

Rajasthan Prelims 2016 Questions

contract may be ordered when there is no standard for ascertaining actual damage caused by non-performance, highlighting situations where monetary compensation isn't sufficient.

1. An arbitration agreement providing for arbitration by four arbitrators is, under the Arbitration & Conciliation Act, 1996, to be construed as an agreement for arbitration by:
- Sole arbitrator
 - Five arbitrators
 - Three arbitrators
 - Four arbitrators

Answer : a

Explanation: An arbitration agreement with four arbitrators is interpreted as an agreement for arbitration by a sole arbitrator under the Arbitration & Conciliation Act, 1996. This ensures an odd number of arbitrators to avoid deadlock in decision-making.

2. Specific performance of any contract may be ordered where:
- There exists no standard for ascertaining actual damage by non performance of the act to be done.
 - Compensation in money is adequate relief.
 - The performance of the contract involves performance of continuous duty which the court cannot supervise.
 - The contract is by its nature determinable.

Answer : a

Explanation: Specific performance of a

3. A partnership firm is:
- A distinct legal entity from its partners.
 - An independent juristic person.
 - An agent of its partners.
 - None of the above.

Answer : d

Explanation: A partnership firm is not a distinct legal entity separate from its partners, an independent juristic person, nor an agent of its partners. It lacks separate legal personality from the partners who compose it.

4. In view of Section 105 of the Transfer of Property Act, 1882 a lease of immovable property is a transfer of:
- A right to enjoy such property in consideration of a price paid or promised or of money, a share of crops, service or any other thing of value.
 - An interest in specific immovable property for securing the payment of money advanced.
 - Ownership in consideration of price paid or promised.
 - Certain immovable property, made voluntarily and without consideration.

Answer : a

Explanation: A lease of immovable property, according to Section 105 of the Transfer of Property Act, 1882, is a transfer

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of a right to enjoy such property in exchange for a price paid or promised, or other value given.

5. Which Article of the Constitution of India provides that the law declared by the Supreme Court of India shall be binding on all courts within the territory of India?
- Article 141
 - Article 139-A
 - Article 140
 - Article 142
- Answer : a

Explanation: Article 141 of the Constitution of India mandates that the law declared by the Supreme Court is binding on all courts within the territory of India, establishing a hierarchy in the legal system. This is called doctrine of 'stare decisis'.

6. A lease of immovable property for any term exceeding one year can be made:
- Only by a registered instrument
 - By oral agreement
 - By oral agreement accompanied with delivery of possession
 - Either by oral agreement or by a registered instrument
- Answer : a

Explanation: A lease of immovable property for a term exceeding one year must be made by a registered instrument to ensure legal enforceability and clarity in property rights.(Section 107, TPA)

7. Provisions of Section 5 of the Limitation Act, 1963 for extension of prescribed period are applicable to:
- A suit
 - An application for execution of decree
 - Both the above
 - None of the above
- Answer : d

Explanation: Provisions of Section 5 of the Limitation Act, 1963, for the extension of the prescribed period, do not apply to suits or applications for the execution of a decree, which highlights the strictness of limitation periods.

8. A suit may be defeated due to:
- Non joinder of a proper party
 - Misjoinder of a necessary party
 - Non joinder of a necessary party
 - Misjoinder of a proper party
- Answer : c

Explanation: A suit may be defeated due to the non-joinder of a necessary party, emphasising the importance of including all essential parties to a legal action for it to proceed correctly.(Order 1 Rule 9, CPC)

9. Communication of acceptance is complete as against the proposer:
- When it comes to the knowledge of the proposer.
 - When it is put in the course of transmission to the proposer so as to be out of power of the acceptor.
 - When the acceptance is communicated to the proposer.
 - All the above

Answer : b

Explanation: Communication of acceptance is complete against the proposer when it is put in the course of transmission to the proposer, so it is beyond the control of the acceptor, ensuring that the acceptance process is fair and deterministic. (Section 4, ICA)

10. The Commissioner appointed under the provisions of Order XVIII of the Code of Civil Procedure for the purposes of recording of evidence cannot

- a. Re-examine a witness
- b. Decide objections raised during the recording of evidence
- c. None of the above
- d. Both (a) & (b)

Answer : b

Explanation: The Commissioner appointed under Order XVIII of the Code of Civil Procedure for recording evidence cannot decide objections raised during the recording of evidence, as their role is limited to fact-finding and evidence gathering.

- b. Accommodation in a hostel
- c. Both (a) & (b)
- d. None of the above

Answer : b

Explanation: 'Premises' under the Rajasthan Rent Control Act, 2001, does not include accommodation in a hostel, indicating specific exclusions to avoid ambiguity in the application of rent control laws.

12. 'Dominant heritages under the Easements Act, 1882 means

- a. The Land for the beneficial enjoyment of which the right exists
- b. The land on which the liability is imposed
- c. Both (a) & (b)
- d. Neither (a) nor (b)

Answer : a

Explanation: Appeals from original decrees under the Rajasthan Tenancy Act, 1955: This is provided under Section 223 (Answer: a). This section outlines the process and conditions under which appeals from original decrees can be made within the context of tenancy disputes

13. 'Lok Adalats' are organised under which legislation?

- a. Motor Vehicles Act, 1988
- b. The Legal Services Authorities Act, 1987
- c. Code of Civil Procedure, 1908
- d. None of the above

Answer : b

Explanation: Lok Adalats: These are organized under The Legal Services Authorities Act, 1987 (Answer: b). Lok Adalats provide an alternative, informal

11. 'Premises' under the Rajasthan Rent Control Act, 2001 does not include

- a. Out house appurtenant to a building

The screenshot shows a website interface with a blue header. On the left is a logo with the letters 'DF' and 'De Facto IAS' below it. To the right of the logo, the text reads 'Free Resources for Judiciary' and 'www.DeFactoJudiciary.in'. Below this header are eight colored buttons arranged in two columns: 'Mains(PYQ) Solution' (green), 'Concept Notes' (green), 'Legal Doctrines' (yellow), 'Prelims(MCQ) Solution' (yellow), 'Subject Wise Notes' (purple), 'Judgement Writing' (purple), 'Weekly Current Affair' (orange), and 'Free Answer Writing Course' (orange).

