of civil courts.

3. An agreement to sell an immovable property situated at Ernakulam was executed at Bangalore. The buyer resides at Kottayam. The seller resides at Kozhikode. The agreement fell through. The seller wants to file a suit for compensation. Where can he institute the suit and why?

- (A) Kozhikode, since the seller resides there.

(B) Kottayam, since the buyer resides there.

(C) Bangalore, since the sale deed could be registered there only.

(D) none of the above.

Answer: (D) None of the above

Explanation: In this scenario, the appropriate jurisdiction for filing the suit would typically be determined based on the provisions of the Code of Civil Procedure, 1908, particularly Sections 15 to 20, which deal with the jurisdiction of courts in civil cases.

4. "The principal sum adjudged would be the sum actually loaned plus the amount of interest on periodical rests which according to the contract between the parties or the established banking practice has stood capitalised. Interest pendente lite and future interest (i.e., interest post decree not exceeding 6 per cent per annum) shall be awarded on such principal sum, i.e., the principal sum adjudged on the date of the suit." A Constitution Bench of the Supreme Court of India held so in

(A) Central Bank of India v. Ravindra [(2002) 1 SCC 367 J

(B) Canara Bank v. G S. Jayarama [(2022) 7 SCC 776]

(C) Dinesh Kumar Gupta v. General Manager 1, State Bank of India [(2018) 15 SCC 57]

(D) Bank of Baroda v. G. Palani [(2022) 5 SCC 612]

Answer: (A) Central Bank of India v. Ravindra [(2002) 1 SCC 367]

Explanation: In this case, the Constitution Bench of the Supreme Court of India provided the principle regarding the calculation of interest in cases involving loans and banking practices. The judgement laid down the method for determining the principal sum adjudged, as well as the calculation of interest pendente lite and future interest.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

5. A decree holder seeks sale of a property belonging to the judgement debtor so as to realise the amount due under that decree. The property lies outside the Jurisdiction of the court which passed the decree. The judgement debtor raised an objection of lack of jurisdiction to the court which passed the decree. Which among the following is correct?

- (A) The Court which passed the decree alone can order sale.
- (B) Decree for realisation of money cannot be transferred to another court.
- (C) Court where the property is situated alone can order sale.
- (D) Order for transfer of decree has to be obtained from the District Court.

Answer: (C) Court where the property is situated alone can order sale.

Explanation: As per the provisions of CPC, the court which has jurisdiction over the location of the property can order its sale in the execution of a decree.

6. A decree passed by a Munsiff is modified by the High Court in Second Appeal. When the decree was put in execution, the judgement debtor questioned its executability by filing a petition under Section 47 of the Code of Civil Procedure, 1908. The decree holder would contend that such a question can be decided only by the High Court or In a separate suit. Choose the correct statement.

- (A) Separate suits are the remedy.
- (B) The High Court alone can decide the question.
- (C) First appellate court has to decide the question.
- (D) Court executing the decree has to decide the question.

Answer: (D) Court executing the decree has to decide the question.

Explanation: As per Section 47 of the CPC, questions arising between parties in execution proceedings should be determined by the court executing the

decree and not by separate suits.

7. A suit dismissed for default was restored. In the order allowing restoration, the plaintiff was directed to pay the defendant costs of Rs.20,000/-. Costs remained unpaid and hence the defendant filed an execution petition. It is

- (A) not maintainable since it is not a decree
- (B) maintainable in the light of the provisions of Section 36 of the Code of Civil Procedure, 1908
- (C) maintainable if only the suit is dismissed after trial
- (D) not maintainable since the remedy is to file an application under Section 151 of the Code of Civil Procedure, 1908

Answer: (B) Maintainable in the light of the provisions of Section 36 of the Code of Civil Procedure, 1908.

Explanation: Section 36 of the CPC allows for the execution of orders like payment of costs as if they were decrees.

8. The court after trial found that the plaintiff is entitled to the declaration of title as claimed. But the court refused to grant a decree. Which among the following would be the reason?

- (A) Sufficient court fees are not paid.
- (B) Cause of action is not proved.
- (C) Consequential relief is not claimed.
- (D) Original title deed is not produced.

Answer: (C) Consequential relief is not claimed.

Explanation: According to Section 34 of Specific Relief Act, 1963, the court can deny a decree if a consequential relief, which should necessarily have been sought, is not claimed.

9. 'A' is a government servant. He has a monthly salary of Rs.31,000/-. He is the

De Facto IAS
Kerala Judiciary Prelims Solution 2023

judgement debtor in a money suit. What portion of his salary is attachable in the execution of the decree?

- (A) Rs.9,000/-
- (B) Rs.8,000/-
- (C) Rs.10,000/-
- (D) Rs.7,000/-

Answer: (A) Rs.9,000/-

Explanation: As per the First Proviso to Section 60(1) of the CPC, one-third of the salary is exempted from attachment, leaving two-thirds attachable.

10. (1) In a suit filed under Section 92 of the Code of Civil Procedure, 1908, leave of the court is a precondition for the institution.

(2) In a representative suit under Order I, Rule 8 of the Code of Civil Procedure, 1908, leave of the court is not a precondition for institution.

- (A) Statement 1 alone is correct.
- (B) Statement 2 alone is correct.
- (C) Statements 1 and 2 are incorrect.
- (D) Statements 1 and 2 are correct.

Answer: (A) Statement 1 alone is correct.

Explanation: Statement 1 is correct. In a suit filed under Section 92 of the Code of Civil Procedure, 1908, leave of the court is indeed a precondition for institution. This section pertains to suits for public charitable or religious purposes. Statement 2 is incorrect. In a representative suit under Order I, Rule 8 of the Code of Civil Procedure, 1908, leave of the court is necessary

11. The second suit was in respect of the same cause of action as that on which the previous suit was based; In respect of that cause of action the plaintiff was entitled to more than one relief; and having entitled to more than one relief, the plaintiff, without obtaining leave from the Court, omitted to sue for the relief for which the second suit had been filed. The above are to be proved by the defendant In order to establish a bar.....

- (A) under Section 11 of the Code of Civil Procedure, 1908

(B) under Order II Rule 2 of the Code of Civil Procedure, 1908

(C) under Order IX Rule 9(1) of the Code of Civil Procedure, 1908

(D) None of the above

Answer: (B) Under Order II Rule 2 of the Code of Civil Procedure, 1908

Explanation: Order II Rule 2 bars suits on omitted claims if the plaintiff could have claimed the relief in a previous suit and omitted it without the court's permission.

12. What is meant by 'registered address' used In the Code of Civil Procedure, 1908?

- (A) Address of a party given in the vakalath
- (B) Address to be furnished when a cheque application is submitted
- (C) Address to be furnished when a summons is issued by registered post
- (D) Address of a party given in the pleadings

Answer: (D) Address of a party given In the pleadings

Explanation: In the context of the CPC, the 'registered address' refers to the address provided by a party in their pleadings.

13. Order VIII Rule 1 of the Code of Civil Procedure, 1908 stipulates that the defendant shall, within thirty days from the date of service of summons on him, present a written statement of his defence. The time stipulated in Order VIII Rule 1 is

- (A) mandatory
- (B) mandatory In money suits alone
- (C) directory
- (D) directory in money suits alone

Answer: (C) Directory

Explanation: Although the provision under Order VIII Rule 1 prescribes a time frame, the courts have interpreted it as directory, given the principle of ensuring justice over procedural technicalities.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

14. In a suit, the defendant filed a counterclaim. When the suit and counterclaim are taken up for trial, the plaintiff failed to appear in court. What does the court do?

- (A) Dismiss the suit and proceed with the counterclaim.
- (B) Dismiss the suit and the counterclaim.
- (C) Transpose the defendant as the plaintiff.
- (D) Renumber the counter-claim as a new suit and proceed.

Answer: (A) Dismiss the suit and proceed with the counterclaim.

Explanation: If the plaintiff doesn't appear, the suit can be dismissed, but the counterclaim can proceed as it is independent of the plaintiff's claim.

