

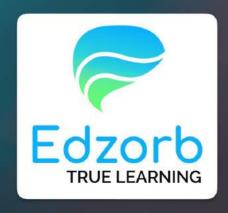
Simulator Mocks



RJS PRELIMS

Rajasthan Judicial Services Mock 1





RJS Simulator Mock 1

(with detailed explanations)





RAJASTHAN



SANCTUARY & NATIONAL PARK

- •Sariska NP
- Desert NP
- Ranthambore NP
- Keoladeo Ghana NP



Guru Shikhar 1,722 m



Desert

RANGES

- •Aravalli range
- Mount Abu

-STATE ANIMAL

Camel, Chinkara



STATE TREE

Khejri (Prosopis cineraria)



-STATE FLOWER

Rohida (Tecomella undulata)



-STATE BIRD

Great Indian Bustard



FESTIVALS • Pushkar Mela Kota Festival Gangaur Teej · Brij Holi The second Nagaur

RAJASTHAN







- Bishnoi Tribe
- Meena tribe
- Meghval
- Rabari Tribe

Thar desert



■Jantar Mantar



Amer Fort



-Mount Abu



Umaid Bhawan Palace



■Jodhpur "Blue city"



GhateshwaraMahadeva temple





RAJASTHAN



Ranthambore

1973



Banas, Chambal



Aravalli and Vindhya

• Tiger, Leapord, Sambar, Sloth Bear, Chital, Gray Langur, Rhesus Macaque 🥒 • Jamun, Gurjan













Nilgai

Striped hyena

Wild Boar

Mugger Crocodile

Banyan

Babul

Sariska

1978



Bandipool stream flows into the Ruparel River



Aravalli Range

- It is the first reserve in the world with successfully relocated Tigers
- Tiger, Indian Leopard, Jungle Cat, Striped Hyena, Chital, Sambar Deer, Nilgai, Wild Boar





Mukandra Hills



Small Indian Civet



Golden Jackal



Indian Eagle-Owl



Dhok, Kair, Adusta, Jhar Ber

2013



Mukandra Hills



Khair trees



Blue Bull



Wild Boar



Sloth Bear



Hyena



Deer Tiger Leopards

Wild boars



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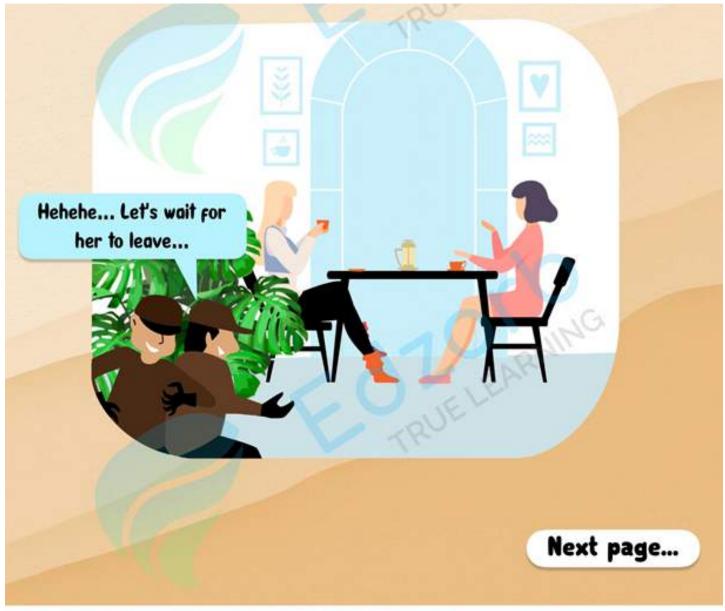
- Q.1) The accused made a promise of marriage to a minor girl pursuant to which the girl had left the house of her lawful guardian and went to the accused. Whether the accused is guilty of section 361 of the Indian Penal Code?
- a) Yes, A promise of marriage made to the girl which amounts to enticement of a minor because of which she had left the house of her lawful guardian
- b) No, accused did not take her out of lawful guardianship
- c) Depends
- d) None of the Above

Ans: A



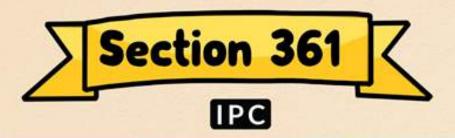
Kidnapping from India

Whoever conveys any person beyond the limits of India without the consent of that person or of some person legally authorised to consent on behalf of that person, is said to kidnap that person from India.



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Kidnapping from Lawful Guardianship

Whoever takes or entices any minor under sixteen years of age if a male, or under eighteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to Kidnap such minor or person from Lawful Guardianship.













Kidnapping from Lawful Guardianship





Liable for KIDNAPPING

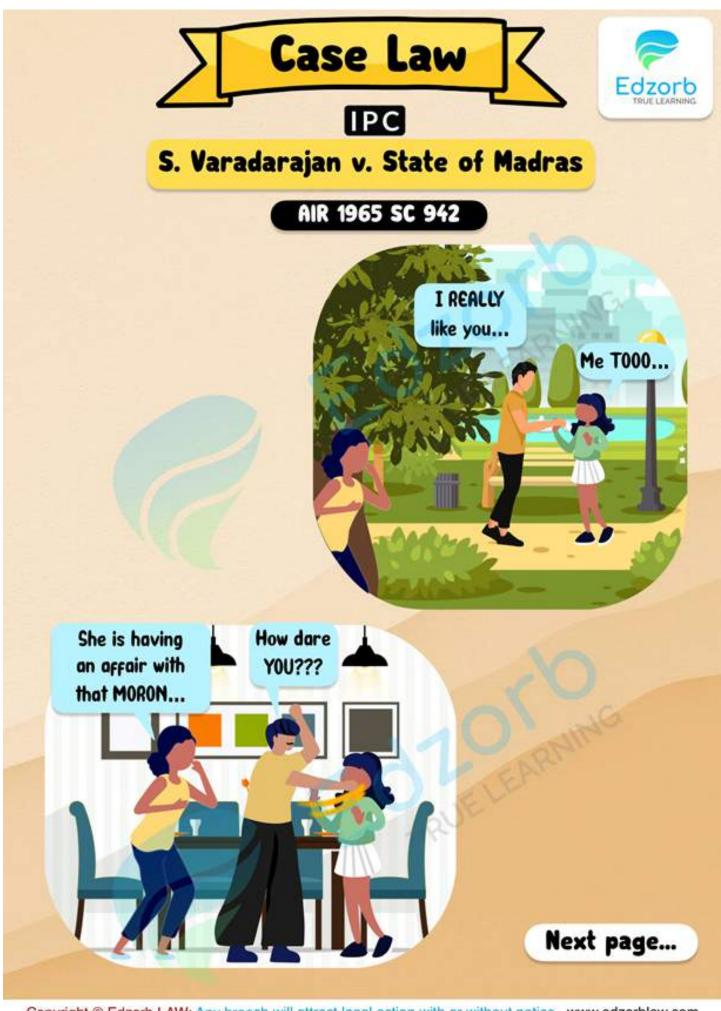
Punishment

Section 363

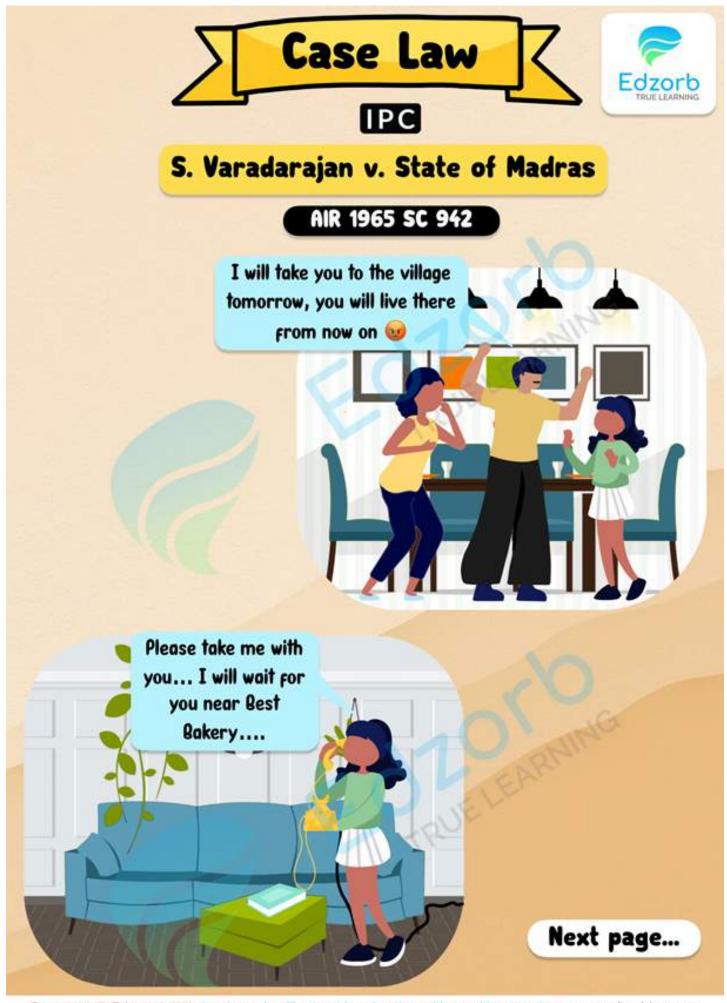
Imprisonment which may extend to seven years and fine.

Next page...



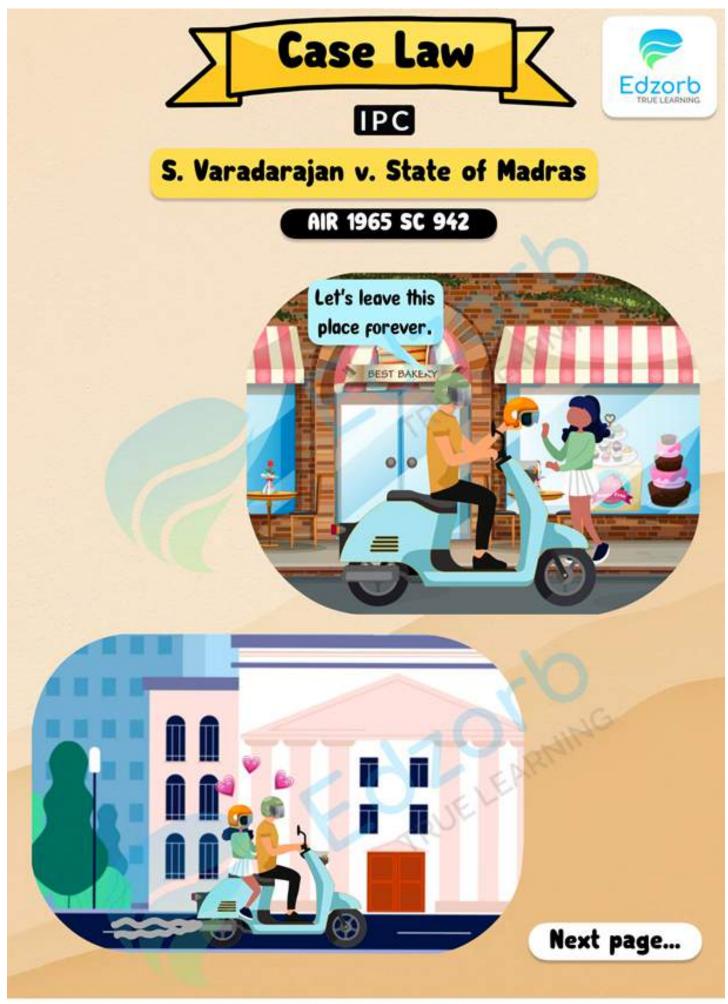


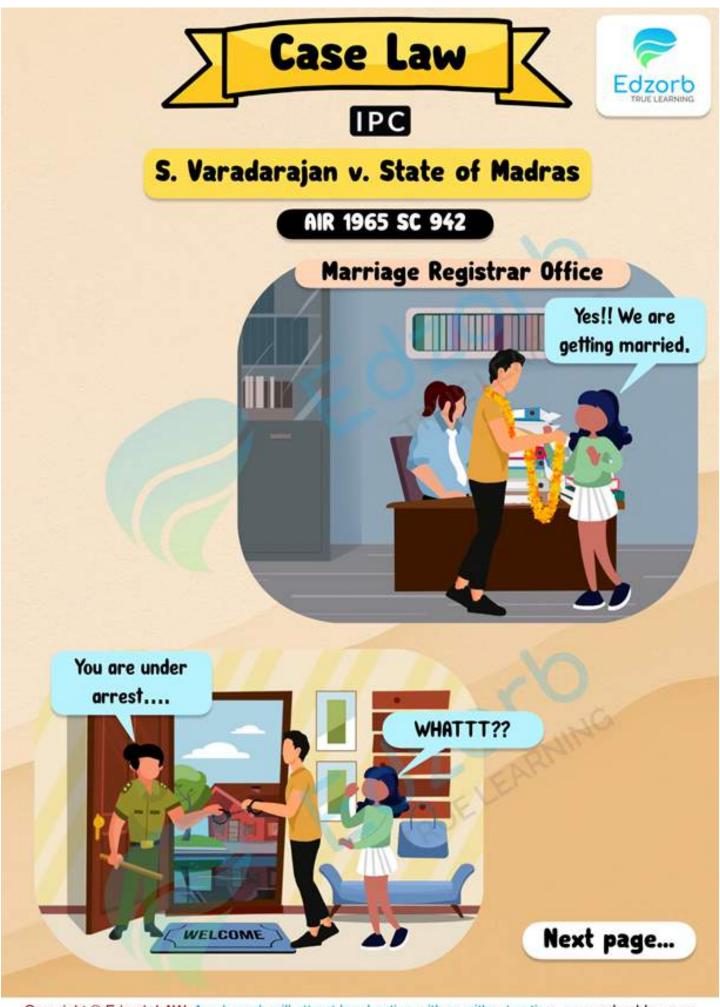




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S. Varadarajan v. State of Madras