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forum for the resolution of disputes using conciliatory methods.

- c. Section 163-A
- d. Section 166

Answer : c

14. The Indian Evidence Act, 1872 applies to
- a. all judicial proceedings in or before any Court
 - b. affidavits presented to any Court or Officer
 - c. proceedings before an Arbitrator
 - d. all the above
- Answer : a

Explanation: The Negotiable Instrument Act, 1881: It provides for the presumption that a lost promissory note, bill of exchange, or cheque was duly stamped (Answer: c). This is a specific rule of evidence designed to facilitate the resolution of disputes involving negotiable instruments.

Explanation: This is as per Section 1, IEA.

15. The Hindu Marriage Act, 1955 is not applicable to:
- a. a follower of the Brahma Samaj
 - b. the person, who is a Sikh by religion
 - c. any person, who is a convert to the Hindu religion
 - d. the members of any Scheduled Tribe
- Answer : d

Explanation: Special provisions as to payment of compensation under the Motor Vehicles Act, 1988: These provisions are contained in Section 163-A (Answer: c). This section introduces a structured formula for the payment of compensation based on the severity and specifics of the accident and the victim.

17. The Negotiable Instrument Act, 1881 provides for making which of the following presumptions as special rule of evidence, until the contrary is proved:

- a. that every negotiable instrument bearing a date was not made or drawn on such date
- b. that every transfer of negotiable instrument was not made before its maturity
- c. that a lost promissory note, bill of exchange or cheque was duly stamped
- d. all the above

Answer : c

Explanation: A document registered under the Registration Act, 1908: It operates from the time from which it would have commenced to operate if no registration was required (Answer: b). This ensures that the effectiveness of a document is not delayed by the registration process itself.

16. The special provisions as to payment of compensation on structured formula basis under the Motor Vehicles Act, 1988 are contained in
- a. Section 140
 - b. Section 163

18. A document registered under the Registration Act, 1908 operates:
- a. from the time of its registration
 - b. from the time from which it would have commenced to

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operate, if no registration was required

- c. at the choice of executants
- d. all the above

Answer : b

Explanation: Under the Rajasthan Tenancy Act, 1955: The sale, gift, or bequest of Khatedari interests by a member of the Scheduled Caste in favor of a person who is not a member of Scheduled Caste shall be void (Answer: b). This provision protects the land rights of Scheduled Castes from being diluted.

19. Under the Rajasthan Tenancy Act, 1955, the sale, gift or bequest of Khatedari interests by a member of the Scheduled Caste in favour of a person, who is not a member of Scheduled Caste shall be:

- a. valid
- b. void
- c. voidable
- d. voidable at the instance of transferor

Answer : b

Explanation: Appeals from original decrees under the Rajasthan Tenancy Act, 1955: This is provided under Section 223 (Answer: a). This section outlines the process and conditions under which appeals from original decrees can be made within the context of tenancy disputes

20. Appeals from original decrees under the Rajasthan Tenancy Act, 1955 is provided under:

- a. Section 223
- b. 224 /Section 224
- c. 225 /Section 225
- d. 229 /Section 229

Answer : a

Explanation: Appeals from original decrees under the Rajasthan Tenancy Act, 1955: This is governed by Section 223 (Answer: a). This section outlines the legal framework and procedures for appealing original decrees within the context of tenancy laws in Rajasthan.

21. If an instrument comes within several descriptions in the Schedule to the Rajasthan Stamp Act, 1998, where the duties chargeable are different, stamp duty is chargeable:

- a. with the lowest of such duties
- b. with the highest of such duties
- c. at the choice of the executants
- d. none of the above

Answer : b

Explanation: Stamp Duty on Multiple Descriptions in the Rajasthan Stamp Act, 1998: When an instrument falls under several descriptions with different duties, the stamp duty charged is the highest of such duties (Answer: b). This ensures that the proper revenue is collected based on the most significant applicable category.

22. An instrument chargeable with the duty under the Rajasthan Stamp Act, 1998, unless such instrument is duly stamped:

- a. cannot be admitted in evidence for any purpose
- b. can be acted upon
- c. can be registered or authenticated
- d. all the above

Answer : a

Explanation: Admissibility of Instruments under the Rajasthan Stamp Act, 1998: An instrument not duly stamped cannot be admitted in evidence for any purpose

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(Answer: a). This provision enforces the requirement of proper stamping for legal recognition and usability of documents.

23. Under the provisions of Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act, 1974, the prescribed authority on the application of a bank cannot make an order against:

- a. the agriculturist, who has availed financial assistance
- b. heirs or legal representative of the agriculturist
- c. guarantor of the agriculturist
- d. tenant of the agriculturist

Answer : d

Explanation: Prescribed Authority under the Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act, 1974: The prescribed authority cannot make an order against the tenant of the agriculturist (Answer: d). This limitation protects tenants from actions concerning financial transactions they are not directly involved in.

24. In a suit for partition and separate possession of joint family property or property owned jointly or in common by a plaintiff who is in joint possession of such property, if the value of plaintiff's share exceeds Rs.10,000/-, the court fees payable in Rajasthan would be:

- a. computed on the market value of the plaintiff's share of the property
- b. computed on half of the market value of the plaintiff's share
- c. fixed court fee of Rs.200/-

- d. computed on market value of the entire property

Answer : c

Explanation: Court Fees in Partition Suits in Rajasthan: For a partition suit where the plaintiff's share exceeds Rs.10,000, the court fees are a fixed amount of Rs.200 (Answer: c). This simplifies the fee structure for such suits regardless of the actual market value of the share.