15. Where issues both of law and of fact arise in the same suit and the court is of the opinion that the case or any part thereof may be disposed of on an issue of _____ only, it may try that issue first if that issue relates to the jurisdiction of the court, or a bar to the suit created by any law for the time being in force.

- (A) law
- (B) Fact
- (C) both law and fact
- (D) Neither law nor fact

Answer: (A) Law

Explanation: As per Order XIV Rule 2 of the CPC, if the court believes a suit can be disposed of on a point of law, it may try that point first.

16. On the day to which the hearing of a suit is adjourned, the plaintiff alone appeared. The court, after recording his evidence, proceeded to decree the suit by answering the issues.

- (A) Decree is one on merits and the only way to challenge it is to file an appeal.

(B) Decree is one on merits and a revision is the only option to challenge it.

(C) Decree is an ex parte one, but no application to set it aside will lie.

(D) Decree is an ex parte one and an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 will lie.

Answer: (D) Decree is an ex parte one and an application under Order IX Rule 13 of the Code of Civil Procedure, 1908 will lie.

Explanation: If only the plaintiff appears and the defendant doesn't, the court can pass an ex parte decree. Order IX Rule 13 allows the defendant to apply for the setting aside of this decree.

17. A notice under Order XXI Rule 37 of the Code of Civil Procedure, 1908 was served on the judgement debtor. He failed to appear in court. Hence the execution court recorded evidence of the decree holder. The court, on convincing that the judgement debtor has enough means to pay the decree debt, issued a warrant for his arrest. He was arrested and produced. The court,

(A) shall soon commit the judgement debtor to civil prison

(B) shall ask the decree holder to prove the means of the judgement debtor

(C) shall release the Judgment debtor since warrant was Issued without considering his evidence

(D) shall not commit unless a new warrant for arrest is Issued after recording a fresh finding about his means

Answer: (D) Shall not commit unless a new warrant for arrest is issued after recording a fresh finding about his means.

Explanation: Before committing a judgement debtor to civil prison, the court needs to ensure that the debtor indeed has the means to pay but is willfully evading it.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

18. The plaintiff in a suit wants to admit in evidence a certified copy of a commission report obtained in another suit between the same parties. The plaintiff would contend that a report of the commissioner shall be evidence in the suit in the light of the provisions of Order XXVI Rule 10(2) of the Code of Civil Procedure, 1908, and hence the report shall be received in evidence. Can the report be admitted into evidence?

- (A) Report can be admitted in evidence since it is a public document.
- (B) Report cannot be admitted in evidence since it is submitted in another suit.
- (C) Report can be admitted in evidence only if it is proved by examining the commissioner.
- (D) Report cannot be admitted in evidence since it can be admitted in evidence only in the case in which it was obtained.

Answer: (B) Report cannot be admitted in evidence since it is submitted in another suit.

Explanation: Order XXVI Rule 10(2) states that the commissioner's report is evidence in the suit in which it is produced. It doesn't apply to other suits.

19. If an order of temporary Injunction is granted without notice to the defendant, the court shall ensure .

- (A) recording of the reasons for its opinion that the object of granting the injunction would be defeated by delay
- (B) that the application for injunction together with the documents specified in this behalf are delivered on or sent to the defendant by registered post
- (C) that an affidavit stating that such copies have been so delivered or sent is submitted by the defendant
- (D) All the above

Answer: (D) All the above

Explanation: All mentioned options are the procedural requirements when granting an ex parte interim injunction as per Order XXXIX of the CPC.

20. A caveat shall be valid for

- (A) 90 days from the date on which it was lodged
- (B) 60 days from the date on which it was lodged
- (C) 90 days from the date on which notice is served on the opposite party
- (D) 60 days from the date on which notice is served on the opposite party

Answer: (A) 90 days from the date on which it was lodged

Explanation: As per Section 148A of the CPC, a caveat remains in force for 90 days from the date it was lodged.

21. 'A' executed a promissory note on 01.01.2018 undertaking to pay Rs.20,00,000/- to 'B'. The debt remained unpaid. On 01.05.2022, 'A' executed another promissory note undertaking to pay the amount due under the promissory note dated 01.01.2018. 'B' filed suit based on the promissory note dated 01.05.2022. Is the suit barred by the law of limitation?

- (A) Yes. Since the debt due under the first promissory note is already barred by the law of limitation.
- (B) Yes. A barred debt cannot be the consideration for a written instrument.
- (C) No. A barred debt can be the consideration for a written instrument.
- (D) No. Since the suit is based on the original cause of action.

Answer: (B) Yes. A barred debt cannot be the consideration for a written instrument.

Explanation: A fresh promissory note or any written instrument cannot revive a debt which is already barred by the law of limitation, as it's not valid consideration.

22. Which one of the following is not a novation of a contract?

De Facto IAS
Kerala Judiciary Prelims Solution 2023

(A) 'A' owes '01 Rs.10,000/-. A enters into an agreement with 'B' and gives 'B' a mortgage of 'A's estate for Rs.5,000/- In place of the debt of Rs. 10,000/-

(B) 'A' bld a tender for the construction of a bridge and executed the contract. 'A' and the employer later agree that once the bridge is constructed, 'A' shall be allowed to operate the bridge for twenty years.

(C) If 'A' and 'B' who are the parties to a contract agree not to perform the contract.

(D) 'A' and 'B' are parties to a contract. They and 'C' agree that 'B' together with 'C' will perform the contract.

Answer: (C) If 'A' and 'B' who are the parties to a contract agree not to perform the contract.

Explanation: Novation is a process by which old obligations of parties under a contract are replaced by new ones. Option C merely talks about an agreement not to perform the contract, which does not replace the old obligations or parties, and thus, it is not a novation.

23. The suit is one for compensation for breach of contract. In the contract, a penalty of Rs. 10,00,000/- is stipulated in case the contract is broken. The defendant admitted non-performance but denied any loss to the plaintiff. The court decreed the suit for Rs.10,00,000/- holding that since the defendant admitted non-performance, no further enquiry is permissible. The decree is,

(A) correct, since an enquiry regarding actual damages is impermissible In a case where the penalty amount is quantified

(B) correct, since the court is bound to grant a decree for the amount of penalty fixed In the contract and an enquiry In that respect is Inconsequential

(C) incorrect, since the parties have no right to stipulate the penalty amount in a contract

(D) Incorrect, since liability of the defendant is to pay reasonable

compensation not exceeding the amount of penalty stipulated in the contract

Answer: (D) Incorrect, since the liability of the defendant is to pay reasonable compensation not exceeding the amount of penalty stipulated in the contract.

Explanation: As per Section 74 of the Indian Contract Act, 1872, the party who suffered breach is entitled to receive compensation not exceeding the penalty stipulated in the contract.

24. A suit is instituted for a decree to declare that a contract is invalid since it is tainted by undue influence. No further relief is claimed. If a decree of declaration is granted, which among the following is correct?

(A) Undue Influence vitiates the contract making it void and therefore the decree is incorrect.

(B) Undue influence vitiates the contract making it voidable and therefore the decree is incorrect.

(C) Undue Influence vitiates the contract making it void and therefore the decree is correct.

(D) Undue Influence vitiates the contract making it voidable and therefore the decree is correct.

Answer: (D) Undue Influence vitiates the contract making it voidable and therefore the decree is correct.

Explanation: As per Section 19A of the Indian Contract Act, 1872, a contract induced by undue influence is voidable at the option of the party whose consent was so obtained.

25. In a suit for realisation of money, the second defendant-surety contended that without his knowledge the first defendant-principal debtor alienated the hypothecated property and hence he is not liable for the debt. The contention of the second defendant is .

De Facto IAS
Kerala Judiciary Prelims Solution 2023

- (A) valid, since he is discharged under Section 139 of the Contract Act, 1872
- (B) Invalid, since liability of the surety is coextensive to that of the principal debtor
- (C) Invalid, since both defendants are disbarred from raising such contention under Section 139 of the Contract Act, 1872
- (D) valid, since he is discharged under Section 139 of the Transfer of Property Act, 1882

Answer: (B) Invalid, since the liability of the surety is coextensive to that of the principal debtor.
Explanation: As per Section 128 of the Indian Contract Act, 1872, the liability of the surety is coextensive with that of the principal debtor, unless it is otherwise provided by the contract.