AIR 1965 SC 942

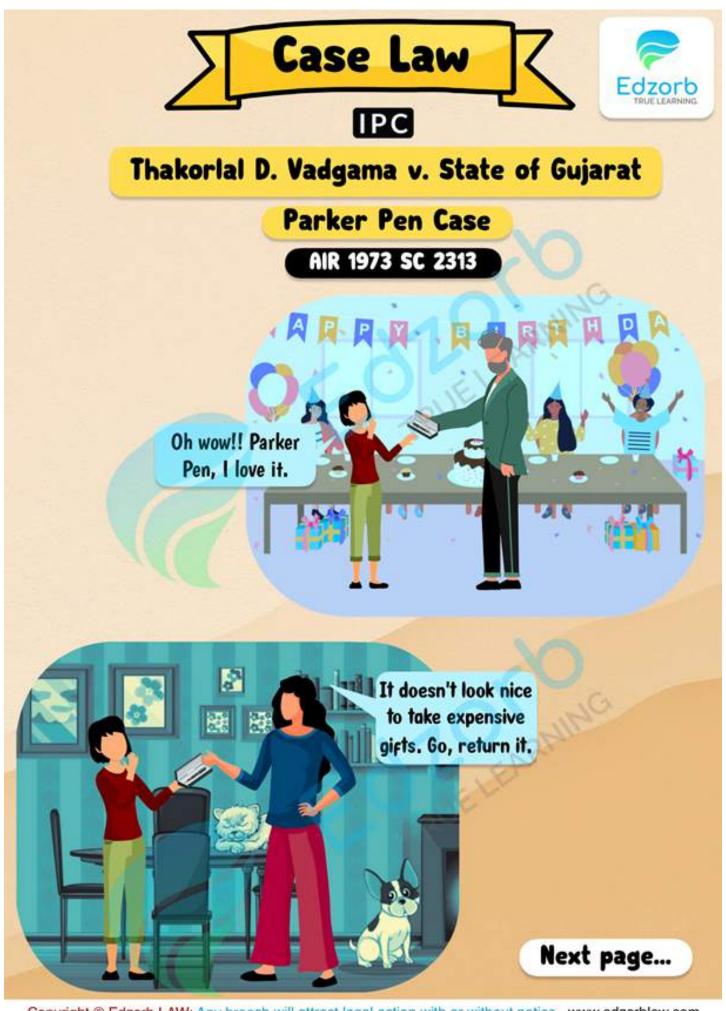


Not liable for Kidnapping

Supreme Court held:

- Person is not liable for kidnapping as there is a <u>difference</u> <u>between taking a minor and allowing a minor to accompany</u>.
- Here, the minor had capacity to understand the consequences of her action.
- She voluntarily joined the accused on her free will.
 Therefore, the accused cannot be held liable for taking her out of the keeping of lawful guardian.



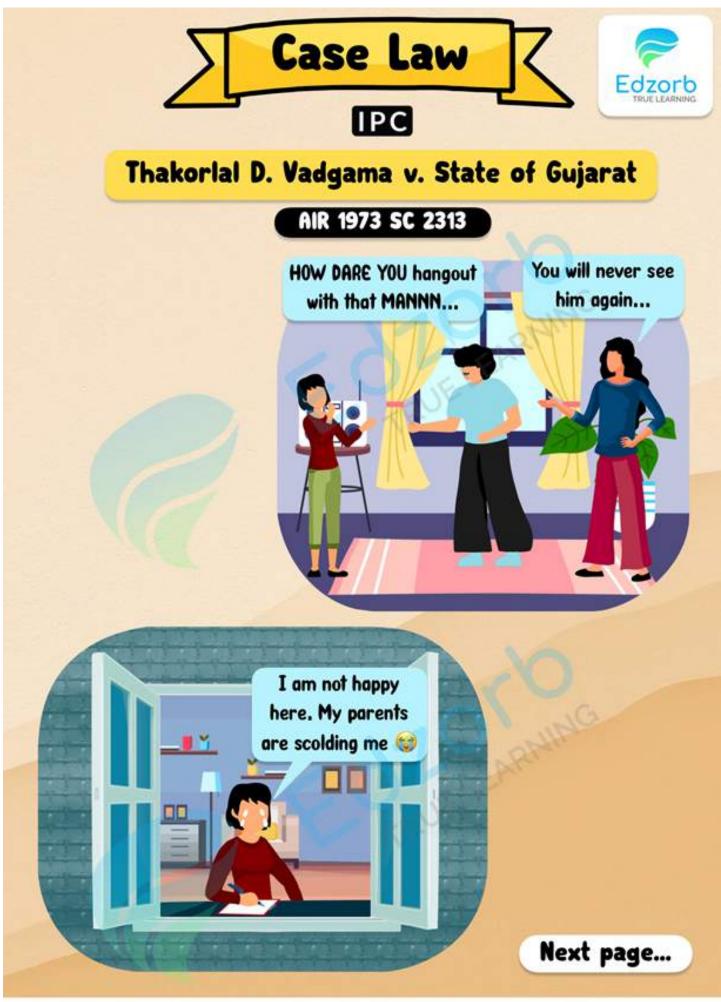


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Thakorlal D. Vadgama v. State of Gujarat

AIR 1973 SC 2313



Supreme Court held:

- Taking of minor need not to be done by force.
- The word "entice" means to originate the idea of inducement or allurement by giving rise to hope or desire in the other.
 - The man enticed the girl over the time by giving her gifts etc.
 - Hence, the man is liable for Kidnapping.



Q.2) Which of the following is a continuing offence?

- a) Abetment
- b) Forgery
- c) Abduction
- d) Kidnapping

Ans: C

Section 362

Abduction

Ingredients:

- Force or deceitful means
- Compels or induces
- Any person
- To go from any place.



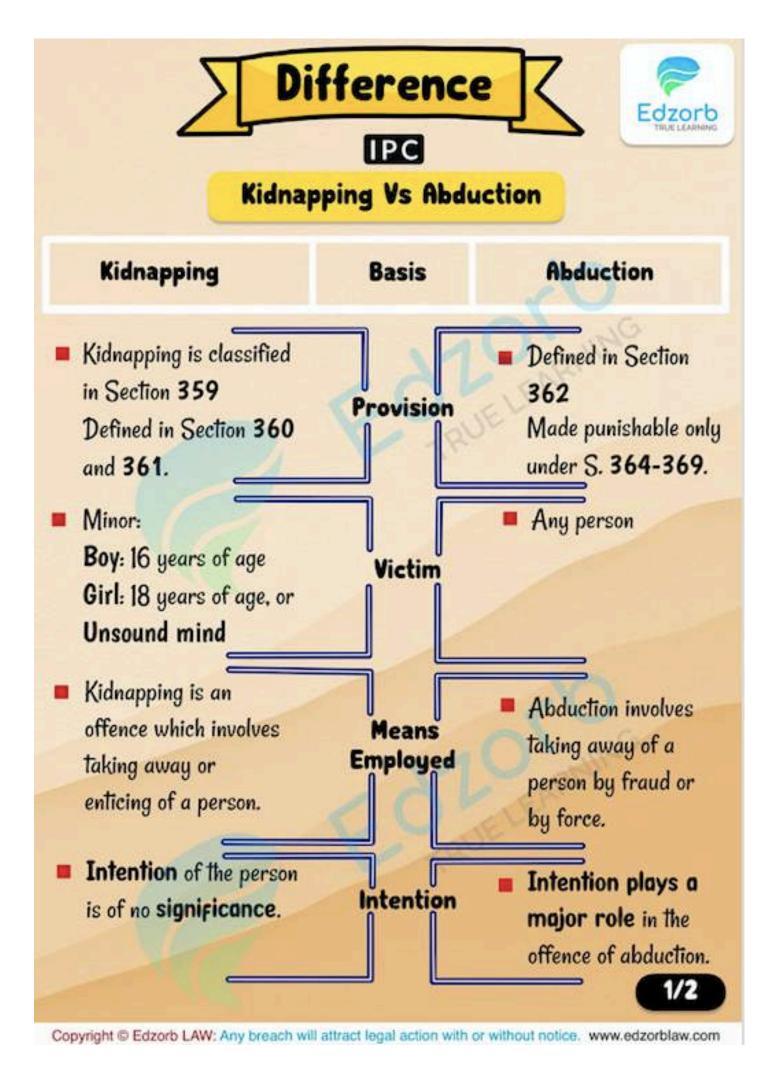
Kidnapping	Abduction
Section 359-361	Section 362
Only Minor or, Person of unsound mind	Any person who has been compelled or induced to go from any place. Bahadur Ali Vs King Emperor AIR 1923 Lah 158.

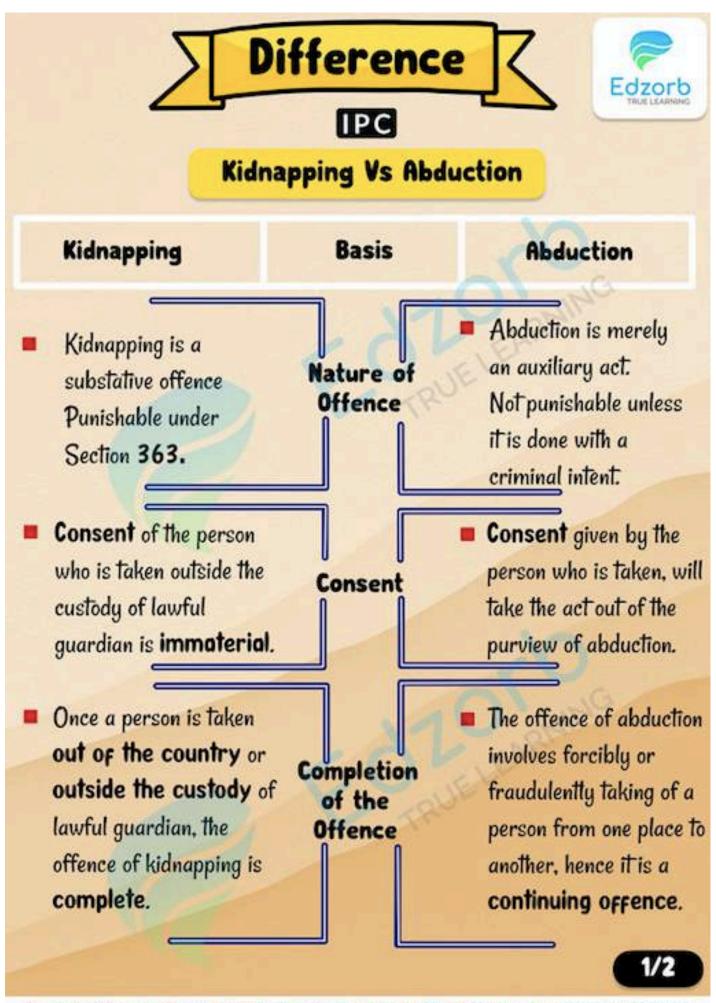
Lawful guardianship is required No requirement of lawful

No requirement of lawful guardianship

Consent is immaterial	Consent condones the
	accused from the offense
	charged against him
Intention is immaterial	Intention is relevant for
Queen Vs prince (1875) LR 2	attributing games
Kidnapping is not a continuing	Abduction is a continuing
offense	process
As soon as the person takes or	
remove from lawful	
guardianship, he kidnaps	

Reference: The Indian Penal Code by Ratanlal & Dhirajlal 33rd Ed., 2013, Page No. 727 Copyright © Edzorb Law: Any breach will attract legal action with or without notice.





- Q.3) What is the requirement to be punished under section 334?
- a) Sudden fight
- b) 5 or more people
- c) Provocation
- d) Grievous Hurt

Ans: C

Section 334

Voluntarily causing hurt on provocation

Ingredients:

- Voluntarily causes hurt.
- Grave and sudden provocation
- No knowledge or intention of causing such hurt.
- Hurt only to the person who caused provocation.



1 MONTH + Rs. 500/-



- Mr. Mehta was spreading false rumors about Ms.
 Singh at workplace.
- One day, Ms. Singh overheard Mr. Mehta spreading such false rumors.
- On being provoked by Ms. Singh slapped him, thereby causing hurt on provocation.



Reference: Indian Penal Code by Ratanlal & Dhirajalal 33rd Edition, Page No. 580 Copyright © **Edzorb Law:** Any breach will attract legal action with or without notice.



Q.4) Which of the following sections state that oral admission as to content of documents is not relevant:

- a) Section 21
- b) Section 60
- c) Section 22
- d) Section 61

Ans: C

Section 22:

Oral admission as to content of documents is not relevant.

Exceptions:

 Secondary Evidence: When party is entitled to give secondary evidence of doc.



Document has been destroyed in such cases; oral admission is relevant.







 Genuineness of document: When genuineness of document is itself in question.

Section 21:



Self-serving admission: Nik has to pay me Rs.10K.

Self-Harming admission: I have to repay the debt.

As per Section 21, only self-harming admission are admissible and may be proved by the party.

Exception to the rule:

 An admission may be proved when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

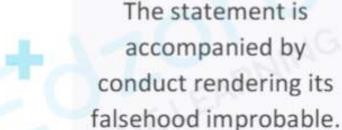


If person dies, the statement would be relevant u/s. 32.