25. Which provision of the Rajasthan Court Fees and Suits Valuation Act, 1961 provides for refund of full amount of fee where a suit is settled by any one of the modes provided under Section 89 of the Code of Civil Procedure?

- a. Section 63
- b. Section 65-A
- c. Section 65-B
- d. Section 68

Answer : c

Explanation: Refund of Court Fees under the Rajasthan Court Fees and Suits Valuation Act, 1961: Section 65-B provides for the refund of the full amount of the fee when a suit is settled by any mode under Section 89 of the Code of Civil Procedure (Answer: c). This encourages dispute resolution through alternative methods.

26. Under the provisions of Hindu Succession Act, 1956, any property inherited by a female Hindu from her father or mother shall devolve, in absence of any son or daughter of the deceased (including the children of any pre-deceased son or daughter):

- a. Upon the heirs referred to in Section 15 (1) of the Act
- b. Upon the heirs of deceased female Hindu's father

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- c. Upon the heirs of deceased female Hindu's husband
 - d. None of the above
- Answer : b

Explanation: Devolution of Property under the Hindu Succession Act, 1956: If a female Hindu inherits property from her father or mother and has no son or daughter (including the children of any pre-deceased son or daughter), the property will devolve upon the heirs of the deceased female Hindu's father (Answer: b). This reflects the lineage-based inheritance rules

27. In which of the following cases has the Supreme Court ruled that under the Muslim Law a gift of immovable property fulfilling essential ingredients of a valid gift i.e. declaration of gift by donor, acceptance of gift by donee and delivery of possession, even if reduced into writing does not require compulsory registration?

- a. Hafeeza Bibi and others v. Shaikh Farid & others - (2011) 5 SCC 654
 - b. Abdul Basit v. Mohd. Abdul Kadir Chaudhary & others - (2014) 10 SCC 754
 - c. Abdul Gani Bhat v. Islamia College Governing Board - (2011) 12 SCC 640
 - d. None of the above
- Answer : b

Explanation: Muslim Law on Gift of Immovable Property: In Abdul Basit v. Mohd. Abdul Kadir Chaudhary & others - (2014) 10 SCC 754, the Supreme Court ruled that under Muslim law, a gift of immovable property that fulfills the essential ingredients of a valid gift does not require compulsory registration even if

reduced into writing (Answer: b). This maintains the traditional requirements of Muslim personal law regarding gifts.

28. Part IX-B of the Constitution of India containing Articles 243ZH to 243ZT pertaining to the Cooperative Societies was inserted by:

- a. Constitution (Seventy Third Amendment) Act, 1992
 - b. Constitution (Ninety Seventh Amendment) Act, 2011
 - c. Constitution (Ninety First Amendment) Act, 2003
 - d. Constitution (Ninety Fifth Amendment) Act, 2010
- Answer : b

Explanation: Amendment Pertaining to Cooperative Societies in the Indian Constitution: Part IX-B, concerning Cooperative Societies, was inserted by the Constitution (Ninety Seventh Amendment) Act, 2011 (Answer: b). This amendment aimed to strengthen and organize cooperative societies across India.

29. Whether a valid adoption under the Hindu Adoption & Maintenance Act, 1956, can be cancelled by the adoptive father or mother or any other person?

- a. Yes
 - b. No
 - c. Only by adoptive mother
 - d. None of the above
- Answer : b

Explanation: Cancellation of Adoption under the Hindu Adoption & Maintenance Act, 1956: A valid adoption cannot be canceled by the adoptive father, mother, or any other person (Answer: b). Once made, an adoption under this Act is irrevocable,

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emphasizing the permanence of the adoptive relationship.

30. Under which provision of the Rajasthan Land Revenue Act, 1956, power to stay execution of orders of lower court, has been conferred on the appellate authority?

- a. Section 151
- b. Section 41
- c. Section 81
- d. Section 75

Answer : b

Explanation: Power to Stay Execution of Orders in the Rajasthan Land Revenue Act, 1956: Section 41 confers power on the appellate authority to stay the execution of orders of a lower court (Answer: b). This allows for an appellate review without immediate enforcement of the lower court's decisions.

31. Can a civil court adjudicate in a civil suit, upon any question relating to registration of a person in an electoral roll for a constituency, under the Rajasthan Panchayati Raj Act, 1994?

- a. Yes
- b. No
- c. Both (a) & (b)
- d. None of the above

Answer : b

Explanation: Adjudication on Electoral Roll Registration: Civil courts cannot adjudicate in a civil suit upon any question relating to the registration of a person in an electoral roll for a constituency under the Rajasthan Panchayati Raj Act, 1994 (Answer: b). This is because electoral roll matters are generally handled by electoral authorities and tribunals established for this purpose.

32. Which provision of the Rajasthan Municipalities Act, 2009 deals with suits against Municipality or its officers?

- a. Section 302
- b. Section 304
- c. Section 182
- d. Section 199

Answer : b

Explanation: Suits against Municipality or its Officers: Section 304 of the Rajasthan Municipalities Act, 2009 deals with suits against the Municipality or its officers (Answer: b). This section outlines the procedures and protections for legal actions involving municipal bodies or their representatives.

33. Which of the following Statutes regulates the amount of legal practitioner's fee to be taxed as costs under a decree or order of a court?