26. A person who came in possession of a cheque for consideration is its

- (A) holder
(B) drawee
(C) holder in due course
(D) Drawer

Answer: (C) Holder in due course
Explanation: A person who comes into possession of a negotiable instrument, such as a cheque, for consideration, in good faith, before it is overdue, and without any reason to believe that any defect exists in the title of the person who transferred it to him, is termed as a "holder in due course" according to the Negotiable Instruments Act, 1881.

27. The Supreme Court of India held as follows; "If present and prevalent market rent assessed and fixed between the parties is paid by the tenant, then the landlord shall not be entitled to bring any action for eviction against such a tenant at least for a period of 5 years," Which is that decision?

- (A) Shehammal v. Hasan Khan Rawther and others [(2011) 9 SCC 2231]
- (B) Hafeeza Bibi and others v. Shaikh Farid (Dead) by LRs. and others [(2011) 5 SCC 654]
- (C) Mohammad Ahmad v. Atma Ram Chouhan [(2011) 7 SCC 755]
- (D) Safiya Bee v. Mohammed Vajahath Hussain alias Fasl ((2011) 2 SCC 94]

Answer: (C) Mohammad Ahmad v. Atma Ram Chouhan [(2011) 7 SCC 755]
Explanation: In the case of Shehammal v. Hasan Khan Rawther and others [(2011) 9 SCC 223], the Supreme Court of India held the mentioned stance about present and prevalent market rent. The court stated that if the tenant pays the market rent as assessed and fixed between the parties, then the landlord is not entitled to bring an action for eviction against such a tenant for a period of 5 years.

28. A landlord wants to reconstruct his shop building, which is in occupation of a tenant, and after reconstruction, the landlord needs to occupy it for his residential purpose. Choose the provision of the Kerala Buildings (Lease and Rent Control) Act, 1965 under which he has to apply for eviction?

- (A) Section 11(2)
(B) Section 11(3)
(C) Section 11 (4)
(D) Section 11(8)

Answer: (C) Section 11(4)
Explanation: Under the Kerala Buildings (Lease and Rent Control) Act, 1965, Section 11(4)(iv) provides for eviction of a tenant if the landlord needs the building for his own residential purposes and if the building is to be reconstructed because it is not fit for human habitation. Thus, when a landlord wants to reconstruct a shop building occupied by a tenant and needs it for his own residential purpose after reconstruction, he must rely on this provision.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

29. A promissory note is lost from the possession of the payee. He filed a suit based on the lost promissory note. If there arises a dispute as to whether the lost promissory note is duly stamped, what shall be the legal consequence?

- (A) No suit shall lie on a lost promissory note and hence the defendant has no burden.
- (B) A lost promissory note is presumed to be insufficiently stamped and therefore the plaintiff has to prove that it was duly stamped.
- (C) The plaintiff has to prove that the lost promissory note was duly stamped since he claims a decree.
- (D) The plaintiff has no initial burden since it can be presumed that a lost promissory note was duly stamped.

Answer: (B) A lost promissory note is presumed to be insufficiently stamped and therefore the plaintiff has to prove that it was duly stamped.

Explanation: In case of a dispute over a lost promissory note's stamp duty, the burden of proof is on the plaintiff to demonstrate it was duly stamped.

30. One of the conditions to constitute an offence under Section 138 of the Negotiable Instruments Act, 1881 is that the payee or the holder in due course of the cheque makes a demand by giving a notice in writing for the payment of the amount to the drawer of the cheque, within ~

- (A) 60 days of the receipt of information from the Bank regarding the return of the cheque
- (B) 30 days of the receipt of information from the Bank regarding the return of the cheque
- (C) 60 days of the date of dishonour of the cheque
- (D) 30 days of the date of dishonour of the cheque

Answer: (B) 30 days of the receipt of information from the Bank regarding the

return of the cheque.

Explanation: Under Section 138 of the Negotiable Instruments Act, 1881, it mandates that a notice be given to the drawer within 30 days of receiving information from the bank about the cheque's dishonour.

31. A co-mortgagor filed a suit for redemption and redeemed the entire property. Which of the following is the appropriate remedy available to the other co-mortgagor?

- (A) File a suit for mandatory Injunction directing delivery of possession of his share.
- (B) File a suit for partition to get his share in the property on making payment of the proportionate redemption price.
- (C) File a suit for recovery of possession of his share.
- (D) File a suit for redemption in respect of his share on making payment of the proportionate redemption price.

Answer: (D) File a suit for redemption in respect of his share on making payment of the proportionate redemption price.

Explanation: When one co-mortgagor redeems the entire mortgaged property, the other co-mortgagor has the right to redeem his share of the property by paying the proportionate share of the redemption amount. Therefore, the appropriate remedy available to the other co-mortgagor is to file a suit for redemption in respect of his share upon making payment of the proportionate redemption price.

32. The defendant purchased land and constructed a residential house. His vendor's title was defective and the claim of the plaintiff to set aside the title deed and recovery of possession was allowed. The claim of the defendant for compensation was defined by applying the rule in 'quicquid plantatur solo, solo cedit'. That decision is,

De Facto IAS
Kerala Judiciary Prelims Solution 2023

- (A) correct, since that rule is applicable in India
- (B) incorrect, since that rule is applicable in India
- (C) correct, since that rule is not applicable in India
- (D) Incorrect, since that rule is not applicable in India

Answer: (C) Correct, since that rule is not applicable in India

Explanation: The Latin maxim "quicquid plantatur solo, solo credit" means whatever is attached to the ground becomes a part of it. However, this principle is not applied in India in the context described.

33. Section 53 of the Transfer of Property Act, 1882 stipulates that a suit instituted by a creditor to avoid a transfer on the ground that it has been made with intent to defeat or delay the creditors of the transferor shall be instituted on behalf of, or for the benefit of, all the creditors. If the transferee files a claim petition when that property is attached before judgement in that suit,

- (A) the plaintiff's only remedy is to file a separate suit on behalf of all the creditors in a representative capacity
- (B) the plaintiff has to wait till the passing of a decree in his suit and then file a fresh suit
- (C) the plaintiff can resist the claim petition by raising contentions available under Section 53 of the Transfer of Property Act, 1882
- (D) the plaintiff has no remedy since the transfer was before the Institution of the suit.

Answer: (C) The plaintiff can resist the claim petition by raising contentions available under Section 53 of the Transfer of Property Act, 1882

Explanation: Section 53 of the Transfer of Property Act deals with fraudulent transfers. If a claim petition is filed by a transferee, the original plaintiff can contest based on the provisions of this section.

34. An agreement to sell does not, by itself, create any interest in or charge on the immovable property. But the buyer is entitled to a charge on the property to the extent of the seller's interest in the property unless the buyer has improperly declined to accept delivery of the property,

- (A) only if the agreement is registered
- (B) only if possession of the property is delivered to the buyer
- (C) for the amount of any purchase money paid by the buyer
- (D) for the balance sale consideration

Answer: (C) For the amount of any purchase money paid by the buyer

Explanation: As per the Transfer of Property Act, an agreement to sell doesn't by itself confer any interest in the property. But, the buyer has a charge to the extent of the purchase money paid.

35. 'A' is in occupation of a building as the tenant. Landlord 'B' entered into an agreement to sell that building and apparent land to 'A'. Later 'B' filed a petition for eviction under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965. The defence of 'A' is that he filed a suit for specific performance of the contract and he is not liable to be evicted.

- (A) The contention is tenable since a court where the suit for specific performance is pending alone can decide the question of eviction.
- (B) The contention is tenable since 'B' lost the title as landlord on his entering into a contract for sale.
- (C) The contention is untenable since the contract for sale was entered into before the filing of the petition for eviction.
- (D) The contention is untenable since the contract for sale does not divest the title of 'B' as the landlord.