If he does not die, it will be admissible u/s. 21.

 When admission consists of a statement of the existence of state of mind or body, relevant or in issue,

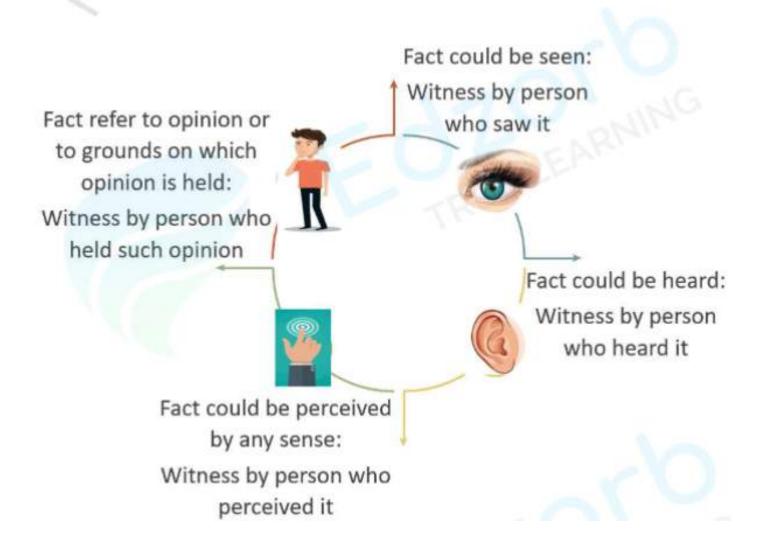
The statement was made at or about the time when such state of mind or body existed





Arun was prosecuted for theft; he can show his statement as the statement is explanatory of his conduct and shows that the car is not a stolen property.

Section 60: Oral evidence must be direct:





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- Q.5) What are the reliefs provided under for Public Charities under Section 92?
- I. Trustee can be removed
- II. Property can be vested in a trustee
- III. Declaration of trust property
- IV. Suit can be filed by the Trust
- a) I, IV, III
- b) II, III, I
- c) 1 & IV
- d) III & II

Ans: B

Section 92

Public Charities

- Three conditions required to be satisfied:
- The Trust in question is created for public purposes of a charitable or religious nature
- There is a breach of trust or a direction of Court is necessary in the administration of such a Trust



The relief claimed is one or other of the reliefs as enumerated.



Ashok Kumar Gupta Vs Sitalaxmi Medical trust Civil Appeal 1917/2020

The Court decided that Waqk created by Haji Elahi Bux was a Wakf created for the purpose of Charitable or religious nature.

Reference: Civil Procedure Justice Thakker (Takwani) 6th Edition p 376

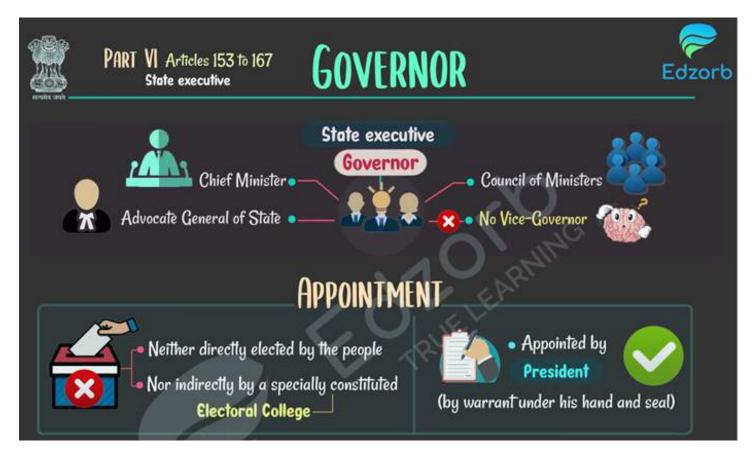
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- Q.6) Which of the following constitutes State executive?
- I) Chief Minister
- II) Advocate General of State
- III) Vice-Governor
- IV) Governor

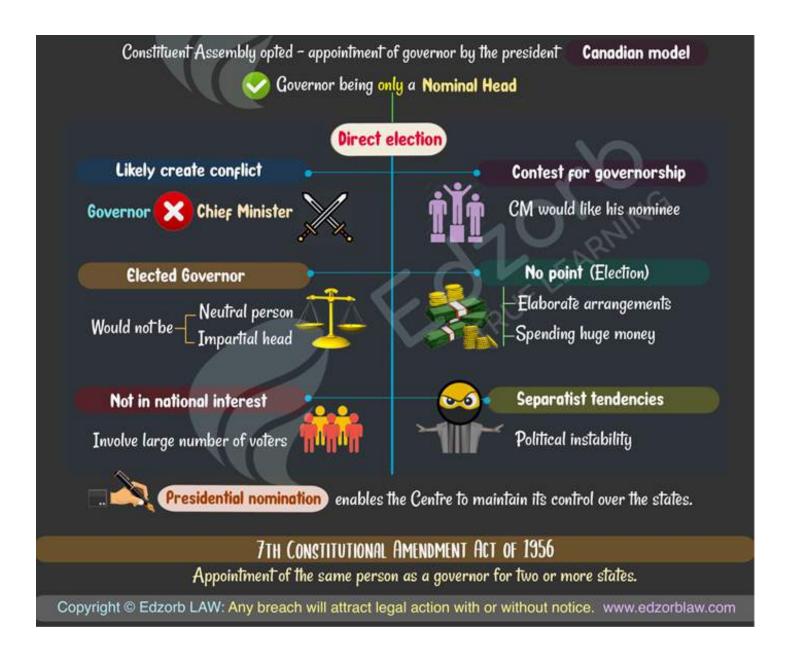
Choose the correct option:

- a) II & IV
- b) I &II
- c) 1 & IV
- d) I, II& IV

Ans: D







Legislative powers





Governor is an integral part of the State Legislature.



Summon or Prorogue
 Dissolve Leg. Assembly



Decides on
 Disqualifications



Promulgate ordinances
 (Legislature -not in session)



 Nominates 1/6th members to Leg. Council



Give his assent / withhold /return the bill /reserve the bill

Lays reports of CAG (relating to state), SPSC, State Finance Commission before State Legislature.

financial powers



- Money bills only with his recommendation
- Constitutes- Finance Commission



Panchayats

Municipalities

- Can make advances out of Contingency fund.
- He causes to be laid before Legislature the Budget.
- Demand for a grant only on his recommendation.

Judicial powers



- · Appoints District Judges (consulting High Court)
- Pardon, Reprieve, Respite & Remission of punishment.
 (offence against any State law)
- Consulted by President
 Appointing H.C. Judges
- W X
- Appointments State Judicial Service

CONSTITUTIONAL POSITION OF GOVERNOR

Article 154

Executive power (state) - vested in the Governor - exercised-

-Directly -Subordinate officers

Article 163

CM / Council of Ministers - Aid and advise - Governor - (except) - His discretion

Article 164

Council of Ministers — collectively responsible to the legislative assembly of the state

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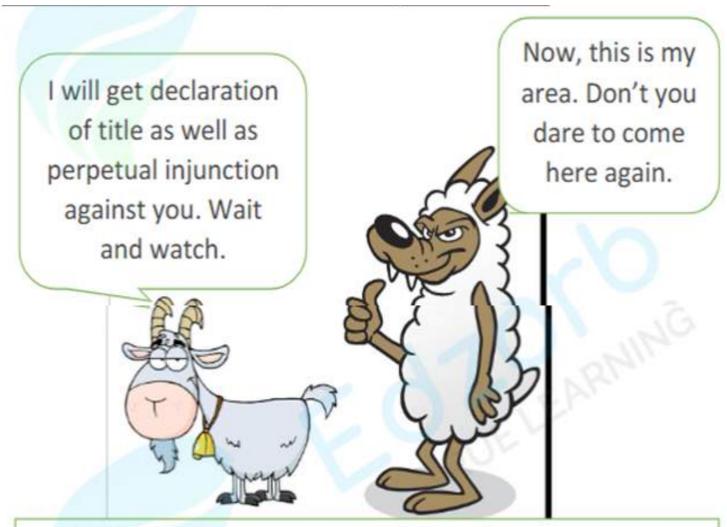
- Q.7) Proviso to section 34 relates to
- a) Suits for specific performance
- b) Suits for declaration
- c) Suits for injunctions
- d) All the above.

Ans: D

Proviso to Section 34:

Provided that no court shall make any such declaration where the plaintiff, being able to seek further relief than a mere declaration of title, omits to do so.

Further Relief: Further relief is that relief which is <u>dependent or</u> is conditional upon the grant of any other relief.



In the given case, perpetual injunction depends on declaration of title. Thus, here perpetual injunction is a further relief.

Main section and Proviso:

Main Section	Proviso to Section 34
The main section (Section 34) purports that the plaintiff is not to claim further relief if the same has not been claimed in the main suit.	decidration, if the further

Dukhan Ram And Ors. Vs Ram Nanda Singh And Ors. 1961 CriLJ 662

- Where it is not open to the plaintiff to pray for possession also as against the defendant, injunction is further relief within the meaning of the Proviso."
- It is, therefore, manifest that as in that suit there was also
 a prayer for injunction against the defendants, which
 their Lordships held, to be <u>'further relief'</u>, the suit was
 held maintainable and not hit by it.

Reference: Contract and Specific Relief by Avtar Singh, 12th Ed., 2017, Page no. 936

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Q.8) If a party who has obtained an order to amend the pleadings under Civil Procedure Code, if not amended after, expiration of how many days shall not be permitted to amend the same without the leave of the Court?

- a) 14 days
- b) 15 days
- c) 30 days
- d) 45 days

Ans: A

Order 6 Rule 17

Amendment of Pleadings

- The Court may allow either party to alter or amend pleadings.
- The manner must be just.
- Only those pleadings are allowed which are necessary for the purpose of determining the real questions in controversy between the parties.



Process of filing an application for Amendment of Pleadings:

Step 1	An application for the amendment of pleadings to the concerned civil court.
Step 2	Production of the application before the concerned civil judge.
Step 3	Payment of required court fee under Court Fees Act, 1870.
Step 4	Purpose for altering the pleadings must be clearly mentioned.
Step 5	Discretion of Judge to allow the application.
Step 6	After getting the order from the court, the applicant needs to file new pleadings within the prescribed time and if no time has been prescribed by the court then he needs to file it in 14 days from the date of order.
Step 7	A copy of altered pleadings to the opposite party must be provided.

Modi Spinning Mills Vs Ladha Ram & Sons AIR 2002 SC 3369(3372)

Supreme Court held,

 The defendant cannot be allowed to change completely the case made in certain paragraphs of the written statement and substitute an entirely different and new case".

Reference: Civil Procedure Justice Thakker (Takwani) 6th Edition p 281

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- Q. 9) Which of the following is not an actionable claim?
- a) Right to a Provident Fund Account
- b) Promise to pay Rs. 5000/-, if the promisee succeeds in L.L.B. Examination.
- c) Agreement to pay Rs. 2000/- if the Promisee marries a Particular woman.
- d) Right to Claim benefit of a contract coupled with a liability.

Ans: A

Section 3 of TPA defines Actionable Claim.

According to Section 3, an actionable claim is a claim to any debt which is not secured by:

- Mortgage of immovable property; or
- Hypothecation or pledge of movable property; or
- · Any beneficial interest in movable property, which is not in



And the civil court recognizes these claims to be the affording ground for relief.



Therefore, an actionable claim means

- A claim to an unsecured debt or
- Any interest in movable property
- Which is not in the possession of the claimant.

Reference: Property Law by P.P. Saxena; 2nd Ed., 2011, Page No. 567-576

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Q.10) The period of detention in civil imprisonment as a consequence of disobedience or breach of any injunction shall not exceed_____

- a) One month
- b) Three months
- c) Six months
- d) One year

Ans: B

Order 39 Rule 2A

Consequence of disobedience or breach of injunction:

- In the case of disobedience of any injunction granted
- Disobedience of other order made under Order 39 Rule 1 and Rule 2.
- Breach of any of the terms on which the injunction was granted or the order.





Attachment of the property + 3 months

Joint Family Property and Partition

- Unlike a legitimate son, an illegitimate son does not acquire any interest in the ancestral property in the hands of his father;
- nor does he can be a coparcenary in a Joint Hindu Family.

Thomson Press (India) Ltd. Vs Nanak Builders and Investors Pvt. Ltd. AIR 2013 SC 2389

- If the seller is guilty of breach, there is no question of setting aside the transaction or any consequence befalling a bona fide purchaser.
- The consequence prescribed <u>i.e.</u> imprisonment etc. would befall on the seller in such case.

State of Bihar Vs Rani Sana Bati Kumari AIR 1961 SC 221

 There must be willful disobedience of the injunction passed by the Court.