- a. Code of Civil Procedure, 1908
- b. Rajasthan Court Fee & Suit Valuation Act, 1961
- c. General Rules (Civil), 1986
- d. Income Tax Act, 1961

Answer : c

Explanation: Legal Practitioner's Fee Regulation: The General Rules (Civil), 1986 regulate the amount of legal practitioner's fee to be taxed as costs under a decree or order of a court (Answer: c). These rules help standardize and control the costs associated with legal services in civil matters.

34. In the event of death of the person referred to in sub-clause (i) of Section 2(i) of the Rajasthan Rent Control Act, 2001, in case of premises let out for residential purposes, who of the following ordinarily residing with the

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tenant as member of his family upto his death shall be included within the definition of tenant?

- a. surviving spouse, son, daughter, brother, sister, mother, father, grand father and grand mother
- b. surviving spouse, son, daughter, brother, sister, mother and father
- c. surviving spouse, son, daughter, mother and father
- d. surviving spouse, son and daughter

Answer : c

Explanation: Definition of Tenant Post Death of Original Tenant: In the event of the death of the person referred to in sub-clause (i) of Section 2(i) of the Rajasthan Rent Control Act, 2001, for premises let out for residential purposes, the surviving spouse, son, daughter, mother, and father ordinarily residing with the tenant up to his death are included within the definition of tenant (Answer: c). This ensures continuity in tenancy rights among immediate family members.

35. The authority competent under Rajasthan Tenancy Act, 1955 to decide a dispute about ownership of a tree and a right to remove it is:

- a. Patwari
- b. Sadar Kanungo
- c. Tehsildar
- d. Sub-Divisional Officer

Answer : c

Explanation: Authority to Decide Ownership of a Tree: Under the Rajasthan Tenancy Act, 1955, the Tehsildar is the competent authority to decide a dispute about the ownership of a tree and the right to remove it (Answer: c). This role allows

for local resolution of property-related disputes.

36. Which of the following statements is not correct:

- a. In a criminal act done by several persons in furtherance of common intention of all, each of them will be held liable for that act.
- b. In an act done by several persons, the act being criminal only by reason of its being done with criminal knowledge or intention, all persons joining in the act, irrespective of such knowledge or intention, will be held liable for that act.
- c. In an offence done by means of several acts, all the persons intentionally cooperating in that act by doing any of those acts, will be held liable for that offence
- d. In a criminal act done by several persons, all may be held liable for different offences by means of that act.

Answer : b

Explanation: Incorrect Statement about Criminal Liability: The statement that in an act done by several persons, the act being criminal only by reason of its being done with criminal knowledge or intention, all persons joining in the act, irrespective of such knowledge or intention, will be held liable for that act, is not correct (Answer: b). Each person's liability depends on their individual intent and involvement in the criminal act. (Section 35, IPC)

37. 'A', a public servant, having charge of translation of a document, makes an

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incorrect translation of a document with an intent to cause injury to 'B'.

The offence committed by 'A' is:

- a. Non-Cognizable
- b. Non-Bailable
- c. Non-Compoundable
- d. All of the above

Answer : D

mobile phone and email account by 'B'. What offence has been committed by 'A'?

- a. Outrage the modesty
- b. Voyeurism
- c. Stalking
- d. None of the above

Answer : c

Explanation:As per Section 167, IPC.

38. 'A' & 'B' orally agree to sell an estate. 'A' dishonestly induces 'B' to make advance payment of Rs.5 lacs and make final payment at the execution of conveyance. 'B' pays advance amount. Later on, at the request of 'B' to execute the conveyance, 'A' denies the agreement as well as the receipt of any amount. What offence has been committed by 'A'?

- a. Offence under Section 403 Indian Penal Code.
- b. Offence under Section 406 Indian Penal Code.
- c. Offence under Section 420 Indian Penal Code.
- d. Offence under Sections 420 & 465 Indian Penal Code

Answer : c

Explanation: Offence Committed by 'A' in a Dishonest Transaction: 'A' commits an offence under Section 420 of the Indian Penal Code by dishonestly inducing 'B' to make an advance payment for an estate sale and then denying the agreement (Answer: c). This constitutes fraud and breach of trust in the transaction.

39. 'A' & 'B' are good friends. 'A' proposes 'B' for marriage, but she denies. 'A', in suspicion of B's love affair with somebody else, monitors the use of

Explanation: Offence Committed by 'A' After Proposal Rejection: 'A' commits the offence of stalking by monitoring 'B's use of mobile phone and email account after she denies his marriage proposal (Answer: c). This is stalking as per Section 354D, IPC.

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40. Which of the following case upheld the constitutionality of Section 499 & 500 of the Indian Penal Code?

- a. Subramanian Swamy v. Union of India, Ministry of Law & Ors. 2016(2) MLJ(Cri) 542
- b. Jacob Mathew v. State of Punjab & Anr. (2005) 6 SCC 1 (
- c. Brij Bhushan v. State of Delhi. AIR 1952 SC 329
- d. Manoj Narula v. Union of India. (2014) 9 SSC 1

Answer : a

Explanation: Upholding Constitutionality of Section 499 & 500 IPC: In Subramanian Swamy v. Union of India, Ministry of Law & Ors. 2016(2) MLJ(Cri) 542, the

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constitutionality of Section 499 & 500 of the Indian Penal Code was upheld (Answer: a). This case reaffirmed the legal provisions related to defamation and the penalties associated with it

41. The Court, after the commencement of prosecution evidence, allows the Assistant Public Prosecutor to withdraw the prosecution. The accused shall be:

- a. Released
- b. Discharged
- c. Acquitted
- d. None of the above

Answer : a

Explanation: Section 321, CrPC-Withdrawal of Prosecution by Assistant Public Prosecutor: If the Assistant Public Prosecutor is allowed to withdraw the prosecution after the commencement of prosecution evidence, the accused shall be released (Answer: a). This means the accused is free to go without any criminal record or judgment against them in this specific instance.