Answer: (D) The contention is untenable since the contract for sale does not divest the title of 'B' as the landlord.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

Explanation: Entering into an agreement to sell doesn't immediately transfer title. The landlord retains the title until the sale is completed.

36. Attestation of a gift deed is in question. It is invalid, .

- (A) if the witnesses have not seen the executant executing the Instrument.
- (B) if attested by three witnesses.
- (C) if the witnesses did not attest the execution of the Instrument at the same time.
- (D) If the attesting witnesses do not personally know the executant.

Answer: (A) If the witnesses have not seen the executant executing the Instrument.

Explanation: Under the Transfer of Property Act, 1882, a gift of immovable property must be effected by a registered instrument (deed) signed by the donor, attested by at least two witnesses, and registered. One of the essential requirements of valid attestation is that the attesting witnesses must have seen the executant executing the instrument or must have received a personal acknowledgment from the executant regarding the execution. If the witnesses have not seen the executant executing the instrument, the attestation and thus, the gift deed, would be invalid.

37. landlord forcibly dispossessed the tenant. His immediate remedy to get back possession is

- (A) to sue under Section 6 of the Specific Relief Act, 1963
- (B) to approach the Accommodation Controller under Section 13 of the Kerala Buildings (Lease and Rent Control) Act, 1965
- (C) to apply for restitution under Section 144 of the Code of Civil Procedure. 1908
- (D) to apply for restoration of possession under Section 33 of the

Kerala Buildings (Lease and Rent Control) Act, 1965

Answer: (A) To sue under Section 6 of the Specific Relief Act, 1963

Explanation: Section 6 of the Specific Relief Act provides for a suit by a person dispossessed of immovable property without his consent if the dispossession is not in due course of law.

38. Blu-ray is an industrial concern. Govind Is an artist working in Blu-ray. His services were terminated before the expiry of the period of the contract. He filed a suit for a mandatory injunction to continue his services. The suit is,

- (A) maintainable, since mandatory Injunction claimed Is to prevent a breach of an obligation
- (B) maintainable, since the bar under Section 41 of the Specific Relief Act, 1963 is not applicable
- (C) not maintainable, since a mandatory injunction cannot be granted to enforce a contract, which is so dependent on personal qualifications
- (D) not maintainable, since no declaration Is asked for

Answer: (C) Not maintainable, since a mandatory injunction cannot be granted to enforce a contract, which is so dependent on personal qualifications

Explanation: The Specific Relief Act does not generally permit mandatory injunctions for contracts requiring personal skills or qualifications.

39. The contract is to sell A share in an Immovable property. Appropriate relief to be claimed in a suit for getting title and possession of the property is,

- (A) specific performance
- (B) partition
- (C) specific performance and
- (D) specific performance and recovery of possession partition

De Facto IAS
Kerala Judiciary Prelims Solution 2023

Answer: (D) Specific performance and recovery of possession

Explanation: If the contract is to sell a share in immovable property, specific performance can be claimed along with recovery of possession.

40. The relief claimed in the suit is a direction to the defendant to execute a proper conveyance deed in terms of the decree of specific performance. The suit is

- (A) maintainable being the remedy claimed is appropriate
- (B) not maintainable, since it is barred under the provisions of Section 28 of the Specific Relief Act, 1963
- (C) maintainable, since Section 28 of the Specific Relief Act, 1963 contemplates such a suit
- (D) not maintainable, since it is barred under the provisions of Section 41 of the Specific Relief Act, 1963

Answer: (A) Maintainable being the remedy claimed is appropriate

Explanation: After decreeing specific performance, if the defendant does not execute the necessary deed, the plaintiff can seek a direction for its execution.

PART - B

41. A complaint alleging an offence punishable under Section 324 of the Indian Penal Code, 1860 is filed before a Magistrate. After perusing the complaint, the Magistrate required the complainant to be present along with his witnesses for giving their statements on oath, and posted the complaint on the next day. What judicial process had thereby taken place?

- (A) Magistrate took cognizance of the offence.
- (B) Magistrate postponed the decision on the question as to whether cognizance has to be taken.

(C) Magistrate formed an opinion that prima facie there is no material to proceed with.

(D) Magistrate decided to hold a trial.

Answer: (A) Magistrate took cognizance of the offence.

Explanation: When a Magistrate takes such steps after examining a complaint, it indicates that he has taken cognizance of the offence.

42. Ordinary mode of serving summons issued from a court of Judicial Magistrate of the First Class in the State of Kerala is

- (A) by registered post
- (B) through an officer of the court
- (C) through a police
- (D) by ordinary post officer

Answer: (B) Through an officer of the court

Explanation: As per the Code of Criminal Procedure, the common method of serving summons is through an officer of the court.

43. A person is arrested by a customs officer in the exercise of powers under Section 104 of the Customs Act, 1962. When he was produced before a Magistrate, he contended that there was no provision in the Customs Act empowering the Magistrate to send him to judicial custody. Magistrate accepted that contention but ordered to send him to judicial custody. The action of the Magistrate is

- (A) correct, in view of the provisions under Section 41(2) of the Code of Criminal Procedure, 1973
- (B) correct, in view of the provisions under Section 4(2) of the Code of Criminal Procedure, 1973
- (C) incorrect, in view of the provisions under Section 167 of the Code of Criminal Procedure, 1973
- (D) incorrect, in view of the provisions under Section 57 of the Code of Criminal Procedure, 1973

Answer: (B) Correct, In view of the

De Facto IAS
Kerala Judiciary Prelims Solution 2023

provisions under Section 4(2) of the Code of Criminal Procedure, 1973

Explanation: Section 4(2) of the CrPC states that offences under other laws will be investigated, tried, etc., according to the CrPC.

44. In view of the provisions under Section 85(3) of the Code of Criminal Procedure, 1973, if a person whose property has been attached and placed at the disposal of the State Government appears voluntarily or arrested and he proves to the satisfaction of the court that he did not abscond or conceal himself for the purpose of avoiding the execution of warrant, such property be delivered to him after satisfying all costs incurred in consequence of the attachment.

- (A) within a period of 6
- (B) at any time
- (C) within 1 year
- (D) within 2 years

Answer: (D) within 2 years

Explanation: According to Section 85(3) of the Code of Criminal Procedure, 1973, if a person, whose property was attached and placed under the disposal of the State Government, appears voluntarily or is arrested and proves to the court's satisfaction that he did not abscond or conceal himself to avoid execution of a warrant, his property shall be returned to him.

45. Section 41(l)(d) of the Code of Criminal Procedure, 1973 empowers a police officer to arrest without an order from a Magistrate and without a warrant, a person in whose possession anything is found, which may reasonably be suspected to be stolen property. A person is arrested under section 41(l)(d) of the Code and produced before a Magistrate. The Magistrate remanded him to judicial custody. If an application for releasing him on bail is filed, the Magistrate

- (A) cannot release him on bail without hearing the prosecution, since he has committed a non-bailable offence

(B) cannot release him on bail until it is established whose property was with him

(C) shall release him on bail, since there is no allegation of commission of any offence

(D) shall release him on bail since he has committed only a bailable offence

Answer: (D) Shall release him on bail since he has committed only a bailable offence

Explanation: The decision to grant bail is contingent upon the nature of the offence for which the person is charged. In this scenario, the emphasis is on the possession of potentially stolen property without direct evidence of involvement in a non-bailable offence.

46. 'X' reached a police station and gave to the officer in charge of that police station a statement that 'Z' slapped him causing excruciating pain. What shall the officer do?

- (A) Register a crime immediately and start investigation.
- (B) Ask 'X' to approach the Magistrate.
- (C) Conduct a preliminary enquiry and then register a crime.
- (D) Send 'X' immediately to a hospital for treatment and then register a crime.

Answer: (A) Register a crime immediately and start investigation.

Explanation: On receiving information about the commission of a cognizable offence, the police must register an FIR and start an investigation.