Reference: Civil Procedure Code, 1908 s 39 Rule 2A

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- Q.11) In which of the following cases, the Supreme Court held that the equality clause cannot be applied to legitimize an illegal action?
- a) UP State Sugar Corps. Ltd. vs. Sant Raj Singh
- b) Vishal Properties Put. Ltd. vs. State of UP
- c) Ekta Shakti Foundation vs. Gout. of NCT of Delhi
- d) Bhagwan Dass vs. Punjab State Electricity Board

Ans: C

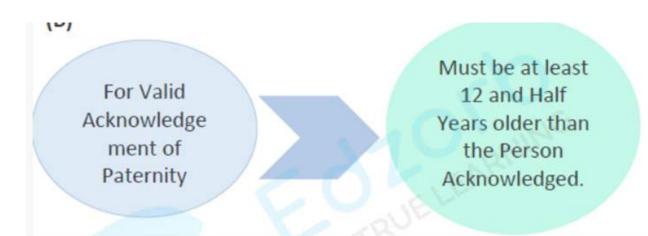
Ekta Shakti Foundation Vs Govt. of NCT of Delhi (2006) 10 SCC 337

- Article 14 has no application or justification to legitimize an illegal and illegitimate action.
- Article 14 states that a citizen has legal and valid right enforceable at law and persons having similar right and persons similarly circumstanced, cannot be denied of the benefit thereof.
- Such person cannot be discriminated to deny the similar benefit.
- The rational relationship and legal back up are the foundations to invoke the doctrine of equality in case of persons similarly situated.

Q.12) The difference of ages between the acknowledger' and the acknowledged child must be at least

- a) 8 years
- b) 10 years
- c) 11 years
- d) 12 1/2 years

Ans: D



The acknowledger must be at least twelve and half years older than the person acknowledged.

- If the acknowledger is equal in age or is younger to the acknowledged person
- The acknowledgement of paternity would be void on its very face
- Because they would not appear to be father and child.

Reference: Mohammedan Law By Aqil Ahmad, 24th Edn., Page No. 205

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Q.13) Who among the following is not a public servant?

- a) Chief Minister of State
- b) Chairman of the Central Board of Film Censors
- c) Surveyor of an Insurance Company
- d) Employee of 'Nationalized Bank'

Ans: C

Section 21 of IPC: Public Servant

Every person is a public servant who is

- Officer of court of justice
 Juryman, assessor
 a Court Juryman, assessor, or member of a panchayat-assisting a Court of Justice.
- Arbitrator or any other person
- Person-Empowered to keep any person in confinement.
- Officer of government
- Officer- Empowered to carry out contracts in the name of government.

RNING

- Officer- Duty to impose levy taxes.
- Person- Empowered to maintain electoral roll.
- Person appointed by government- Remunerate fees or commission for carrying out any public duty.

A.R. Puri vs State 32 (1987) DLT 115

- The person in to be public servant must be either in the pay or service of the Government or must be remunerated by fees or commissions for the performance of any public duty by the Government.
- While entrusted with the job of surveyor, he was also not performing any public duty assigned by the Central Government or the State Government.

CO LEARNING

Reference: The Indian Penal Code by Prof. S. N. Misra; 19th Ed, 2013; Page No: 88.

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Q.14) Grounds for Review under O.47 R.1 includes

- a. Exemplary Damages
- b. Discovery of new evidence
- c. Mistake
- d. Sufficient reasons
- a) a,b,c
- b) a,b,c and d
- c) b,c,d
- d) c and d

Ans: C

Order 47 Rule 1

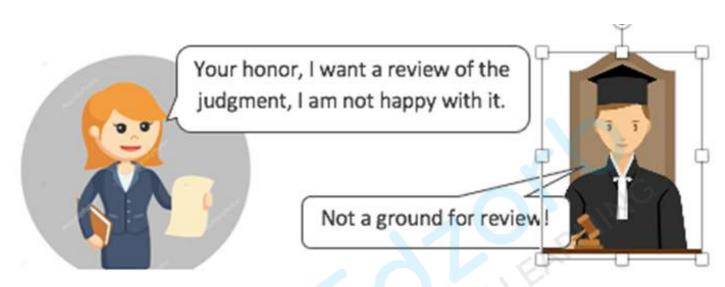
Grounds for review by aggrieved:

- New Discovery which was not within knowledge despite due diligence.
- Mistake or error apparent on the face of the record.
- Other Sufficient reasons.

Functus officio



Expiry of the legal functioning



Did you Know?

Review is an exception to the rule of functus

officio as it reopens the case after the courts

have decided upon it.



Reference: Code of Civil Procedure, 1908 o.47 r.2

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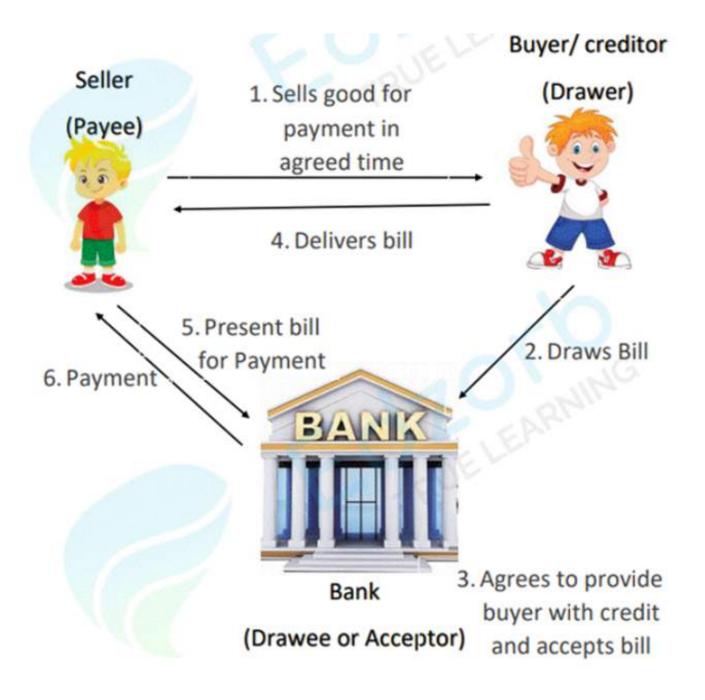


- Q.15) Which of the following statement is incorrect about bill of exchange?
- RUELEARNING a) It has to be signed by the maker
- b) It is a conditional order
- c) Both A and B
- d) Neither A nor B

Ans: B

Section 5: Bill of exchange

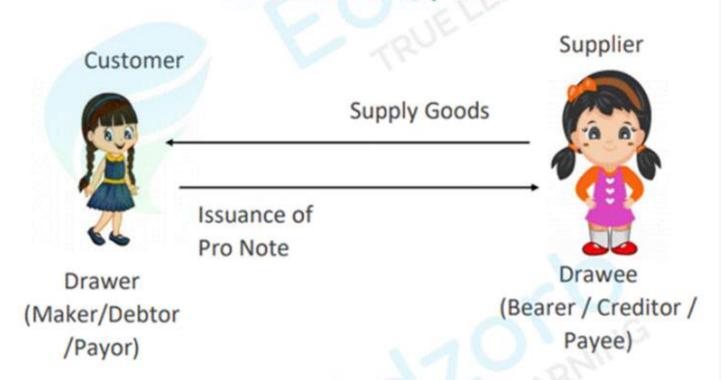
"A bill of exchange is defined as an instrument in writing containing an unconditional order, signed by the maker, directing a certain person to pay a certain sum of money only to, or to the order of a certain person or to the bearer of the instrument."



Section 4 of the NIA

A promissory Note is an instrument, in writing with an undertaking to pay, a certain sum of money unconditionally, to the payee or his order or the bearer of the instrument.

Parties in Promissory Note:





Debtor: who owes money.

Creditor: person to whom money is to be

paid,



Promissory Note Vs Bill of Exchange

Category	Bill of Exchange	Promissory Note
Meaning	 A bill of exchange is an unconditional written order made by the drawer on drawee to receive the specified sum within the mentioned period. 	 A promissory note is a written promise made by the borrower or drawer to repay the amount on a specific date or order of the payee.
Drafted By	 It is drafted by the creditor or lender who is liable to receive the amount. 	 It is made by the borrower or the debtor who is liable to pay the sum.
Parties to it	 Three parties associated with a bill of exchange, i.e. a drawer, a payee and a drawee. 	 A promissory note strictly involves a drawer and a payee.
Nature	 It is an order directing the payment 	 It is a promise assuring the payment.

Endorsement	 It can be endorsed, and the payee is the one who holds the bill on maturity. It is strictly payable to the payee mentioned initially in the note.
Liability	 It holds a secondary and conditional liability on the drawee. It has a primary and absolute liability on the drawer.
Legal obligation	 It holds a legal obligation and can be protested in the case of dishonour. The same is not possible in the fact of a promissory note.

Reference: The Negotiable Instruments Act, 1882, Section 4, 5.

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M.P. JUDICIAL SERVICE (CIVIL JUDGE) MAIN EXAMINATION ARTICLE & SUMMARY WRITING

Second Question Paper

3. Translate the following 10 Sentences into English: -

- 10
- a) उच्च न्यायालयों का अपीलीय अधिकार क्षेत्र भी दीवानी और फौजदारी दोनों प्रकार के मुकदमों तक विस्तृत है.
- किसी संस्था या व्यक्ति या कंप्यूटर नेटवर्क में अनिधकृत व्यक्ति द्वारा बिना अनुमित लिये उसके कंप्यूटर के डाटा की कॉपी करना या उसे साझा करना डाटा चोरी अपराध के तहत माना जाता है।
- दरअसल कोर्ट की अवमानना की समूची व्यवस्था न सिर्फ जनतंत्र, बल्कि न्यायिक प्रणाली के भी प्राकृतिक नियमों को सस्पेंड किये जाने की मांग करती दिखती है।
- ब) जिन दीवानी मुकदमों में कम-से-कम 5,000 रु. की मालियत का प्रश्न अंतर्ग्रस्त हो, उनकी अपीन उच्च न्यायालय
 में की जा सकती है

EPIC Mains Test Series Question & Evaluation SAMPLE

- वधि भारत एक संघ है, परन्तु अन्य संघों के विपरीत भारत में संविधान द्वारा एकतापूर्ण न्यायपालिका और एक ही मौलिक विषयों के समृह की व्यवस्था की गई है
- f) पहले उच्च न्यायालयों को केवल बंदी-प्रत्यक्षीकरण के लेख जारी करने का अधिकार था, परन्तु अब उच्च न्यायालयों को बंदी-प्रत्यक्षीकरण, परमादेश, प्रतिषेध, अधिकार-पृच्छा, उत्प्रेषण इत्यादि लेख जारी करने का अधिकार दिया गया है.
- सर्वोच्च न्यायालय के मतानुसार उद्देशिका का प्रयोग संविधान निर्माताओं के मस्तिष्क में झांकने और उनके उद्देश्य को जानने में प्रयोग की जा सकती है।
- h) लेकिन कानून में प्रावधानित कारावासों और वास्तविक कारावासों में अत्यधिक अन्तर है ।
- जमानत, किसी आरोपी को प्राप्त एक ऐसी कानूनी व्यवस्था है जिसके तहत अदालत में प्रतिभूति या गारंटी के रूप में पैसे या संपत्ति या कुछ संपार्श्विक बांड जमा कर रिहाई प्राप्त की जाती है.

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Incorrectly (0.3) (1/10) TOTAL MARKS (10, 100)

(a) The appellate jurisdiction of high courts / also covers both civil and criminal entends upto (6) Without seeling permission of an appointed person of an institution or computer network, the act of maling a copy of his computer's data or sharing it is an Offence the fermission of an institution or an institution or an institution or an institution of an institution or an individual or a computer network, makes copy of data, or such. (4) Actually tree proper system of contempt of court not only siegs to suspend democracy, rather also envisages to susperid tre principles of natural justice of fudicial tystem. dispute is related to a sum of at least of 5000/- R com he appealed trefore the High Court.

(e) Although India is an union, leut unlike other unions, an united judicial system and a group of fundamental subjects have been guaranteed by the Constitution of India. provided by (C2/d2-2/1) (b) Initially, the High Courts only had the right to issue the writ of halveas coopers, but now they have been hestoured the right to iesue the writs of halveas corpus, mandamus, prohibition, que warrante and certiorari.
et retern (50218) Make sure that
every word is revered.

(9) According to Supreme Court, the preamble
can be used to look into the minds of framers of the Constitution and to find out their intention and objective. The sentence is silent on intention (h) But there is a lot of difference metween the prisons laid down by the law and that statutory prisons Scanned with CamScanner

of real phisons. huge (3) Bail is such a hestomed right for + any accused (i) Buil, is such a legal system available to any accused, in pursuance of which he can he released by depositing any security, money in the form of guarantee, property or a collateral The question was about summary misting, and not translation.

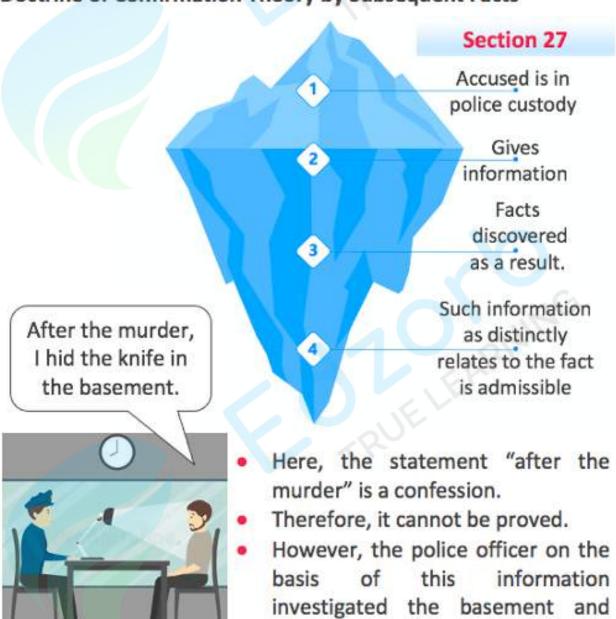
This diwali, while judicially decisions talled about the fullicially decisions had talled about reservictionselon crackers declared to put gallian not trein; the bullic morried all these factors and burnt wrackers the whole night. This is the lowermost step of decency and the man standing on très step, environment, his own health or the comprise or

Q. 16) Sec.27 of IEA deals with

- a) Doctrine of Estoppel
- b) The doctrine of Admission only
- c) Doctrine of confirmation by subsequent facts
- d) None of the above

Ans: C

Doctrine of Confirmation Theory by Subsequent Facts



 This can be used to determine culpability and the specific fact about the discovery of knife can be admitted in the court.

found the murder weapon.