42. Statement A: Bail granted under Section 167(2) of the Code of Criminal Procedure, 1973 has same incidents as bail granted under Chapter XXXIII of the Code. Statement B : Bail granted under Section 167(2) of the Code of Criminal Procedure, 1973 cannot be cancelled under Section 437(5) of the Code.

- a. Statement A is correct.
- b. Statement B is correct.
- c. Both the statements are correct.
- d. Both the statements are incorrect.

Answer : a

Explanation: Bail under Section 167(2) of CrPC: Bail granted under Section 167(2) of the Code of Criminal Procedure, 1973, has the same incidents as bail granted under Chapter XXXIII of the Code (Answer: a). However, bail under Section 167(2) can indeed be canceled under specific circumstances mentioned in other sections of the Code, making Statement B incorrect.

43. Any court may take cognizance of an offence after expiry of the period of limitation, if it is satisfied on the facts and circumstances of the case that:

- a. An attempt has been made to explain the delay.
- b. It is necessary so to do in the interest of justice.
- c. The State Government has given instructions for taking such cognizance.
- d. In a and b both the conditions.

Answer : a

Explanation: Cognizance of Offence After Expiry of Period of Limitation: A court may take cognizance of an offence after the expiry of the period of limitation if an attempt has been made to explain the delay (Answer: a). The justification of the delay must be compelling enough to convince the court to proceed in the interest of justice.(Section 5, ILA)

44. On a declaration of forfeiture of a book by the State Government under Section 95 of Code of Criminal Procedure, the application to set aside lies to the:

- a. District Magistrate
- b. Chief Judicial Magistrate
- c. District & Sessions Judge
- d. High Court

Answer : d

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Explanation: Setting Aside Forfeiture of a Book: On a declaration of forfeiture of a book by the State Government under Section 95 of the Code of Criminal Procedure, the application to set aside the forfeiture lies to the High Court (Answer: d). This allows for a higher judicial review of administrative or executive decisions regarding such matters.

shall be regarded material under which of the following circumstances:

- When co-accused dies.
- When the accused is misled by the error.
- When a material witness becomes hostile.
- When the accused is declared absconded.

Answer : b

45. Which of the following is correct?

- A person arrested by police officer without warrant shall be taken before a Magistrate without unnecessary delay.
- The detention of a person in police custody arrested without warrant, cannot exceed twenty-four hours even by a special order of Magistrate, excluding the time necessary for journey from place of arrest to the Magistrate's court.
- The police officer shall discharge the person arrested of bailable offence without any bond or bail.
- All of the above

Answer : a

Explanation: Section 215, CrPC- Material Error in Charge: The effect of an error in stating the required particulars in the charge is regarded as material when the accused is misled by the error (Answer: b). If the error causes confusion or affects the accused's understanding or ability to defend themselves, it is considered significant.

47. Under Section 428 of Code of Criminal Procedure, which of the following period of detention undergone by the accused shall be set-off against the sentence of imprisonment in a case:

- Period of detention undergone in default of payment of fine.
- Period of detention undergone during investigation and trial of that case.
- Period of detention undergone during investigation and trial of a similar case.
- All of the above

Answer : b

Explanation: Section 57, CrPC and Article 20 of Indian Constitution-Rights of a Person Arrested Without Warrant: A person arrested by a police officer without a warrant shall be taken before a Magistrate without unnecessary delay (Answer: a). This is to ensure that the individual's rights are protected and judicial oversight is maintained promptly.

46. The effect of error in stating the required particulars in the charge,

Explanation: Set-Off Against Sentence of Imprisonment: Under Section 428 of the Code of Criminal Procedure, the period of detention undergone by the accused during investigation and trial of that case shall be set off against the sentence of imprisonment (Answer: b). This ensures

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that time already spent in custody is accounted for in the final sentence.

48. During the course of trial of a murder case, which of the following may be proved:

- a. Statement of confession of accused made in police custody during investigation.
- b. Recovery of the weapon of offence on the basis of a statement made by the accused during investigation of another case.
- c. After recovery of the dead body, the statement of the accused as to the place where he threw the dead body.
- d. None of the above

Answer : b'

Explanation: Evidence in a Murder Trial: During the trial of a murder case, the recovery of the weapon of offense based on a statement made by the accused during the investigation of another case can be proved (Answer: b). This helps establish connections between the accused and the crime, even if statements were made in the context of a different investigation. This is as per Section 27, IEA.

49. Which of the following statement is not correct?

- a. The non-examination of the doctor endorsing the dying declaration, does not always affect the evidentiary value of the dying declaration
- b. Non-signing of the dying declaration by a literate declarant unable to sign, does

not render the veracity of dying declaration doubtful.

- c. When the relatives of the declarant are present during dying declaration, the dying declaration would not be relevant.
- d. The statements recorded in F.I.R. may be treated as dying declaration.

Answer : b

Explanation: Incorrect Statement About Dying Declaration: The statement that non-signing of the dying declaration by a literate declarant unable to sign does not render the veracity of the dying declaration doubtful is not correct (Answer: b). The physical ability of the declarant to sign, if literate, is crucial for establishing the authenticity of the declaration.

50. The report of a Medical Officer stating the injuries of the victim is:

- a. Conclusive in nature
- b. Relevant and admissible in evidence
- c. Irrelevant
- d. Substantive piece of evidence

Answer : b

Explanation: Medical Officer's Report: The report of a Medical Officer stating the injuries of the victim is relevant and admissible in evidence (Answer: b). While not conclusive on its own, it is a substantive piece of evidence that can support other findings in a trial or investigation. (Section 45, IEA)

51. Under which of the following conditions, a leading question may be asked during examination-in-chief with the permission of the Court?