47. Section 162 of the Code of Criminal Procedure, 1973 says that no statement made by any person to a police officer in the course of an investigation shall be used for any purpose, save as provided in that Section. Which among the following is the correct statement, in the context of Section 145 of the Evidence Act, 1872?

De Facto IAS
Kerala Judiciary Prelims Solution 2023

- (A) To contradict him by asking whether he was questioned by police.
- (B) To corroborate by inviting his attention to the statement made to police intended to be corroborated.
- (C) To contradict him by inviting his attention to the statement made to police intended to be contradicted.
- (D) To corroborate him by asking whether he has given such a statement before police.

Answer: (C) To contradict him by inviting his attention to the statement made to police intended to be contradicted.

Explanation: As per Section 162 CrPC and in the context of Section 145 of the Evidence Act, the previous statement can be used to contradict the witness.

48. While a Munsiff was holding a sitting, Mr.'X' intentionally caused interruption to the proceedings in the court and thereby committed an offence punishable under Section 228 of the Indian Penal Code, 1860. The Munsiff can -

1. take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause, sentence Mr.'X' to pay a fine not exceeding two hundred rupees;
2. make a complaint in writing against Mr.'X' and send it to a Magistrate having jurisdiction;
3. cause to arrest Mr.'X' and forward him to police with a direction to register a case, investigate and file a final report.

- (A) Options 1 and 2 are correct
- (B) Option 1 is correct
- (C) Option 2 is correct
- (D) Options 1 to 3 are correct

Answer: (A) Options 1 and 2 are correct

Explanation: Section 228 IPC allows the judge to either take action directly or make a complaint in writing to a Magistrate.

49. Find out the odd one from statements (A) to (D).

- (A) All persons accused of the same offence committed in the course of the same transaction can be tried together,
- (B) All persons accused of similar offences committed by them within the period of twelve months can be tried together.
- (C) All persons accused of three offences of the same kind, committed by them jointly within the period of twelve months can be tried together,
- (D) All persons accused of different offences committed in the course of the same transaction can be tried together.

Answer: (B) All persons accused of similar offences committed by them within the period of twelve months can be tried together.

Explanation: This is not a general principle of joint trials under the CrPC.

50. Mr.'A' is accused of an offence punishable under Section 420 of the Indian Penal Code, 1860. He filed a petition claiming discharge under Section 239 of the Code of Criminal Procedure, 1973. He produced three documents which clearly exculpate him of the offence. The Magistrate in the light of those documents discharged Mr.'A'. The order

- (A) is correct
- (B) can be correct or wrong depending upon the facts of the case
- (C) being a discretionary one, it has to be treated as correct
- (D) is wrong

Answer: (A) is correct

Explanation: Under Section 239 of the CrPC, a Magistrate can discharge an accused if, after considering the documents referred to in Section 207, and hearing the prosecution and the accused, he finds no ground to proceed against the accused.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

51. The offence alleged against the accused is under Section 138 of the Negotiable Instruments Act, 1881. When the matter was taken up for recording the plea of the accused, the Magistrate was convinced that the materials were insufficient to constitute the offence. The Magistrate, therefore, stopped the proceedings under Section 258 of the Code of Criminal Procedure, 1973 and discharged the accused. The order is

- (A) correct since it is a summons case
- (B) incorrect since it is a warrant case
- (C) Incorrect since it is a complaint case
- (D) incorrect since the accused was discharged instead he being acquitted

Answer: (C) Incorrect since it is a complaint case

Explanation: Section 258 CrPC applies to summons cases instituted otherwise than upon a complaint. An offence under Section 138 of the Negotiable Instruments Act is initiated on a complaint, so Section 258 is not applicable.

52. The Magistrate shall, as the examination of each witness proceeds, make a memorandum of the substance of the evidence in the language of the Court. This procedure applies to

- (A) warrant cases
- (B) summons cases
- (C) summary trials
- (D) all the above

Answer: (D) All the above

Explanation: According to the Code of Criminal Procedure, 1973, the Magistrate is required to make a memorandum of the substance of the evidence as the examination of each witness proceeds. This procedure is applicable to warrant cases, summons cases, and summary trials.

53. Pardon under Section 306 of the Code of Criminal Procedure, 1973 can be tendered by a Chief Judicial Magistrate at any stage of the investigation or inquiry into, or the trial of the

offence, whereas pardon can be tendered by a Judicial Magistrate of the First Class at any stage of the

- (A) Inquiry into, or the
- (B) inquiry into the offence trial of the offence
- (C) trial of the offence
- (D) investigation of the offence

Answer: (B) Inquiry Into the offence trial of the offence

Explanation: As per Section 306 of the CrPC, 1973, the Chief Judicial Magistrate can tender pardon at any stage of the investigation, inquiry, or trial, whereas the Judicial Magistrate of the First Class can do so only during the inquiry into or trial of the offence.

54. A Magistrate recorded part of the evidence during the trial of a case. The successor Magistrate may act on the evidence so recorded by his predecessor if

- (i) It is a summary trial
 - (ii) it is a case transferred for want of competency to the predecessor Magistrate
- (A) (i) is correct
 - (B) (ii) is correct
 - (C) (i) and (ii) are correct
 - (D) (i) and (ii) are incorrect

Answer: (A) (i) is correct

Explanation: If a Magistrate recorded part of the evidence during a summary trial, the successor Magistrate can act on the evidence so recorded by his predecessor. However, this is not applicable in cases transferred due to lack of competency.

55. Section 354(4) of the Code of Criminal Procedure, 1973 says that when the conviction is for an offence punishable with imprisonment for a term of one year or more, but the court imposes a sentence of imprisonment for a term of less than (1) , it shall record its reasons for awarding such sentence, unless the sentence is one of (2) or unless the case was tried summarily under the provisions of the Code.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

- (A) 6 months..(1)..; imprisonment till the rising of the Court ..(2)..
- (B) 6 months ..(1)..- fine only ..(2)..
- (C) 3 months ..(1)..: fine only ..(2)..
- (D) 3 months.41)..; imprisonment till the rising of the Court ..(2)..

Answer: (B) 6 months ..(1)..- fine only ..(2)..

Explanation: As per Section 354(4) of CrPC, when the conviction is for an offence punishable with imprisonment for a term of one year or more, but the court imposes a sentence of imprisonment for less than 6 months, reasons must be recorded, unless the sentence is one of fine only.

56. 90 days is the period provided for completing the investigation, failing which the accused is entitled to get default bail under the proviso to Section 167(2) of the Code of Criminal Procedure, 1973, if the offence is punishable with imprisonment for a term not less than 10 years. In which case, the Supreme Court of India interpreted that the period of imprisonment for the above purpose shall be a minimum of 10 years?

- (A) Bhupinder Singh v. Jarnail Singh [(2006) 6 SCC 277]
- (B) Rakesh Kumar Paul v. State of Assam [(2017) 15 SCC 67]
- (C) Prakash Singh v. Union of India [(2006) 8 SCC 1]
- (D) Sanjay Dutt v. State [(1994) 5 SCC 410]

Answer: (A) Bhupinder Singh v. Jarnail Singh [(2006) 6 SCC 277]

Explanation: In the case of Bhupinder Singh v. Jarnail Singh, the Supreme Court interpreted that the period of imprisonment for the purpose of default bail under Section 167(2) of the CrPC should be a minimum of 10 years.

57. An accused who was released on bail failed to appear before the Magistrate on successive dates of posting. The Magistrate invoking the provisions of Section 446 of the Code of Criminal Procedure, 1973 issued

notice to the sureties calling upon them to pay the penalty or to show cause why the penalty should not be paid. The sureties appeared and contended that the action taken against them is illegal since no notice asking them to produce the accused was given. Decide.

- (A) Action is illegal, since such a notice is mandatory under Section 446 of the Code of Criminal Procedure, 1973, but was not given.
- (B) Action is legal if the case is a summons case.
- (C) Action is legal, since Section 446 of the Code of Criminal Procedure, 1973 does not contemplate such a notice.
- (D) Action is illegal if the case involves a Sessions offence.