Facts proved under Section 27 can be proved under the following:

- As occasion, cause or effect of the event under Section 7.
 Here, the cause and effect of murder.
- As motive preparation or conduct under Section 8.
- As facts relevant to introduce or explain relevant fact under Section 9.

Reference: The Law of Evidence by Batuk Lal 22nd Ed., 2018, Page No. 51

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Q.17) Match the following:

a. Anantha Chintaman Lagu Vs State of Bombay	1. Test Identification
b. Sheo Shankar Vs State of Jharkhand and another	2. Alibi
c. Mohd. Khalid Vs State of West Bengal	3. Conduct of Accused
d. Jayantbhai Bhenkerbhai Vs State of Gujarat	4. Criminal Conspiracy

Ans: A

Anant Chintaman Lagu Vs The State of Bombay 1960 AIR 500

The conduct of the accused previous as well as subsequent to the murder is relevant.

Previous conduct - That accused became confidant of his patient, forged her sign on dividend warrant, obtained undated cheque from her.

Subsequent conduct - That when she died, the accused forged the story that she was alive and misappropriated her property, gave false information to police and tried to avoid postmortem.

On the basis of the conduct of the accused, he was convicted for the offence of murder.

Mohd. Khalid Vs State of West Bengal (Sept. 3, 2002 SC)

- Section 10 contains theory of agency. Every conspirator is an agent of his associate in carrying out the object of the conspiracy.
- Section 10, which is an exception to the general rule, while permitting the statement made by one conspirator to be admissible as against another conspirator restricts it to the statement made during the period when the agency subsisted.

Sheo Shankar Singh Vs State of Jharkhand and another (2011) 3 SCC 654

- It is well-settled that <u>identification</u> in the Court by the witness constitutes the substantive evidence.
- The evidence of mere identification of the accused person at the trial for the first time is of a weak character.
- The <u>purpose of a prior test identification</u>, therefore, is to test and strengthen the trustworthiness of that evidence.

Jayantibhai Bhenkarbhai Vs State of Gujarat September 11,2002, SC

The word "alibi" is of Latin origin and means "elsewhere". The plea of alibi flows from Section 11.

It is a convenient term used for the defence taken by an accused that when the occurrence took place, he was so far away from the place of occurrence that it is highly improbable that he would have participated in the crime.

Reference: The Law of Evidence by Chief Justice M. Monir, 9th Ed., 2013, Page No. 69.

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Q.18) Match List-I with List-II and select the correct answer by using the code given below the lists:

List-I	List-II
A. Rex V. Levett	1. Murder
B. Tabu Chetia V. State of Assam	2. Criminal conspiracy
C. Vijayan V. State of Kerala	3. Insanity
D. State of U.P. V. Virendra Prasad	4. Mistake of fact

Codes: A B C D

a) 1234

b) 1342

c) 4321

d) 3 4 2 1

Ans: C

Rex Vs Levett

The defendant, under the **mistaken facts** killed a woman of whose presence he was **ignorant**. He was not held liable for manslaughter due to lack of mens rea.

Tabu Chetia Vs State of Assam 1976 CriLJ 1416

There is great difference between medical insanity and legal insanity. Unsoundness of mind as contemplated by Section 84, IPC is legal insanity.

Vijayan Vs State of Kerala

It is difficult to establish conspiracy by direct evidence, therefore must be established through circumstantial evidence.

State of U.P. Vs Virendra Prasad

Clause (b) of Section 299 corresponds with clauses (2) and (3) of Section 300. The distinguishing feature of the mens rea requisite under clause (2) is the knowledge possessed by the offender regarding the particular victim.

Reference: www.indiankanoon.com

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Q.19) Deepak, accused of committing the offence of supplying arms, informs his lawyer Shweta, that he has committed the offence and wishes her to defend him. In these circumstances, the communication is privileged and RUELEARN protected from disclosure. Do you agree?

- a) Yes
- b) No
- c) Not sure
- d) None of the Above

Ans: A

The communication is protected under Section 126 of IEA. Communications protected by the section are confidential.

The section does not protect from disclosure-

- Any communication made in furtherance of any illegal purpose;
- Any fact observed in the course of employment showing that any crime or fraud has been committed.

Section 127 the above provisions apply to interpreters and the clerks or servants of barristers, pleaders, attorneys and vakils.



In the light of the above section- 127, the communication between Deepak and Shweta is privileged and is not bound to be disclosed to anyone.

Reference: the law of evidence, Ratanlal & Dhirajlal 27th Edn, Page No.782.

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Q.20) The magistrate, not empowered under the Code, attached and sold the property under Section 83. The proceedings cannot be vitiated. Do you agree? RUELEARNING

- a) True
- b) False
- c) Neither True or False
- d) None of the Above

Ans: B

Section 461 of CrPC: Irregularities which vitiate the proceedings:

When following act done by magistrate not empowered to do so:



Must know!

- If any of the above irregularities exists, the proceedings are void, and no question of good faith arises.
- Such proceedings have no existence in the eyes of law, and need not be set aside by a Superior Court.

Did you Know?

Section 460 provides the irregularities which do not vitiate the proceedings.

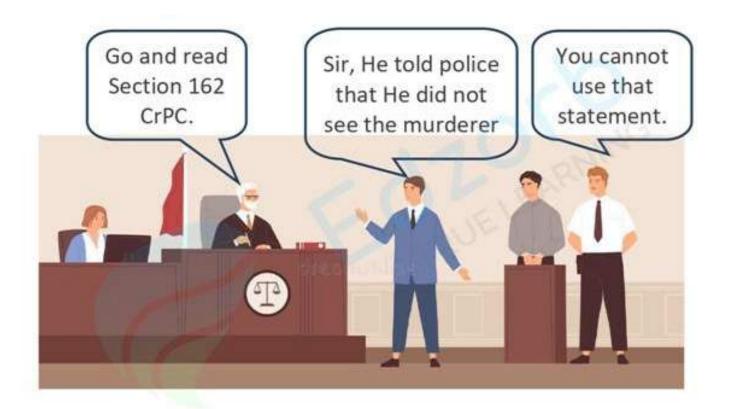


Reference: Code of Criminal Procedure

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- Q. 21) The proviso to Section 162 of the Code of Criminal Procedure only enables the accused to make use of such statement to contradict a witness in the manner provided by
- a) Section 144 of Indian Evidence Act
- b) Section 145 of Indian Evidence Act
- c) Section 148 of Indian Evidence Act
- d) Section 141 of Indian Evidence Act

Ans: B



Section 162 (1) CrPC:

No statement made by any person to a police officer:

- shall be signed by the person making it, nor
- shall any such statement or any record be used for any purpose.

The proviso to Section 162 (1) of CrPC:

When any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing earlier,

- any part of his statement may be used by the accused and the prosecution to contradict such witness in the manner provided by Section 145 of the Indian Evidence Act, 1872 (IEA).
- Section 145 Indian Evidence Act Cross-examination as to previous statements in writing.

Jodha Khoda Rabari Vs State of Gujarat (1992) CrLJ 3298 (Guj)

Such a statement cannot be used to contradict any other person but limited use is to contradict the maker of it.

Reference: The R.V. Kelkar's Criminal Procedure; 5th Ed., 2013, Page No. 1-6

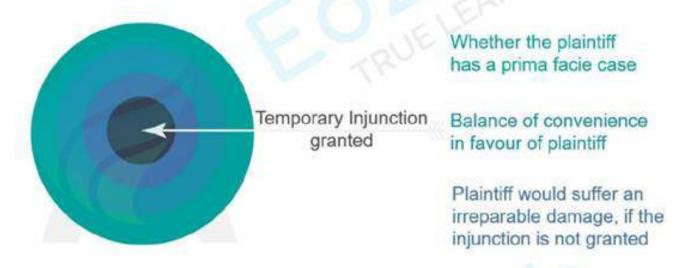
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- Q. 22) Temporary Injunctions/Interim Injunctions are not governed by the Specific Relief Act but by CPC under Order.....?
- a) True/38 CPC
- b) True/39 CPC
- c) False/38CPC
- d) False/39CPC

Ans: B

Temporary Injunction: A temporary injunction is an injunction which is granted, **for a specified period of time**, or till the court deems fit.

When can Temporary Injunction be granted:



Permanent Injunction: A permanent injunction (also known as perpetual injunction) is one that is delivered at the time of the final judgement, and therefore is more often than not, prevalent for a longer period of time.

Temporary Injunction Vs Permanent Injunction

Category	Temporary Injunction	Permanent Injunction
Meaning	 It is granted for a specified period of time, or as adjudged by the court. It may be granted at any point during the suit. 	 It is granted by the decree of the court, and upon the examination of the facts and merits of the case.
Provision in law	 Order 39 (Rules 1 to 5) of the Civil Procedure Code, 1908, governs it. 	• These are governed by sections 38 to 42 of SRA, 1963.
Nature	 A temporary injunction is non-conclusive. 	 It deals with the finality of a judgement, thereby providing a conclusive and long-term solution to the dispute at

		hand.
Basis of Decision	 It is decided on the basis of one side. 	 It is on the basis of both the sides.
Order or Decree	 A temporary injunction is simply an order by the court. 	 A permanent injunction is a decree (i.e., an official order by a court of law)

Reference: Contract and Specific Relief by Avtar Singh, 12th Ed., 2017, Page no. 948

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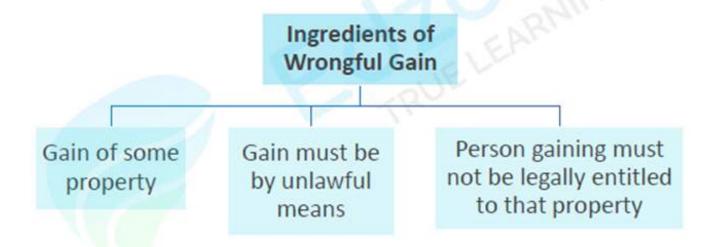
Q 23) Wrongful gain means:

- a) A gain by lawful means of property which the person gaining is not entitled
- b) A gain by unlawful means of property to which the person gaining is not legally entitled
- c) A gain by unlawful means of property which the person gaining is entitled
- d) All of the above

Ans: B

Section 23 of IPC: Wrongful Gain

Wrongful gain- Gain by unlawful means of property to which the person gaining is not legally entitled.



Wrongful Loss- Loss by unlawful means of property to which the person losing it is legally entitled.

Gujjula Narasimhulu Vs Nagur Sahib and Ors. (1934) 66 MLJ 31

The accused is guilty of **wrongful loss** where he has demolished a construction standing beside a public road without any reason.



Wrongful gain to the occupier who occupies the land illegally.

Wrongful Loss to the owner who loses his rightful possession of land.

Reference: The Indian Penal Code by Prof. S. N. Misra; 19th Ed, 2013; Page No: 92.

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- Q. 24) In State of Maharashtra v Mohd. Yakub, which of the criteria was used by the court to distinguish an 'attempt' to commit a crime from its mere 'preparation'
- a) Impossibility
- b) Danger to the society
- c) Opportunity to retreat from the offence
- d) Proximity

Ans: A

State of Maharashtra Vs Mohd. Yakub 1980

- Court to distinguish an attempt to commit a crime from its mere 'preparation' i.e. impossibility."
- An act done with the intention and preparation, the commission of which in the manner proposed was impossible is not an attempt.

CATEGORY	PREPARATION	ATTEMPT
Definition	An executory Act, it comes before an attempt.	Executed Act
Example	 Ram purchases Knife to murder Sam Mere purchase of Knife which is a preparation. 	poison and mixes it in the
	preparation	her. It is an attempt.
Stage	Arranging all the necessary means or articles or commodities to do an illegal act.	the planning which amounts to offence
Knowledge	Only the person who intends to commit the crime.	The second secon
Offence	Not be an offence if a person Voluntarily Gives Up the idea.	
Punishment	Punishable in few cases such as Preparation to commit dacoity under S. 399.	S. 511 of IPC - Attempt is



- Q. 25) 'De Minimis Non Curat Lex', is related to which section of Indian Penal Code?
- a) Section 92
- b) Section 94
- c) Section 95
- d) Section 96

Ans: C





De Minimis Non Curat Lex



THE LAW DOES NOT CONCERN ITSELF WITH TRIFLES



S. 95 of Indian Penal Code

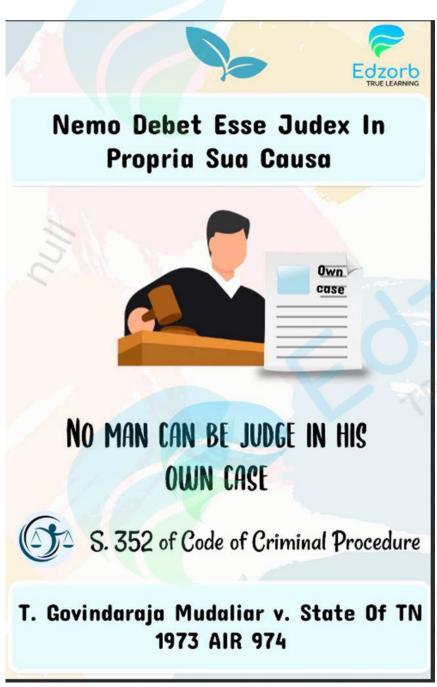
State of Bihar v. Harihar Prasad AIR 1989 SC 1119



Q.26) Nemo Debet Esse Judex In Propria Sua Cause, is related to which section of CrPC?