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- a. In matters which are disputed or not introductory.
- b. When matter in question is sufficiently proved.
- c. Under both of the above conditions
- d. Under none of the above conditions

Answer : b

Explanation: Leading Questions During Examination-in-Chief: A leading question may be asked during examination-in-chief with the court's permission when the matter in question is sufficiently proved (Answer: b). This enables clarifying established facts without introducing bias or leading the witness unduly. (Section 141-143, IEA)

52. Statement A : The presumption under Section 113-A of Indian Evidence Act is not attracted if the marriage took place more than seven years prior to the suicide of woman, even if the cruelty is established by prosecution. Statement B: By the introduction of Section 113-A of Indian Evidence Act, the prosecution is not required to prove the facts beyond reasonable doubt against the accused. Which of the statement is correct?

- a. Statement A
- b. Statement B
- c. Both statements A & B
- d. None of the statements

Answer : b

Explanation: Presumption under Section 113-A of the Indian Evidence Act: Statement B is correct. By introducing Section 113-A, the prosecution is not required to prove facts beyond a reasonable doubt against the accused concerning presumed culpability in certain situations related to the suicide of a woman

due to cruelty (Answer: b)

53. During examination-in-chief of a case under Section 325 of Indian Penal Code, the victim denies the prosecution case. Under what provision of Indian Evidence Act, the victim may be asked leading questions by the Public Prosecutor?

- a. Section 139
- b. Section 144
- c. Section 154
- d. Section 165

Answer : c

Explanation: Leading Questions to a Hostile Witness: During the examination-in-chief, if the victim denies the prosecution case, the victim may be asked leading questions by the Public Prosecutor under Section 154 of the Indian Evidence Act (Answer: c). This section allows for such questions when a witness becomes adverse or hostile.

54. Statement A - If an alteration to the electronic signature made after affixing such signature, is not detectable, then for the purpose of authentication, such electronic signature is reliable. Statement B - During formation of a contract, the communication of proposals is expressed through electronic record. In such a case, that electronic record solely does not render the contract unenforceable

- a. Statement A is correct
- b. Statement B is correct
- c. Both statements are correct
- d. Both statements are incorrect

Answer : c

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Explanation: Electronic Signature and Electronic Record in Contract Formation: Both statements are correct (Answer: c). An undetectable alteration to an electronic signature does not undermine its reliability for authentication purposes. Also, the use of electronic records alone in forming contracts does not render them unenforceable.

55. The offence of theft of electricity is committed, if:
- the metre is dishonestly tampered with.
 - The metre is dishonestly moved from one place to another without consent of the owner.
 - The metre is dishonestly stored without consent of the owner.
 - All the above
- Answer : a

Explanation: Theft of Electricity: The offence of theft of electricity is committed if the meter is dishonestly tampered with (Answer: a). Tampering with a meter to reduce or avoid charges is a common form of electricity theft.

56. A material alteration in a negotiable instrument without the consent of the endorser, renders the negotiable instrument as:
- Voidable
 - Void
 - Invalid
 - None of the above
- Answer: b

Explanation: Material Alteration in a Negotiable Instrument: [The question was deleted in the final answer key by the

Rajasthan High Court.] Normally, any material alteration without consent can make the instrument void or invalid.

Note : The question was deleted in the final answer key issued by the Rajasthan High Court.

57. A-On failure to observe any of the conditions of the bond entered under Section 4 of the Probation of Offenders Act, 1958, the Court is at discretion to sentence the offender for the original offence, or to impose a penalty upto rupees fifty in case of first failure. B - An offender, above the age of twenty one years, cannot be granted probation under Sections 3 & 4 of the Probation of Offenders Act, 1958. C- On failure of the offender to enter a fresh bond on an order of Court under Section 8 of the Probation of Offenders Act, 1958, the Court shall not sentence him for the offence of which he was found guilty. D- The amount of compensation imposed on the offender under Section 5 of the Probation of Offenders Act, 1958 can be recovered as fine in accordance with the provisions of Code of Criminal Procedure. Which of the above is correct?

- Statements A & B.
- Statements B & C.
- Statements C & D.
- Statements D & A.

Answer : d

Explanation: Conditions and Failure in the Probation of Offenders Act, 1958: Statements D & A are correct (Answer: d). The court can sentence the offender for the original offense or impose a penalty upon failure to observe bond conditions, and

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compensation under Section 5 can be recovered as a fine.

58. Who of the following have powers to frame rules under Section 17 of the Probation of Offenders Act, 1958?
- State Government with the approval of Central Government.
 - Central Government with the consent of State Government.
 - High Court
 - All the above
- Answer : a

Explanation: Powers to Frame Rules under the Probation of Offenders Act, 1958: The State Government, with the approval of the Central Government, has the powers to frame rules under Section 17 of this Act (Answer: a). This collaboration ensures that rules are consistent with national standards while tailored to local needs.

59. Who of the following on acting in good faith are protected from prosecution under Section 84 of the Information Technology Act, 2000?
- The Subscriber
 - The Controller
 - The Originator
 - All the above
- Answer : b

Explanation: Protection from Prosecution under the Information Technology Act, 2000: The Controller, acting in good faith, is protected from prosecution under Section 84 of the Information Technology Act, 2000 (Answer: b). This provision shields those enforcing or administering the act from legal liability in their official functions.

60. The Protection of Women from Domestic Violence Act, 2005 extends to whole of India, except:
- State of Jammu & Kashmir
 - State of Nagaland
 - Tribal areas of Assam as referred to in paragraph 20 of the sixth schedule to the Constitution.
 - All the above
- Answer : a

Explanation: Application of the Protection of Women from Domestic Violence Act, 2005: The act extends to the whole of India, except the State of Jammu & Kashmir (Answer: a). This reflects the unique constitutional and legal status of Jammu & Kashmir at the time the act was enacted.