Answer: (C) Action is legal, since Section 446 of the Code of Criminal Procedure, 1973 does not contemplate such a notice.

Explanation: Under Section 446 of the Code of Criminal Procedure, 1973, the court has the authority to issue a notice to the sureties to pay the penalty amount if the accused fails to appear before the magistrate on the dates specified. This provision is put in place to ensure the appearance of the accused in court, leveraging the surety bond that was executed to secure bail.

The correct answer is (C) Action is legal, since Section 446 of the Code of Criminal Procedure, 1973 does not contemplate such a notice. The law does not mandate a prior notice to the sureties asking them to produce the accused before taking action against them for the penalty.

58. In an offence, an accused can be arrested by a police officer without a warrant.

- (A) cognizable
- (B) non-bailable
- (C) warrant case
- (D) sessions case

Answer: (A) Cognizable

De Facto IAS
Kerala Judiciary Prelims Solution 2023

Explanation: A police officer can arrest without a warrant in cognizable offences as per Section 2(c) the CrPC.

59. Criminal misappropriation of property is an offence. The Magistrate convicted and sentenced the accused to the maximum prescribed sentence of two years Imprisonment. The accused was not heard on the question of sentence. Did the Magistrate go wrong?

- (A) Yes, since it is a warrant case,
- (B) Yes, since it is a summons case.
- (C) No, since it is a warrant case.
- (D) No, since it is a summons case

Answer: (A) Yes, since it is a warrant case.

Explanation: In warrant cases, the accused must be heard on the question of sentence before a decision is made. The Magistrate failed to do this.

60. Punishment prescribed for an offence under a special statute is Imprisonment for a period of 7 years. There is no provision in the statute stating which court has to try that offence, if so, that offence is triable by which court?

- (A) Judicial Magistrate of the Second Class
- (B) Judicial Magistrate of the First Class
- (C) Sessions Court
- (D) Special Court

Answer: (C) Sessions Court

Explanation: When the punishment prescribed is imprisonment for a period of 7 years or more and the special statute does not specify a court, the offence is triable by the Sessions Court.

61. Section 300 of the Indian Penal Code, 1860 defines murder. It does not express that a child under seven years of age cannot commit murder, if so, why do we say that Section 82 of the Penal Code which accepts acts done by a child under seven years of

age from the purview of offences applies to murder and other offences under the Penal Code?

- (A) By the application of Section 5 of the Indian Penal Code, 1860,
- (B) By the application of Section 6 of the Indian Penal Code, 1860.
- (C) By the application of Section 76 of the Indian Penal Code, 1860.
- (D) By the application of Section 9 of the Indian Penal Code, 1860

Answer: (B) By the application of Section 6 of the Indian Penal Code, 1860.

Explanation: Section 6 of the Indian Penal Code states that all definitions and provisions contained in the IPC shall apply unless there is a distinct provision made or unless a different intention appears. This inclusive principle means that the general exceptions provided in the IPC, such as Section 82, which declares that nothing is an offence done by a child under seven years of age, apply universally to all sections unless explicitly stated otherwise.

62. Section 84 of the Indian Penal Code, 1860 says that nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind,

- (A) is capable of knowing the nature of the act
- (B) is Incapable of knowing that he is a person of unsound mind.
- (C) is capable of knowing that the act he is doing is either wrong or contrary to law
- (D) Is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law

Answer: (D) Is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law

Explanation: Section 84 of the IPC provides an exception for acts done by a person of unsound mind. The person must be incapable of understanding the nature of the act or its wrongfulness.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

63. Five persons stood trial on a charge under Sections 143, 147, 148 and 326 read with 149 of the Indian Penal Code, 1860. The Magistrate acquitted all the accused, holding that the prosecution failed to prove the involvement of five persons but proved the involvement of only two among them and they together did the crime. Choose the correct remark from the following.

- (A) Magistrate should have altered the charge and retry those two accused
- (B) Magistrate had no other option
- (C) Magistrate could have convicted those two accused
- (D) Magistrate should have ordered reinvestigation

Answer: (C) Magistrate could have convicted those two accused
Explanation: The evidence was there for the involvement of two persons. The Magistrate could have convicted them based on the evidence at hand.

64. 'A' made a false entry in an account book for the purpose of using it as evidence to support his claim in a suit and produced it in a court. What offence would thereby be constituted?

- (A) Fabrication of false
- (B) Giving of false evidence evidence
- (C) Fraud
- (D) Cheating

Answer: (A) Fabrication of false evidence
Explanation: 'A' created a false document with the intention to use it as evidence. This constitutes the offence of fabrication of false evidence under IPC.

65. A taxi driver picked up a quarrel with the accused on the taxi fare. The injured intervened and tried to stop the quarrel. The accused fisted the injured on his face. He received a bleeding injury and lost a tooth. What is the offence committed by the accused?

- (A) Voluntarily causing hurt
- (B) Voluntarily causing grievous hurt

- (C) Voluntarily causing hurt on sudden provocation
- (D) Voluntarily causing grievous hurt on sudden provocation

Answer: (B) Voluntarily causing grievous hurt
Explanation: According to the seventh clause of Section 320, "fracture or dislocation of a bone or tooth" is expressly classified as grievous hurt. In the scenario described, the accused caused the injured to lose a tooth as a result of the fist blow to the face. This specific injury aligns with the definition of grievous hurt under the seventh clause of Section 320 of the IPC.

66. The accused forcibly grabbed the arm of the victim, aged 25 years, dragged him into his car, took him to the house of the accused 5 kms. away and, after 3 hours, let him off. What offences had the accused committed?

- (A) Kidnapping and wrongful restraint
- (B) Abduction, assault and wrongful confinement
- (C) Kidnapping and wrongful confinement
- (D) Abduction, assault and wrongful restraint

Answer: (B) Abduction, assault and wrongful confinement
Explanation: The actions of the accused amount to abduction (forcibly moving someone from one place to another), assault, and wrongful confinement (keeping someone against their will).

67. A theft becomes robbery if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end,

- (A) voluntarily causes or attempts to cause to any person death or hurt
- (B) voluntarily causes or attempts to cause to any person wrongful restraint
- (C) voluntarily causes or attempts to cause to any person fear of instant

De Facto IAS
Kerala Judiciary Prelims Solution 2023

death or of instant hurt, or of instant wrongful restraint
(D) All the above

Answer: (D) All the above

Explanation: Robbery, as defined under the IPC, involves theft with the added elements of causing death, hurt, wrongful restraint, or fear of these to any person.

68. A gang of seven persons committed dacoity and murder. They shall be

- (A) sentenced for murder alone
- (B) sentenced separately for murder and dacoity
- (C) sentenced separately for murder and dacoity with murder
- (D) sentenced for dacoity with murder alone

Answer: (D) Sentenced for dacoity with murder alone

Explanation: When dacoity is accompanied by murder, the accused can be sentenced for dacoity with murder under the IPC.

69. A finds a purse containing Rs.10,000/- lying on the public road. A took it. Afterwards, he knew that it belonged to another. However, he spent the money. Has he committed any offence?

- (A) Yes, criminal misappropriation of property
- (B) No offence
- (C) Yes, theft
- (D) Yes, Criminal breach of trust

Answer: (A) Yes, criminal misappropriation of property

Explanation: According to Section 403 of the IPC, criminal misappropriation of property occurs when a person dishonestly misappropriates or converts to his own use any movable property, knowing that it does not belong to him. Initially finding the purse on the public road does not constitute an offence. However, the moment 'A' decides to use the money after realising it belongs to someone else, it becomes an act of dishonest misappropriation. 'A's action of

spending the money, despite knowing the rightful owner, clearly falls under the definition of criminal misappropriation, as he has acted dishonestly with the intention of causing wrongful gain to himself and wrongful loss to the owner.

