

Free Mains Evaluation





BIHAR JUDICIAL SERVICE EXAMINATION PAPER – V

(LAW OF EVIDENCE AND PROCEDURE)

Time: 03 Hours Maximum Marks: 150

Instructions:

- (i) Answer six questions, taking two from Group-A, two from Group-B, and one each from Group-C and Group-D.
- (ii) Marks are indicated against each question.

GROUP - A

Question No. 1

- (a) Write notes on the following:
 - (i) Mesne Profits
 - (ii) Preliminary Decree
 - (iii) Legal Representatives

(5*3 = 15 Marks)

(b) What do you understand by Pecuniary Jurisdiction of court? Will a court be competent to hear a suit exceeding



its limit if the parties to the suit have given their consent? (15 Marks)

Question No. 2

- (a) How following decrees may be executed:
 - (i) A decree for specific performance of immoveable property
 - (ii) A decree for Restitution of Conjugal Rights
 - (iii) A decree for Injunction (5*3 = 15 Marks)
- (b) When trial of suit is stayed by court and what is doctrine of Res-Judicata? (15 Marks)

Question No. 3

- (a) State the duties and powers of appellate court with reference to -
 - (i) Remand
 - (ii) Framing of Additional issues
 - (iii) Additional evidence



- (iv) Modification of decree
- (v) Second Appeal

(3*5 = 15 Marks)

(b) What is doctrine of Restitution? Has Court inherent power to grant restitution? Is order granting restitution appealable? (15 Marks)

GROUP - B

Question No. 4

(a) What is Confession? Discuss its evidentiary Value? Also distinguish between Judicial and Extra Judicial Confession.

(15 Marks)

- (b) Write a short note on following-
 - (i) Expert Evidence
 - (ii) Doctrine of confirmation of subsequent events (10 Marks)

Question No. 5



- (a) What is Dying Declaration? Can it be sole basis for conviction? Will Dying Declaration still hold good if person survives? (15 Marks)
- (b) Explain the law related to confession of coconspirator? (10 Marks)

Question No. 6

- (a) Write short notes on following-
 - (i) May Presume
 - (ii) Shall Presume
 - (iii) Conclusive Proof

(5*3 = 15 Marks)

(b) Explain the circumstances in which secondary evidence is admissible? (10 Marks)

GROUP - C

Question No. 7

(a) Is an Arbitration Agreement discharged by death of party? What are the grounds to discharge an Arbitration Agreement? (10 Marks)



- (b) Answer the following:
 - (i) Can the Court intervene in appointment of Arbitrator by a Party?
 - (ii) Grounds for removing an Arbitrator. (10 Marks)

Question No. 8

- (a) Explain the powers of arbitrators to make interim award. (10 Marks)
- (b) Under what circumstances can the court-
 - (i) Modify the award
 - (ii) Remit the award

(10 Marks)

GROUP - D

Question No. 9

- (a) What is FIR? Discuss its evidentiary value. (10 Marks)
- (b) Write notes on 'Charge' and 'Joinder of Charges'.

(10 Marks)



Question No. 10

(a) Explain for what kind of offences can summary trial be conducted and how it is conducted. (10 Marks)

(b) When search warrant can be issued by court?

(10 Marks)





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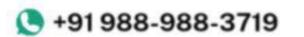


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RJS Mains Law Paper 1 (12th feb, 2022) Que . 1 sec. 21 (1), of code of civil procedure provides that, no Objection as to place of suing will be allowed by an July of appellate or revisional court unless following condi-Converience tions are satisfied: Gurt of frost Instance 4 masin i dilentibus 1. The objection was taken at first instance in court dernier substerior 2. It was taken at earliest possible opportunity and in cases where issues are settled at or before settlement of issues; and

3. There I are the account to there is not to the settle of instead of ins 3. There has been consequent failure of justice Resorbation of posts in government services is Indire Yues 2 Sawney 4 pranisie a becoad and infamous subject. The basis case of reservation was always to being every class isting Park. 1693357 P Brak of people on equal footing majorly on financial 330 334°) and social aspects. So the basis and limit of State 3 VII 9 342 reservation should still be the financial status Meses as discrimination on caste and class level has been decreased but financial gap has been increased from past recent years. No, a remand order cannot confer jurisdiction Que 3 on the subordinale court when such court originally do not have such power. It is settled principle that no appellate court can confer jurisduction on a subordinale court, however high appellate courd may be as, jurisdulion of a court is determined by statue. In case of Venkatarina & Angerthayammal it is held that

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an appellate court eremanding a case to an inferior court Carnot conjet jurisduction on court of it inherently. lacked the same.

quoq

Nearing

A suit is of avil nature if the perincipal question therein relates to the delumination of a civil right and els enjorcement.

It is subject matter of suit which determines whether

it is suit of wird nature or not. en a suit in which night to peroperty or to an office is contested whether it is of civil nature or not, what needs to be determined is whether it entirely dépendo on religious entes or ceremonies or not? It its decision doesnot entirely depends on religious

reles or ceremonies des a sul of civil nature. (i) Right to take out religious procession is a !! part a sent of civil nature

(ii) Right of Pardanasheen Lady to observe parda is a suit of civil nature

(iii) light to franchise is a sent of civil nature

Doctrine of res judicalà applies between co-dejendant. only if plaintiff claimed any selief and he cannot get his oreling wolkfaut torying and deciding a case between the co-defendants, However I has been redealed that requisite conditions should be julythed to apply punible of respudicate as between defendants

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D'Answer not in Answer format eather on notes format Don't copy things from Interest
The Arsure on Interest & External
aid was exact copy o 3 Missed out on let of Duestions. Mett time copies mont be evaluated

if they are not in Answer found. 5) Always mention the section no on top

Prot at last:



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