- a) Section 351
- b) Section 352
- c) Section 353
- d) Section 354

Ans: B





Q.27) Identify the section:

"Any Magistrate empowered under section 190 may order RUELEARNING such an investigation as above- mentioned"

- a) Section 156 (1)
- b) Section 156 (2)
- c) Section 156 (3)
- d) None of the above

Ans: C

Section 156(1)

Police officer's power to investigate cognizable case.

- Officer in charge of a police station
- Without the order of a Magistrate
- Investigate any cognizable case
- A case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XIII.

Section 156(3)

 Any Magistrate empowered under Section 190 may order such an investigation as above- mentioned.





Police not registering FIR:

•If the police station is not registering his FIR under Section 154, then person can approach Superintendent of Police under

Section 154(3) CrPC. by an application in writing.

- If that is also not yielding results, aggrieved person can file an application under Section 156 (3)
- The magistrate before taking cognizance can order the police officer to conduct investigation.

Mohd. Yousuf Vs Smt. Afaq Jahan 2006(1) SC 10

- By ordering investigation under Section 156(3) of the Code, Magistrate enables the police to start investigation.
- Magistrate directs the police to register an FIR.

Sakiri Vasu Vs State of U.P. (2008) 2 SCC 409

Doctrine of Implied Power:

 When a power is given to an authority to do something it includes such incidental or implied powers which would ensure the proper doing of that thing.

Reference: Code of Criminal Procedure, 1973 s 156

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- Q. 28) It is essential for an accused to be in fiduciary relationship to commit an offence of
- a) Cheating
- b) Extortion
- c) Criminal breach of trust
- d) Criminal misappropriation of property

Ans: C

Section 405

Criminal Breach of Trust



Ingredients:

- Entrustment of property
- Dishonest Misappropriation, or
- Disposal in violation of the mode prescribed for disposal

Lake Vs Simmons (1927) AC 487

Entrustment:

- Fiduciary duty/ obligation
- Trust
- Confidence placed in the man to whom property is being handed over



Sonika is the manager of the Best Pharma Ltd.

She is entrusted to have this package delivered to Global Chemists.

Sonika sells the package to
Hindustan Unilever instead and
earns extra commission.
She commits Criminal breach of
trust



Reference: The Indian Penal Code by Ratanlal & Dhirajlal 33rd Ed., 2013, Page No. 861 Copyright © Edzorb Law: Any breach will attract legal action with or without notice.

- Q. 29) The Fundamental principle of criminal liability is embodied in the maxim "actus non facit reum nisi mens sit rea". The maxim was developed by:
- a) Equity Courts
- b) Common Law Courts
- c) Sadar Nizamat Court
- d) None of the above.

Ans: B

This Latin phrase is often given as a pinnacle of ACTUS REUS & MENS the common law criminal justice system, and usually in the context of mens rea rather than actus reus.



Actus Non Facit Reum Nisi Mens Sit Rea

Any act to be illegal in nature it must be done with a guilty mind.

Did you Know?

"It is a principle of natural justice, and of our law, that actus facit reum nisi mens sit rea. The intent and the Act must both concur to constitute the crime."



Object:

This maxim is established to differentiate between intentional and unintentional criminal act so that the quantum of punishment can be decided accordingly.

Reference: Ratanlal & Dhirajlal: Indian Penal Code, 36th Edn. Page no. 66

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Q.30) A abused B.

B strikes A and a fight is ensued between them.

A causes multiple blows to B.

B kills A with the knife.

X was passing by and saw the fight. With the intention to take advantage of B's rage, and to cause him to kill A puts a knife into B's hand for that purpose.

Which is the correct explanation:

- I) B is guilty of murder
- II) X is guilty of murder.
- III) B is guilty of culpable homicide
- IV) X is guilty of Culpable homicide not amounting to murder
- a) I and II
- b) II and III
- c) I and IV
- d) II and III

Ans: D





Sudden and Grave Provocation



Arghh! w
How dare you talk about
my father like that?



KM Nanawati VS State of Maharashtra

- The court held that the conduct of the accused clearly shows that the murder was deliberate & calculated one. The facts of the case do not attract the provisions of Exception 1 of S. 300 of IPC as the provocation was not sudden.
- In result, the conviction of the accused under S. 302 of IPC and sentenced him of imprisonment of life.



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KM Nanawati VS State of Maharashtra





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Q. 31) A policy of insurance is effected on goods 'in ships from Calcutta to London'. The goods are shipped in a particular ship which is lost. The fact that the particular ship was orally excepted from the policy

- a) Can be proved
- b) Depends
- c) Cannot be proved
- d) None of the above

Ans: C

Section 92



- Thus, superiority of terms of the contract.
- No oral agreement can be admitted contradict/altering it.

State Bank Of India Vs Mula Sahakari Sakhar Karkhana Appeal (civil) 2801/2006

Any collateral agreement which is not derogating or altering the existing contract will not attract Section 92.

Reference: The Law of Evidence by Chief Justice M. Monir, 9th Ed., 2013, Page No. 326

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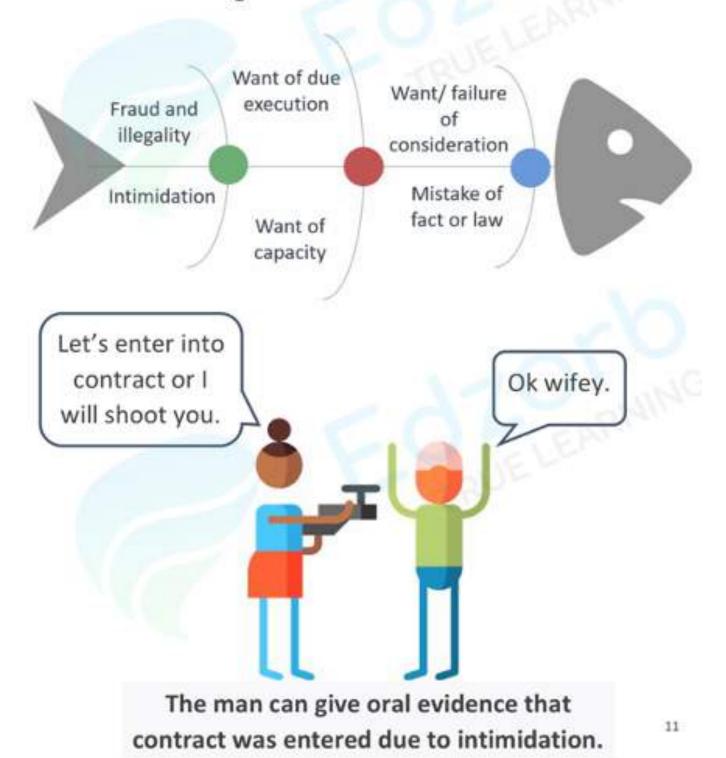
Section 92: Exclusion of evidence of oral agreement:

When the terms of any instrument have been proved according to S.91, no evidence of any oral agreement shall be admitted, as for the purpose of:



Provisos:

I. INVALIDATING THE DOCUMENT: Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto due to:



II. DOCUMENT BEING SILENT: The existence of any separate oral agreement as to any matter on which a document is silent, and which is not inconsistent with its terms, may be proved.

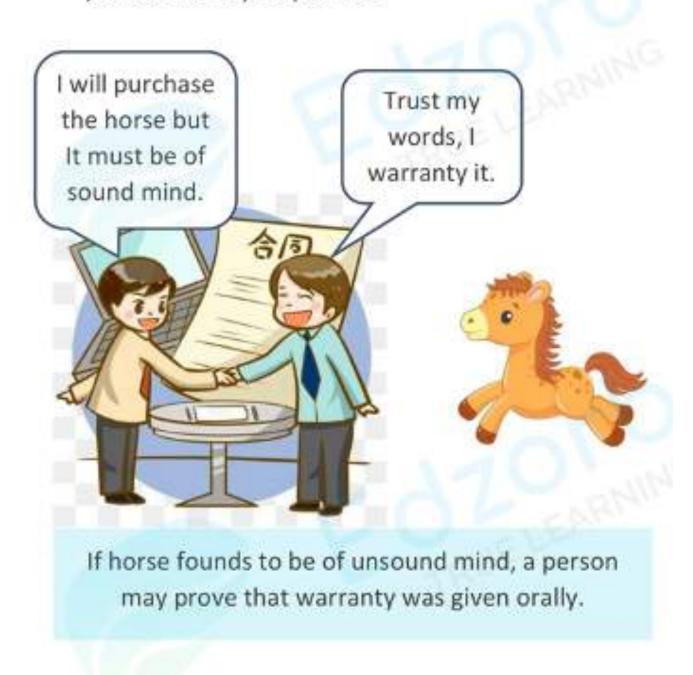


Here, the parties have not decided as to the time of delivery. Hence, if any separate oral agreement is made in regard to the same, the parties may show it.

In considering whether proviso applies,

The Court shall have regard to the degree of formality of the document.

III. CONDITION PRECEDENT: The existence of any separate oral agreement, constituting a condition precedent may be proved.



V. <u>USAGE OR CUSTOM</u>: Any usage or custom by which incidents <u>not expressly mentioned in any contract</u> are usually annexed to contracts of that description, may be proved.

When will you pay me? I am new to this business

Don't you know the custom of this trade, that payment is made after 1 month of delivery.

The custom can be proved by the person by oral evidence.

Provided that the <u>annexing of such incident would not be</u> repugnant to, or inconsistent with, the express terms of the contract.

15

VI. LANGUAGE OF DOCUMENT: Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Ishwar Das Jain (D) through LRs Vs Sohan Lal (D) through LRs

AIR 2000 SC 426

Facts: Plea of the defendant mortgagee was that real relationship between plaintiff and defendant was of landlord and tenant. Mortgage was only collateral security to ensure the vacation of leased premises by the mortgagee and therefore mortgage deed was sham.

This plea is not tenable because if it is a deed of collateral security by the defendant, the defendant would have executed a deed in favour of plaintiff and not vice versa.

Held: Where the document was alleged to be sham, the <u>oral evidence to prove that the</u> document was sham is admissible.

Section 91 and Section 92:

R. Janakiraman Vs State of Tamil Nadu AIR 2006 SC 1106

- Section 92 is supplementary to Section 91 and corollary to the rule contained in Section 91.
- Applies to Parties:

Section 91	Section 92
Section 91 may apply to strangers also.	The rule contained in Section 92 will apply only to the parties to the instrument or their successors-in-interest. Strangers to the contract are not barred from establishing a
	contemporaneous oral
	agreement.

Reference: Indian Evidence Act, 1872, Section 92

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- Q. 32) Which one of the following court can try a case punishable with life Imprisonment?
- a) Magistrate of the first class
- b) Sessions Judge
- c) Chief Judicial Magistrate
- d) All of these

Ans: B

A High Court may pass any sentence authorised by law.

- A Sessions or Additional Sessions
 Judge may pass any sentence
 authorised by law.
- Any death sentence passed by any such Judge is subject to confirmation by the High Court.

Assistant Sessions Judge may pass any sentence authorised by law except a sentence of death or of imprisonment for life or of imprisonment for a term exceeding ten years.



The State Vs Vali Mohammad AIR 1969 Bom 294

The Sessions Court must taking into account the totality of circumstances, come to a decision as to whether the case requires that sentence of death should be imposed or the sentence of imprisonment for life. As to what sentence should be imposed in a given case is to be decided upon the facts and circumstances of each case.

Following article shall be of help:

http://kanoon.nearlaw.com/2017/12/29/powers-court-criminalprocedure/

Reference: The R.V. Kelkar's Criminal Procedure; 5th Ed., 2013, Page No. 804.

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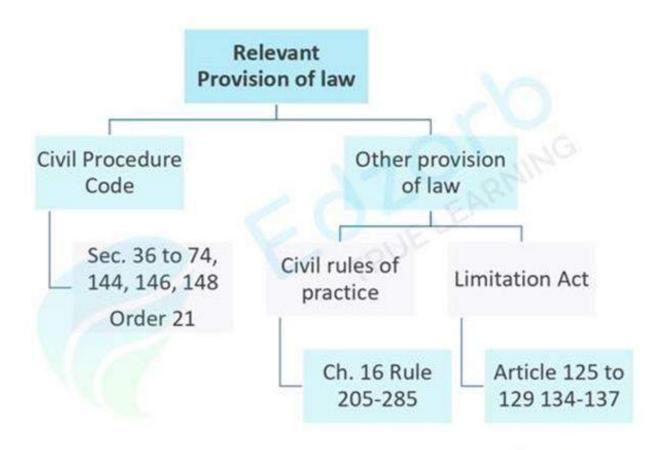


- Q.33) The principles governing execution of decrees and orders are dealt with in: -
- a) Section. 36-74 and Order 21.
- b) Section. 46-74 and Order 22.
- c) Section. 56-74 and Order 23.
- d) Section. 56-74 and Order 25.

Ans: A

Execution of decree: Enforcement or implementation of the order or judgment passed by the Court.





Ghanshyam Das Vs Anant Kumar Sinha (1991) 4 SCC 379

- The numerous rules of Order 21 of the code take care of different situations providing effective remedies not only to judgment-debtors and decree-holders but also to claimant objectors, as the case may be.
- In an exceptional case, where provisions are rendered incapable of giving relief to an aggrieved party inadequate measures and appropriate time, the answer is a regular suit in the civil court.