70. Which among the following combinations constitutes an offence of cheating?

- (A) Deception and delivery of property
- (B) Deception and fraudulent or dishonest Inducement
- (C) Deception, fraudulent or dishonest inducement and delivery of property
- (D) Fraudulent or dishonest Inducement and delivery of property

Answer: (C) Deception, fraudulent or dishonest inducement and delivery of property

Explanation: The combination that constitutes an offence of cheating, as defined under Section 415 of the Indian Penal Code (IPC), is (C) Deception, fraudulent or dishonest inducement, and delivery of property. Cheating involves deceiving someone in such a manner that the person is led to deliver any property to any person or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation, or property.

71. Choose the provision in the Indian Evidence Act, 1872 which makes the report of a test Identification parade relevant.

- (A) Section 6
- (B) Section 8
- (C) Section 9
- (D) Section 46

Answer: (C) Section 9

Explanation: Under the Indian Evidence Act, 1872, Section 9 makes the report of a test identification parade relevant as it relates to facts necessary to explain or introduce a relevant fact.

De Facto IAS
Kerala Judiciary Prelims Solution 2023

72. The inscription on a plaque placed on a bridge at the time of its inauguration is

- (A) opinion evidence
- (B) documentary evidence
- (C) oral evidence
- (D) not evidence

Answer: (B) Documentary evidence

Explanation: The inscription on a plaque is a form of documentary evidence as it provides a record of an event or fact.

73. 'A' filed a suit against 'B' to restrain him from trespassing on the land of 'A'. 'B' alleged the existence of a pathway along that land and he succeeded. Subsequently, 'A' filed a suit relating to the same land against C. What is the use of the judgement in the suit between 'A' and 'B' in the suit between 'A' and 'C' insofar as the existence of the pathway is concerned?

- (A) The judgement is relevant
- (B) The judgement is irrelevant
- (C) The judgement is conclusive proof
- (D) The judgement bars the trial of the suit between 'A' and 'C'

Answer: (A) The judgement is relevant

Explanation: In light of Section 42 of The Indian Evidence Act, 1872, the judgement from the suit between 'A' and 'B', regarding the existence of a pathway on 'A's' land, is indeed relevant in a subsequent suit between 'A' and 'C' concerning the same land and issue. This section makes it clear that judgments, orders, or decrees on matters of a public nature that are relevant to the inquiry at hand are considered relevant evidence in legal proceedings. However, it is important to note that while these are relevant, they do not serve as conclusive proof of the matters they state.

74. Choose the incorrect statement.

- (A) In criminal proceedings, the fact that the accused person is of good character is relevant.
- (B) In criminal proceedings, the fact that the accused person has a bad

character is irrelevant unless evidence has been given that he has a good character, in which case it becomes relevant.

(C) A previous conviction of the accused is relevant as evidence of bad character.

(D) In criminal proceedings, the fact that the accused person is of good character is irrelevant.

Answer: (D) In criminal proceedings, the fact that the accused person is of good character is irrelevant.

Explanation: The Indian Evidence Act, 1872, under Section 53, provides that in criminal proceedings, the fact that the accused person is of good character is relevant.

75. An attested document, which is not required by law to be attested, may be

- (A) proved by calling at least one of the attesting witnesses
- (B) proved as if it was unattested
- (C) cannot be proved even if an attesting witness is examined
- (D) received in evidence without formally proving it

Answer: (B) Proved as if it was unattested

Explanation: If a document is attested but the law does not require it to be so, it can be proved as if it was unattested. Attestation is not a requirement for such documents, and their proof is not contingent upon calling attesting witnesses.

76. Parol evidence rule bars extrinsic evidence, including prior or contemporaneous oral agreements, that contradict or create a variation of a term in the written agreement. This rule is embedded in Section of the Indian Evidence Act, 1872.

- (A) 60
- (B) 63
- (C) 92
- (D) 104

Answer: (C) 92

De Facto IAS
Kerala Judiciary Prelims Solution 2023

Explanation: Section 92 of the Indian Evidence Act, 1872 embodies the Parol Evidence Rule. It provides that when the terms of a contract or agreement are reduced to writing, no evidence of any oral agreement or statement can be admitted as between the parties to vary the terms of the written agreement.

77. A child of age is incompetent to be a witness in a court of law.

- (A) 7
- (B) 12
- (C) 10
- (D) None of the above

Answer: (D) None of the above

Explanation: The Indian Evidence Act, 1872 does not prescribe any specific age below which a child is considered incompetent to be a witness. The competency is determined based on the child's ability to understand questions and provide rational answers.

78. 'X' stated during the police investigation that he saw 'A' robbing the house. In court, 'X' deposed that he saw both 'A' and 'B' robbing the house. What is the exact legal terminology, if the defence uses that evidence as provided in Section 155(3) of the Indian Evidence Act, 1872?

- (A) An omission amounting to a contradiction
- (B) Corroboration by contradiction
- (C) Contradiction of character
- (D) Explanation of lacuna in evidence

Answer: (A) An omission amounting to a contradiction

Explanation: Section 155(3) of the Indian Evidence Act, 1872, allows the credibility of a witness to be impeached by the adverse party or, with the consent of the court, by the party who calls him, through evidence of any former contradictory statement made by such witness.

79. The testimony of a witness can be corroborated by a former statement made by

such witness relating to the same fact, if such a former statement was made,

(i) at or about the time when the fact took place.

(ii) before any authority legally competent to investigate the fact.

- (A) Statement (i) is correct
- (B) Statement (ii) is correct
- (C) Statements (i) and (ii) are correct
- (D) Statements (i) and (ii) are incorrect

Answer: (C) Statements (i) and (ii) are correct

Explanation: Both statements are consistent with Section 157 of the Indian Evidence Act, which provides for the corroboration of a witness's testimony by a prior consistent statement.

80. As per Section 68 of the Indian Evidence Act, 1872 if a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution. This rule is subject to the proviso that such proof is needed in the case of a duly registered document if its execution by the person by whom it purports to have been executed is specifically denied. Which document is excluded from the said proviso?

- (A) Mortgage
- (B) Will
- (C) Gift
- (D) Sale

Answer: (B) Will

Explanation: Section 68 of the Indian Evidence Act, 1872 exempts wills from the proviso requiring the examination of an attesting witness in cases where the execution of a document is specifically denied.

PART-C

81. Which judgment pronounced by the Supreme Court of India laid down guidelines

De Facto IAS
Kerala Judiciary Prelims Solution 2023

regarding holding of trial of child sex abuse and rape?

- (A) Bachan Singh v. State of Punjab [(1980) 2 SCC 684]
- (B) Mohinder Singh v. State of Punjab [(2013) 3 SCC 294]
- (C) Sakshi v. Union of India [(2004) 5 SCC 518]
- (D) Vishaka v. State of Rajasthan [(1997) 6 SCC 241]

Answer: (C) Sakshi v. Union of India [(2004) 5 SCC 518]

Explanation: The Sakshi vs Union of India case laid down guidelines regarding the trial of child sex abuse and rape to ensure the victim's protection.

82. The first Attorney General of India was

- (A) C.K. Daphtary
- (B) M.C. Setalvad
- (C) Nani A. Palkhiwala
- (D) Soli Sorabji

Answer: (B) M.C. Setalvad

Explanation: M.C. Setalvad was the first Attorney General of India.

83. In which case, the Supreme Court of India held that the power of the Parliament to amend the Constitution under Article 368 also includes the power to amend Fundamental Rights.

- (A) Kesavananda Bharati v. State of Kerala [(1973) 4 SCC 225]
- (B) Shankari Prasad Singh v. Union of India [AIR 1951 SC 458]
- (C) Minerva Mills v. Union of India [(1980) 3 SCC 625]
- (D) Sajjan Singh v. State of Rajasthan [AIR 1965 SC 845]

Answer: (A) Kesavananda Bharati v. State of Kerala [(1973) 4 SCC 225]

Explanation: The landmark Kesavananda Bharati case established the doctrine of the Basic Structure, holding that Parliament's power to amend the Constitution, including Fundamental Rights, is subject to its consistency with the Constitution's basic

structure.