61. A Magistrate directing the matter to be referred for counselling under Section 14 of the Protection of Women from Domestic Violence Act, 2005, will fix the next date for hearing:
- After a period of two months
 - Within a period not exceeding two months.
 - After a period of three months.
 - After a period of four months
- Answer : b

Explanation: Referral for Counseling Under the Protection of Women from Domestic Violence Act, 2005: When a Magistrate directs a matter to be referred for counselling under Section 14, the next date for hearing is fixed within a period not exceeding two months (Answer: b). This ensures timely follow-up and resolution of the case

62. An appeal to High Court against the judgement of special Court

established under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be preferred:

- a. Within a period of ninety days.
- b. Within a period of sixty days.
- c. Within a period of thirty days.
- d. Within a period of one hundred and twenty days.

Answer : a

Explanation: Appeal Against Judgment of Special Court Under SC/ST Act: An appeal to the High Court against the judgement of a special court established under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, should be preferred within a period of ninety days (Answer: a). This time frame allows for adequate preparation and submission of appeals.

- d. That accused has promoted ill-will against members of scheduled castes

Answer : b

Explanation: Prosecution for Insulting a Member of Scheduled Caste: If it is proven that the victim is the neighbour of the accused and they had good relations for the past ten years, the court shall presume that the accused was aware of the victim's caste (Answer: b). This presumption plays a crucial role in establishing the context of the alleged offence.

64. A blood stained shirt is produced in defence evidence by the accused. Which of the following exhibit will be marked on it?

- a. Exhibit P-1
- b. Exhibit D-1
- c. Exhibit Article-1
- d. Exhibit Article A-1

Answer : d

Explanation: Marking of Evidence in Defense: A blood-stained shirt produced in defence evidence by the accused will be marked as Exhibit Article A-1 (Answer: d). This marking distinguishes it from prosecution exhibits and other defence exhibits.

63. In the prosecution for an offence of intentionally insulting the member of Scheduled Caste at a marriage function, it is proved that the victim is the neighbour of accused and they had good relations for past ten years, then what shall the Court presume?

- a. That accused has caused mental agony to victim.
- b. That accused was aware of victim's caste.
- c. Both of the above

65. In a criminal case, the accused has been acquitted under Section 380 of Indian Penal Code. The papers of the file relating to the identification of stolen property can be destroyed:

- a. On expiration of fifty years, reckoned from 31st December next ensuing after the order disposing of the case.
- b. On expiration of five years, reckoned from 30th June or 31st December next ensuing

The banner features the De Facto IAS logo (a stylized 'df' in a circle) at the top left. Below it, the word 'JUDICIARY' is written in a yellow oval. Underneath, 'WEBSITE' is written in a red oval, followed by the URL 'www.DeFactoJudiciary.in' and a 'VISIT NOW!' button. The right side of the banner contains eight icons representing different content categories: Judgment Writing, Prelims MCQ Solution, Subject Notes, Legal Current Affair, Concept Notes, Mains PYQ Solution, Legal Doctrines, and GS Notes.

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after the order disposing of the case.

- c. On expiration of three years, reckoned from 31st December next ensuing after the order disposing of the case.
- d. On expiration of two years, reckoned from 30th June or 31 December next ensuing after the order disposing of the case.

Answer : a

Explanation: Destruction of File Papers in a Criminal Case: After the accused has been acquitted under Section 380 of the Indian Penal Code, the papers of the file relating to the identification of stolen property can be destroyed on the expiration of fifty years, reckoned from 31st December next ensuing after the order disposing of the case (Answer: a). This long duration ensures the preservation of potential evidential value for an extended period.

66. The Chief Judicial Magistrate is duty bound to inspect the court of his subordinate Judicial Magistrate, on which of the following basis?

- a. Weekly
- b. Quarterly
- c. Half yearly
- d. Yearly

Answer : c

Explanation: Inspection of Subordinate Judicial Magistrate's Court: The Chief Judicial Magistrate is duty-bound to inspect the court of his subordinate Judicial Magistrate on a half-yearly basis (Answer: c). Regular inspections help maintain judicial standards and address any issues promptly.

67. Under Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015, "child" means a person, who has not completed:

- a. 21 years of age
- b. 18 years of age
- c. 14 years of age
- d. 16 years of age

Answer : b

Explanation: Definition of 'Child' Under the Juvenile Justice Act: Under Section 2(12) of the Juvenile Justice (Care and Protection of Children) Act, 2015, "child" means a person who has not completed 18 years of age (Answer: b). This definition is central to the application of the Act's provisions.

68. Who shall review the pendency of cases of Juvenile Justice Board, on quarterly basis?

- a. Chief Judicial Magistrate
- b. High Level Committee consisting of the Executive Chairperson of the State Legal Services Authority.
- c. District Magistrate
- d. Chairperson of Human Rights Commission

Answer : a

Explanation: Review of Pendency of Cases of Juvenile Justice Board: The Chief Judicial Magistrate shall review the pendency of cases of the Juvenile Justice Board on a quarterly basis (Answer: a). This regular review helps in monitoring and managing the caseload effectively.

69. (A) A Judicial Magistrate First Class can authorise the detention in custody, of a person accused under an offence triable by Special Court established under The Narcotic Drugs

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and Psychotropic Substances Act, 1985, for a period not exceeding fifteen days.

(B) The Special Court established under The Narcotic Drugs and Psychotropic Substances Act, 1985, cannot exercise the power to authorise the detention of accused in custody, as enunciated under Section 107 of Code of Criminal Procedure.

(C) The definition of 'use' under Section 2 (xxviii-a) of The Narcotic Drugs and Psychotropic Substances Act, 1985, excludes personal consumption of narcotic drugs and psychotropic substances.