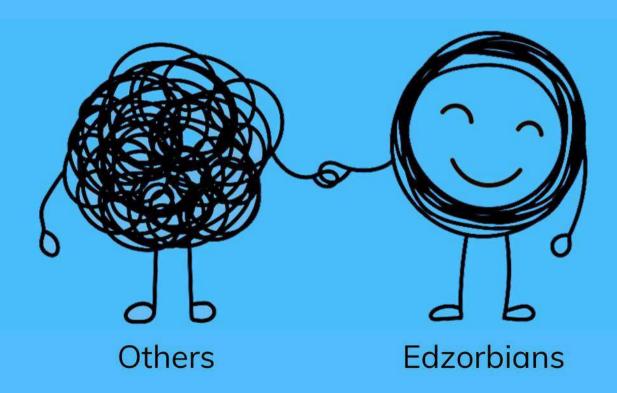
Reference: Civil Procedure Code

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Q.34)) In which of the following cases did the Supreme Court hold that the provisions of the Civil Procedure Code, 1908 (CPC) are not applicable to tribal areas?

- c) Westarly Dkhar v Sehekaya Lyngdoh
 d) None of the above

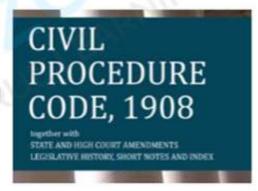
Ans: C

Section 9

- Civil Courts have to try all suits of a civil nature.
- However, there is no jurisdiction if cognizance is either expressly or impliedly barred.







- In certain tribal areas, letter of Civil Procedure Code do not apply.
- Only spirit of Civil Procedure Code applies.

This means:

Tribal areas are guided by their customary laws and usages.

Shri Westarly Dkhar Vs Shri Sehekaya Lyngdoh C.A. 1232/2015

- United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953
- Applicable for all matters not covered by recognized customary laws or usages of the District.
- Procedures of the District Council Court shall be guided by the spirit but not bound by the letter of the Code of Civil Procedure, 1908.

Reference: Civil Procedure Justice CIC Thakker (Takwani) 6th Ed., 2018, Page No. 50

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Q.35) What does the word 'Veracity' means?

- a) Depth
- b) Intensity
- c) Strength
- d) Truth

Ans: D

Q.39)

what are other words for veracity?



truthfulness, accuracy, truth, honesty, verity, correctness, probity, authenticity, exactness, precision



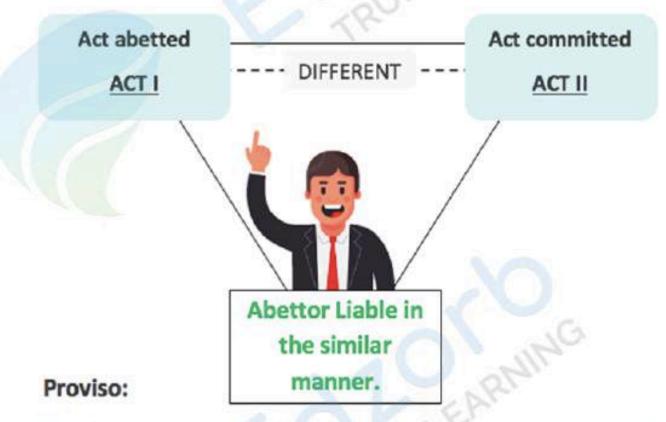
Q. 36) A instigates a child to put poison into the food of his father, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of his mom, which is by the side of that of his father. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment.

- a) A is liable in the same manner and to the same extent had instigated the child to put the poison into the food of his mom as per Section 111
- b) A is liable in the same manner and to the same extent had instigated the child to put the poison into the food of his mom as per Section 112
- c) A is liable in the same manner and to the same extent had instigated the child to put the poison into the food of his mom as per Section 114
- d) A is not liable

Ans: A

Section 111:

- When act abetted is different from the act that is done
- The abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it.



- The <u>act</u> done should be the <u>probable consequence</u> of the abetment
- It must be committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.





Abettor Liable in the similar manner and to same extent.

Probable consequence of the abetment:

Emperor Vs Sonappa Shina Shetty (1940) 42 BOMLR 205

The court held:

 That conspiracy to assault one person cannot be a probable cause to stab another person.

Reference: Indian Penal Code, 1860 s 111

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Q. 37) In murder case, the accused has taken a plea of non-involvement in the death of murder, whether he can take the alternate plea under one of the exceptions to Section 300 of IPC:

- a) Yes
- b) No
- c) Concept of alternate pleas not applicable in criminal cases
- d) None of the above

Ans: A

Paul v. State of Kerala Crl.No. 38/2020





Law does not deprive the accused for taking alternate pleas in criminal case



S.313 of CrPC, S.105 of IEA

A murder accused can take plea for non-involvement in death of the deceased and also take an alternate pleas to establish the case within any of exceptions u/s 300 IPC.



Bench: Sanjay Kishan Kaul, J. & KM Joseph, J.

Reference: https://main.sci.gov.in/supremecourt

2019/16229/16229_2019_13_1501_19755_Judgement_21-Jan-2020.pdf

- Q. 38) In which of the following cases, the Supreme Court held that a prosecution based on a second or successive default in payment of the cheque amount should not be impermissible simply because no prosecution based on the first default which was followed by a statutory notice and a failure to pay had not been launched?
- a) Uniplas India Ltd v State
- b) Sadanandan Bhadran v Madhavan Sunil Kumar
- c) M S R Leathers v Palaniappan
- d) None of the above

Ans: C





MSR Leathers Vs S. Palaniappan (2013) 1 SCC 177

Held:

- The holder or payee of the cheque <u>may present the cheque</u> for encashment on any number of occasions within the period of its validity [three months from the date of issue.
- No prohibition exists against the subsequent presentation of cheque and institution of a criminal complaint based on the subsequent dishonour of the same.

Reference: MSR Leathers Vs S. Palaniappan

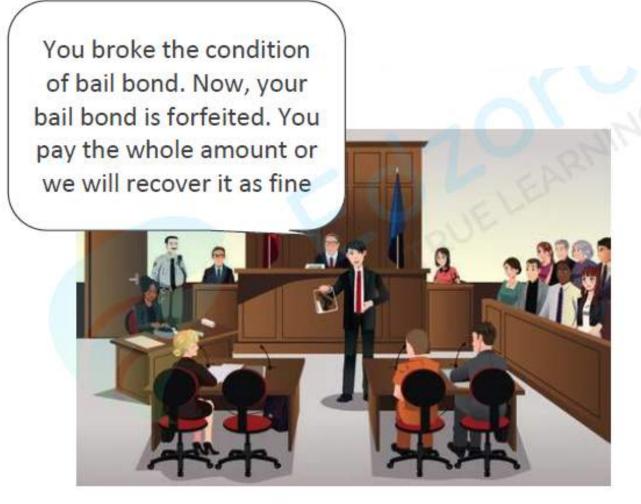
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- Q. 39) A gives a recognizance binding him in a penalty of Rs. 500 to appear in Court on certain day. He forfeits his recognizance. He is liable:
- a) To pay the whole penalty
- b) To pay half penalty
- c) depends on the discretion of the judge
- d) For no penal

Ans: A





Section 446 CrPC: Procedure when bond has been forfeited.

- Where the bond is forfeited, the court shall recover the whole amount, or must record the reasons that why the bond amount should not be paid.
- If the penalty is not paid, the Court may proceed to recover the same as if such penalty were a fine imposed.

In Re, Prabhu Dayal AIR 1960 MP 85

Where the **bond** is taken by the **police** and not by the Court under CrPC, such a bond **cannot** be **forfeited** as the promise made thereby is to a particular official and not to a Court.

Reference: The R.V. Kelkar's Criminal Procedure; 5th Ed., 2013, Page No. 289.

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M.P. JUDICIAL SERVICE (CIVIL JUDGE) MAIN EXAMINATION ARTICLE & SUMMARY WRITING

Second Question Paper

3. Translate the following 10 Sentences into English: -

- 10
- a) उच्च न्यायालयों का अपीलीय अधिकार क्षेत्र भी दीवानी और फौजदारी दोनों प्रकार के मुकदमों तक विस्तृत है.
- किसी संस्था या व्यक्ति या कंप्यूटर नेटवर्क में अनिधकृत व्यक्ति द्वारा बिना अनुमित लिये उसके कंप्यूटर के डाटा की कॉपी करना या उसे साझा करना डाटा चोरी अपराध के तहत माना जाता है।
- दरअसल कोर्ट की अवमानना की समूची व्यवस्था न सिर्फ जनतंत्र, बल्कि न्यायिक प्रणाली के भी प्राकृतिक नियमों को सस्पेंड किये जाने की मांग करती दिखती है।
- ब) जिन दीवानी मुकदमों में कम-से-कम 5,000 रु. की मालियत का प्रश्न अंतर्ग्रस्त हो, उनकी अपीन उच्च न्यायालय में की जा सकती है

EPIC Mains Test Series Question & Evaluation SAMPLE

- वधि भारत एक संघ है, परन्तु अन्य संघों के विपरीत भारत में संविधान द्वारा एकतापूर्ण न्यायपालिका और एक ही मौलिक विषयों के समृह की व्यवस्था की गई है
- f) पहले उच्च न्यायालयों को केवल बंदी-प्रत्यक्षीकरण के लेख जारी करने का अधिकार था, परन्तु अब उच्च न्यायालयों को बंदी-प्रत्यक्षीकरण, परमादेश, प्रतिषेध, अधिकार-पृच्छा, उत्प्रेषण इत्यादि लेख जारी करने का अधिकार दिया गया है.
- सर्वोच्च न्यायालय के मतानुसार उद्देशिका का प्रयोग संविधान निर्माताओं के मस्तिष्क में झांकने और उनके उद्देश्य को जानने में प्रयोग की जा सकती है।
- h) लेकिन कानून में प्रावधानित कारावासों और वास्तविक कारावासों में अत्यधिक अन्तर है ।
- जमानत, किसी आरोपी को प्राप्त एक ऐसी कानूनी व्यवस्था है जिसके तहत अदालत में प्रतिभूति या गारंटी के रूप में पैसे या संपत्ति या कुछ संपार्श्विक बांड जमा कर रिहाई प्राप्त की जाती है.

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Incorrectly (0.3) (1/10) TOTAL MARKS (10, 100)

(a) The appellate jurisdiction of high courts / also covers both civil and criminal entends upto (6) Without seeling permission of an appointed person of an institution or computer network, the act of maling a copy of his computer's data or sharing it is an Offence the fermission of an institution or an institution or an institution or an institution of an institution or an individual or a computer network, makes copy of data, or such. (4) Actually tree proper system of contempt of court not only siegs to suspend democracy, rather also envisages to susperid tre principles of natural justice of fudicial tystem. dispute is related to a sum of at least of 5000/- R com he appealed trefore the High Court.

(e) Although India is an union, leut unlike other unions, an united judicial system and a group of fundamental subjects have been guaranteed by the Constitution of India. provided by (C2/d2-2/1) (b) Initially, the High Courts only had the right to issue the writ of halveas coopers, but now they have been hestoured the right to iesue the writs of halveas corpus, mandamus, prohibition, que warrante and certiorari.
et retern (50218) Make sure that
every word is revered.

(9) According to Supreme Court, the preamble
can be used to look into the minds of framers of the Constitution and to find out their intention and objective. The sentence is silent on intention (h) But there is a lot of difference metween the prisons laid down by the law and that statutory prisons Scanned with CamScanner

of real phisons. huge (3) Bail is such a hestomed right for + any accused (i) Buil, is such a legal system available to any accused, in pursuance of which he can he released by depositing any security, money in the form of guarantee, property or a collateral The question was about summary misting, and not translation.