84. As per Article 234 of the Constitution of India, appointments of persons other than district judges to the judicial service of a State shall be made in accordance with rules made by him on that behalf after consultation with the State Public Service Commission and with the High Court exercising jurisdiction in relation to such State.

- (A) Governor of the State
- (B) Chief Minister of the State
- (C) Chief Secretary of the State
- (D) Home Secretary of the State

Answer: (A) Governor of the State

Explanation: Article 234 of the Constitution vests the power of appointment of persons, other than district judges to the judicial service, in the Governor of the state after consultation with the State Public Service Commission and the respective High Court.

85. The Supreme Court of India comprises the Chief Justice and other Judges.

- (A) 31
- (B) 32
- (C) 33
- (D) 34

Answer: (D) 34

Explanation: Supreme Court of India is composed of the Chief Justice and 33 other Judges, making a total of 34 judges. Therefore, the correct answer is (D) 34. This structure allows the Supreme Court to handle a wide array of cases, ranging from appeals to matters of constitutional and national importance, ensuring that justice is served efficiently and effectively across the country.

86. Whose autobiography is 'Roses in December'?

- (A) Leila Seth
- (B) M.C. Chagla
- (C) Fall S. Nariman

De Facto IAS
Kerala Judiciary Prelims Solution 2023

(D) H.R. Khanna

Answer: (B) M.C. Chagla
Explanation: 'Roses in December' is an autobiography of M.C. Chagla, a renowned Indian jurist.

87. Which Schedule was added to the Constitution by the Constitution (First Amendment) Act, 1951?

- (A) 8th Schedule
- (B) 9th Schedule
- (C) 12th Schedule
- (D) 14th Schedule

Answer: (A) 9th Schedule
Explanation: The 9th Schedule was added to the Constitution by the Constitution (First Amendment) Act, 1951.

88. "Autrefois acquit" is a term embedded in

- (A) Article 20 of the Constitution of India and Section 300 of the Code of Criminal Procedure, 1973
- (B) Article 21 of the Constitution of India and Section 300 of the Code of Criminal Procedure, 1973
- (C) Article 21 of the Constitution of India and Section 301 of the Code of Criminal Procedure, 1973
- (D) Article 20 of the Constitution of India and Section 301 of the Code of Criminal Procedure, 1973

Answer: (A) Article 20 of the Constitution of India and Section 300 of the Code of Criminal Procedure, 1973
Explanation: "Autrefois acquit" refers to the principle that no person can be tried twice for the same offence. This principle is embedded in Article 20(2) of the Constitution of India and Section 300 of the CrPC, 1973.

89. Evidence of how many witnesses is required to prove an offence of dacoity?

- (A) 2
- (B) 5
- (C) 7

(D) none of the above

Answer: (D) None of the above
Explanation: There is no fixed number of witnesses required to prove an offence, including dacoity. The conviction can be based on the evidence of a single witness if the testimony is found to be credible, reliable, and corroborated by other evidence. The principle is that the quality of the evidence is more important than the quantity.

90. What is the period of limitation for taking cognizance of an offence punishable with imprisonment for a term of two years and a fine of Rs. 1,00,000/-?

- (A) one year
- (B) two years
- (C) three years
- (D) no period of limitation

Answer: (C) Three years
Explanation: As per CrPC, the period of limitation for taking cognizance of an offence punishable with imprisonment for a term of two years is three years.

91. Melt: Liquid; Freeze:

- (A) Ice
- (B) solid
- (C) condense
- (D) shrink

Answer: (B) Solid
Explanation: Just as melting changes a substance from solid to liquid, freezing changes a substance from liquid to solid.

92. A fruit seller had some mangoes. He sells 35% mangoes and still has 455 mangoes. Originally, he had:

- (A) 648 mangoes
- (B) 600 mangoes
- (C) 672 mangoes
- (D) 700 mangoes

Answer: (D) 700 mangoes
Explanation: Let the original number of mangoes be x . After selling 35% of them, he is left with 65% of x . Therefore, $0.65x =$

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Kerala Judiciary Prelims Solution 2023

455. Solving for x gives $x = 700$.

93. Today is Sunday. After 98 days, it will be:
- (A) Monday
 - (B) Wednesday
 - (C) Saturday
 - (D) Tuesday

Answer: (A) Monday

Explanation: After every 7 days, the day will be the same. After 98 days, or 14 weeks (which is a multiple of 7), the day will be Sunday again. So, one day after that will be Monday.

94. A boat can move from point A to point B upstream in 40 minutes. The same boat can travel from point B to point C, which is the exact middle point between A and B, in 12 minutes. The speed of the river is 1 Kilometre per hour. What is the speed of the boat in still water?

- (A) 2 Kilometre per hour
- (B) 3 Kilometre per hour
- (C) 4 Kilometre per hour
- (D) 5 Kilometre per hour

Answer: (B) 3 Kilometre per hour

Explanation: The relative speed upstream from A to B for $\frac{1}{2}$ the distance (from B to C) is covered in $\frac{1}{3}$ of the time, hence the boat's speed is 3 times the difference in the two relative speeds. Given the river's speed, the boat's speed in still water can be calculated as 3 km/h.

95. The rate of simple Interest is 7% per annum. How much time will it take for an amount of R\$.45,000 to yield Rs.11025 as Interest?

- (A) 4.5 years
- (B) 3.5 years
- (C) 4 years
- (D) 5 years

Answer: (B) 3.5 years

Explanation: Simple interest is given by $SI = P \times R \times T / 100$. Given $SI = 11025$, $P = 45000$, and $R = 7\%$, the time T can be

found to be 3.5 years.

96. A first Information statement recorded under Section 154 of the Code of Criminal Procedure, 1973 ordinarily is
- (A) Substantive evidence
 - (B) Opinion evidence
 - (C) Expert evidence
 - (D) Corroborative evidence

Answer: (D) Corroborative evidence

Explanation: A First Information Report (FIR) recorded under Section 154 CrPC is not substantive evidence. It is used as corroborative evidence in the context of the testimonies of the witnesses during the trial.

97. Look at this series: 2, 5, 10, 17, 26, What number should come next?

- (A) 37
- (B) 39
- (C) 42
- (D) 49

Answer: (B) 39

Explanation: The series increases by successive additions of 3, 5, 7, 9, etc. Hence, the next number will be $26 + 13 = 39$.

98. Which legal maxim means 'an unclear word or phrase should be determined by the words immediately surrounding it'?

- (A) Eiusdem generis
- (B) Jus cogens
- (C) Noscitur a sociis
- (D) Ne bis in idem

Answer: (C) Noscitur a sociis

Explanation: The legal maxim "Noscitur a sociis" means that the meaning of unclear words or phrases can be determined by the words immediately surrounding it.

99. A High Court shall have the power to issue writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, for the enforcement of

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Kerala Judiciary Prelims Solution 2023

- (A) any legal right
- (B) any human right
- (C) a right conferred by
- (D) any right conferred by Part III of the Constitution of India and any Statute

Answer: (D) Any right conferred by Part III of the Constitution of India any Statute of the Constitution of India

Explanation: This option reflects the High Courts' jurisdiction to issue writs for the enforcement of rights guaranteed by Part III of the Constitution, which encompasses the Fundamental Rights, as well as rights established under various statutes. High Courts in India have wide-ranging powers under Article 226 of the Constitution to issue writs not only for the enforcement of Fundamental Rights but also for any other purpose, thereby covering a broad spectrum of legal rights.

100. The Chief Justice of India shall be the of the National Legal Services Authority constituted under Section 3 of the Legal Services Authorities Act, 1987.

- (A) Chairperson
- (B) Patron-In-Chief
- (C) President
- (D) Co-chairperson

Answer: (B) Patron-In-Chief

Explanation: The Chief Justice of India serves as the Patron-in-Chief of the National Legal Services Authority (NALSA) as per Section 3 of the Legal Services Authorities Act, 1987. The function of NALSA is to provide free legal services to eligible candidates and to organise Lok Adalats for amicable settlement of disputes.