(D) The High Court, by special order, may constitute as many Special Courts under The Narcotic Drugs and Psychotropic Substances Act, 1985, as necessary. Which of the above statements are correct?

- a. A & B
- b. A & C
- c. B & C
- d. C & D

Answer : b

Explanation: Detention Authorization Under the Narcotic Drugs and Psychotropic Substances Act: Statements A and C are correct (Answer: b). A Judicial Magistrate First Class can authorize detention in custody for a period not exceeding fifteen days, and the definition of 'use' excludes personal consumption under the Act.

70. Who of the following police officers is empowered to record statement of a child under Section 24 of the Protection of Children from Sexual Offences Act, 2012?

- a. Constable
- b. Any woman police officer

c. Woman police officer not below the rank of Sub-Inspector

d. Woman police officer not below the rank of Deputy Superintendent of Police.

Answer : b

Explanation: Recording Statement of a Child Under the POCSO Act: Any woman police officer is empowered to record the statement of a child under Section 24 of the Protection of Children from Sexual Offences Act, 2012 (Answer: b). This provision ensures sensitivity and appropriateness in handling cases involving children.

Fill in the blank with the correct form of the verb. (Q.No.71 to 73)

71. Look, that man is _____ a photo of you
- a. takes
 - b. will take
 - c. took
 - d. taking

Answer : d

Explanation: Look, that man is _____ a photo of you: The correct answer is "taking" (Answer: d). This is because the action is happening at the moment, and "taking" is the present continuous form of the verb "take."

72. Someone has _____ my books

- a. steal
- b. stolen
- c. stole
- d. will steal

Answer : b

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Explanation: Someone has _____ my books: "Stolen" is the correct answer (Answer: b). This is the past participle form of "steal," used here to form the present perfect tense, indicating that the action has been completed at an unspecified time before now.

- b. The letters were sent by the Registered Post.
 - c. Let these letters be sent by Registered Post.
 - d. Let these letters be sent by Registered Post.
- Answer : c

73. Slow and steady _____ the race

- a. win
- b. will win
- c. wins
- d. won

Answer : c

Explanation: Send these letters by Registered Post: "Let these letters be sent by Registered Post" (Answer: c). This imperative sentence is correctly converted into the passive voice using "Let."

Explanation: Slow and steady _____ the race: "Wins" (Answer: c) is correct because it reflects a general truth or habitual action, requiring the simple present tense.

Fill in the blanks with a grammatically correct and meaningful option from those given in each question. (Q.No.76 to 79)

76. _____ small shopkeepers are finding life increasingly difficult

- a. A
- b. An
- c. The
- d. Any

Answer : c

Choose the correct passive voice of the given sentence. (Q.No.74 and 75)

74. The child broke the mirror.

- a. The mirror is broken by the child.
- b. The mirror was broken by the child.
- c. The mirror was broken.
- d. The mirror has been broken

Answer : b

Explanation: _____ small shopkeepers are finding life increasingly difficult: "The" (Answer: c) is the right choice, indicating a specific group of small shopkeepers known to both the speaker and listener.

Explanation: The child broke the mirror: The mirror was broken by the child (Answer: b). This is the correct passive voice transformation of the given active voice sentence, reflecting the past simple tense.

77. _____ is known about the side effects of this drug.

- a. Few
- b. Some
- c. None
- d. Little

Answer : d

75. Send these letters by Registered Post

- a. The letters are sent by Registered Post.

Explanation: _____ is known

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about the side effects of this drug: "Little" (Answer: d) correctly conveys that not much information is available or known.

Answer : d

Explanation: ILLEGIBLE (opposite): "Readable" (Answer: d) is the correct opposite, meaning something that can be read easily, unlike something that is illegible.

78. He is over eighty but _____ still read without glasses

- a. used
- b. can
- c. needs
- d. must

Answer : b

Explanation: He is over eighty but _____ still read without glasses: "Can" (Answer: b) is appropriate here, expressing the ability to perform an action despite his age.

81. LIABILITY (opposite)

- a. Treasure
- b. Debt
- c. Assets
- d. Property

Answer : c

Explanation: LIABILITY (opposite): "Assets" (Answer: c) are the correct opposite of liability, as liabilities are what you owe and assets are what you own.

79. We _____ pay income tax without fail.

- a. should
- b. must
- c. may
- d. need not

Answer : b

Explanation: We _____ pay income tax without fail: "Must" (Answer: b) is used here, indicating a necessity or obligation.

82. A bone of contention (Meaning)

- a. act of submission
- b. area of agreement
- c. subject of dispute
- d. subject of intention

Answer : c

Explanation: A bone of contention (Meaning): "Subject of dispute" (Answer: c) is the correct meaning, referring to something that causes disagreement or argument.

Choose the correct option of the following as directed against each word/phrase. (Q.No.80 to 83)

80. ILLEGIBLE (opposite)

- a. Lawful
- b. Easy
- c. Imitable
- d. Readable

83. The accused was hiding important evidence. (Change to Negative)

- a. The accused is not hiding important evidence.
- b. The accused was hiding not important evidence.
- c. The accused was not hiding important evidence.

- d. The accused not hiding was important evidence.

Answer : c

Explanation: The accused was hiding important evidence: "The accused was not hiding important evidence" (Answer: c) is the correct negative transformation of the sentence, maintaining the past tense and changing the action's assert

Fill in the blank with most appropriate option.
(Q.No.84 and 85)

84. Tigers won't attack _____
they are hungry.

- a. because
- b. if
- c. unless
- d. although

Answer : c

Explanation: Tigers won't attack _____ they are hungry: "Unless" (Answer: c) is the right conjunction, indicating that hunger is a condition for the action (attack) to occur.

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