This diwali, while judicially decisions talled about the first call decisions had talled about reservictionselon crackers declared to put gallian not trein; the bullic morried all these factors and burnt wrackers the whole night. This is the lowermost step of decency and the man standing on très step, environment, his own health or the comprise or



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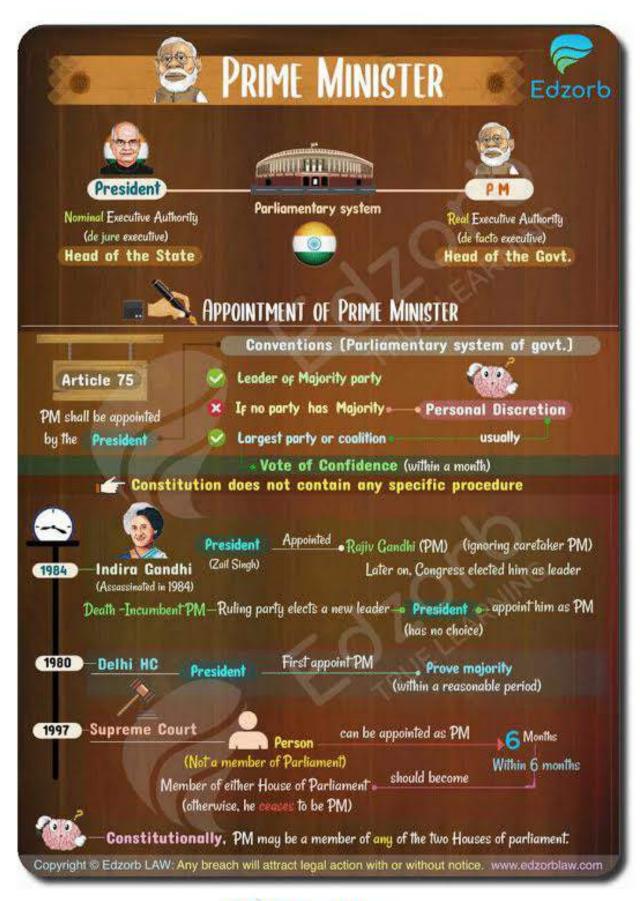


State Grand Test Series

State Standardized Four

Mock Tests

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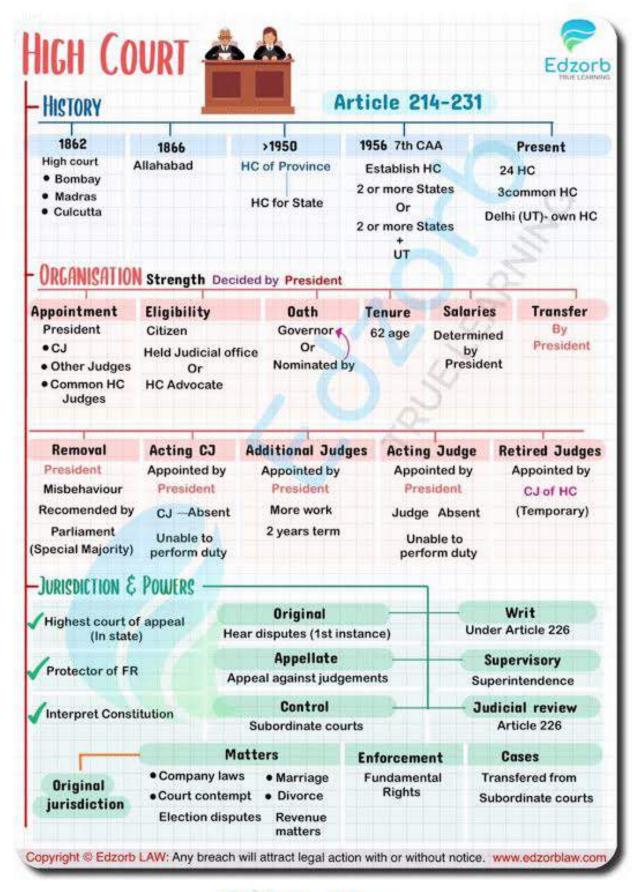








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BIOME









EQUATORIAL REGION

Tropical rainforest

Evergreen forest



Canopy formation

Very tall trees Very dense forest

- Hardwood
- Mahagony
- Ebony
- Rosewood
- Rubber
- · Cinchona

ECONOMIC ACTIVITIES

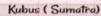
- Hunting, gathering
- Shifting cultivation
- Rubber, Coffee, Tea
- Sugarcane, Oil palm

No shedding of leaves











Dayaks (Borneo)



Pygmies (Congo)



Amazon Indians (South America)

ARTICLE 165

ADVOCATE GENERAL OF THE STATE Highest Law Officer in the State

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donotspecify



Qualifications

Qualified to be appointed as a

Judicial office- 10 years

Judge of H C

Advocate of HC-10 years

0

Torm

CONSTITUTION

X.

Removal Proceedurre

Appoints Advocate Gen.

Determines remuneration



Entitled to appear before any court of law within the state

Can speak ,take part in proceedings

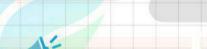


- Both Houses
- Committee
- Without right to Vote

Removal

- By Governor at any time.
- Resignation to the Governor.
- Conventionally resigns when Govt. resigns or replaced.

✓ Holds office during the pleasure of the Governor.



Advice to the State Government on legal matters.

Functions conferred by the Constitution/ Law.

Other duties (legal) assigned by Governor.

Duties and Functions

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Sample

Q. "Equal Pay for Equal Work" is not expressly a constitutional right, it has been read into the Constitution through the interpretation of which other articles?

- A. Article 14, 15
- B. Article 39, 14, 15, 16
- C. Article 21
- D. None of the Above

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Equal Pay for Equal Work:



- The directive principle of State Policy under Article 39.
- It is the concept of <u>labour rights that individuals in the same</u> workplace be given equal pay.
- Equal pay relates to the <u>full range of payments and benefits</u>, including basic pay, non-salary payments, bonuses and allowances.



History of Equal Pay for Equal Work

As wage-labour became increasingly formalized during the Industrial Revolution, the principle of equal pay for equal work arose at the same part of first-wave feminism, with early efforts for equal pay being associated with nineteenth-century Trade Union activism in industrialized countries.

Principle of Equal Pay for Equal Work - Binding as precedent

State of Punjab Vs Jagjit Singh

(2017) 1 SCC 148

- Decision of Lower court: Temporary employees were not entitled to the minimum of the pay-scale, as was being paid to similarly placed regular employees was challenged.
- Decision of Apex Court: Principle of "equal pay for equal work" expounded through various decisions of Supreme Court constitutes law declared by Supreme Court, which is binding on all courts in India and is applicable to all temporarily engaged employees.

Did you Know?

The World Bank, which has tracked legal changes for the past decade, found *Belgium*, *Denmark*, *France*, *Latvia*, *Luxembourg* or *Sweden* were the only countries in the world to enshrine gender equality in laws affecting work.



Reference: The Constitutional Law of India by M.P. Jain; 6th Ed. 2012; Page No: 1501, Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



SUO MOTU LIMITATION









SC Allows Service Through Instant Tele-Messenger Services

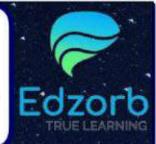
Considering difficulty in visiting post offices amid pandemic, SC allowed service of summons & notices through instant tele-messenger services like whatsapp, email and fax. All these will prove valid service on a party.



SA Bobde, C.J.I.; AS Bopanna, J. & Subhash Reddy, J.

Reference: economictimes.indiatimes.com/news/politics-and-nation/supreme-courtallows-email-fax-instant-messaging-apps-like-whatsapp-for-service-ofnotices-summons/articleshow/76898274.cms?from=mdr

Rajeev Kourav v. Baisahab & Ors. Crl.A. No .232/2020





Criminal proceedings not to be quashed on the basis of statement made under S. 161 CrPC



S.161 of CrPC, S. 482 CrPC

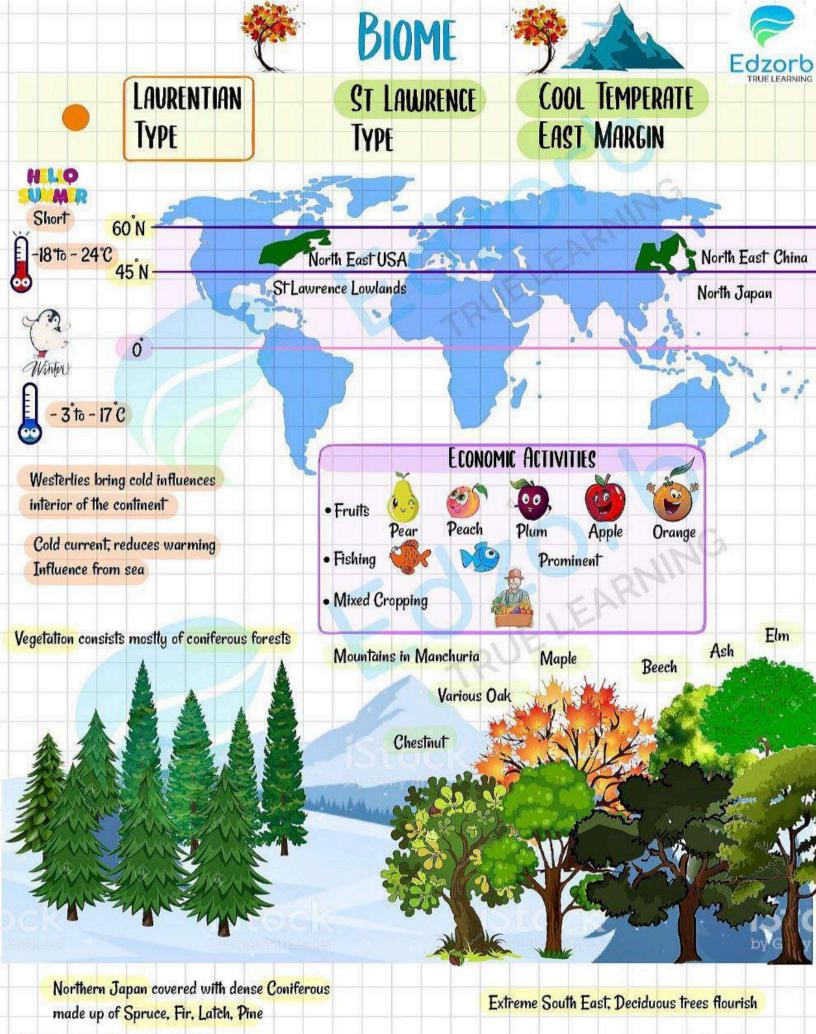
Statements recorded under S.161 are inadmissible in evidence and are not a valid ground for allowing a petition under S.482. Courts not to appreciate evidence while dealing with the quashing petition filed under S. 482 CrPC.



Bench: L. Nageshwar Rao, J. & Deepak Gupta, J.

Reference: https://main.sci.gov.in/supremecourt

2017/2075/2075_2017_11_1502_20472_Judgement_11-Feb-2020.pdf

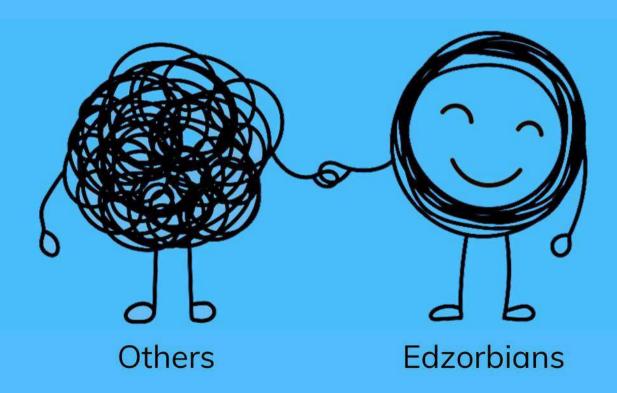


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Q.40) Which word is correctly spelt?

- a) persue
- b) purseu
- c) pursue
- d) None of the above

Ans: C



Common Misspellings



×

X

X

X

Correct

- √ interesting
- √ knowledge
- ✓ lollipop
- √ parallel
- √ pastime
- √ pursue
- √ potato
- ✓ preceding
- √ pronunciation
- √ receive
- / recommend

Incorrect

- intresting
- knowlege
 - lollypop
- paralell
- pasttime
 - persue
- potatoe
- preceeding
- pronounciation
 - recieve
 - reccomend X

- Q.41) What is the correct meaning of Letter of law?
- a) A formal letter
- b) RTI
- c) Intentions of law
- d) Explicit meaning of law

Ans: D

Bang to Rights

Caught in an unlawful or immoral act without any mitigating circumstances.



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Bail Out

To rescue someone from a bad situation



Letter of the Law

The explicit meaning of a law, as opposed to the "spirit" of the law



Open-and-Shut Case

A situation, especially a legal proceeding, with a clear, certain outcome



- Q. 42) X forgot to do her homework. When the teacher asked her about the homework, it seemed like a 'Cat got her tongue'. What does that mean?
- a) When someone fall sick
- b) When someone can't speak when it is expected to
- c) When someone don't do homework
- d) When someone disrespect teachers

Ans: B



- Q. 43) Chose a suitable word for, 'One who plays a game for pleasure and not professionally'.
- a) Veteran
- b) Amateur
- c) Connoisseur
- d) Player

Ans: B

Amateur	A person who engages in a pursuit (a sport) for fun rather than to earn money	
Layperson	A non-ordained member of a Church that is a person who attends a church to pray but is not a priest or a nun	
Flagship	The most important product made by an organisation	

- Q. 44) What is another word for, Abash?
- a) A party
- b) Casual party
- c) Ambitious
- d) Disconcert

Ans: D

SYNONYMS AND ANTONYMS

WORD	SYNONYM	ANTONYM
Acumen	Awareness, Brilliance	Stupidity, Ignorance
Abash	Disconcert, Rattle	Uphold, Discompose
Abjure	Forsake, Renounce	Approve, Sanction
Bleak	Grim, Austere	Bright, Pleasant
Benevolent	Benign, Generous	Malevolent, Miserly

- Q. 45) Which word best suits the meaning, 'Soldier who fight on horseback'?
- a) infantry
- b) Legion
- c) Artillery
- d) Cavalry

Ans: D

Troupe	A group of theatrical performers
Legion	A large unit of army men the roman legion defeated all those who came in their way
Cavalry	A troop of soldiers who fight on horseback
Cadet	A young trainee in the armed forces.



Q. 46) It was about ten miles ____ my place ____ the university

a) For, to

b) In, over

c) From, to

d) Is, at

Ans: C

TO vs. FOR

Use TO In These Cases:

1. Destination

"We're going to Paris."

2. What time it is?

"It's a quarter to 2."

3. Distance

"It's about ten miles from my house to the university."

4. Comparing

"I prefer sleeping to working."

5. Giving

"I gave the book to my sister."

6. Motive/Reason - with verb

"I came here to see you."



Use FOR In These Cases:

1. Benefits

"Youurt is good for your digestion."

2. Period of time

"We've lived here for 2 years."

3. Schedule

"I made an appointment for May 3."

4. Agree with

"Are you for or against the development of nuclear weapons?"

5. Doing something to help someone

"Could you carry these books for me?"

6. Motive/Reason - with noun

"Let's go out for a drink."

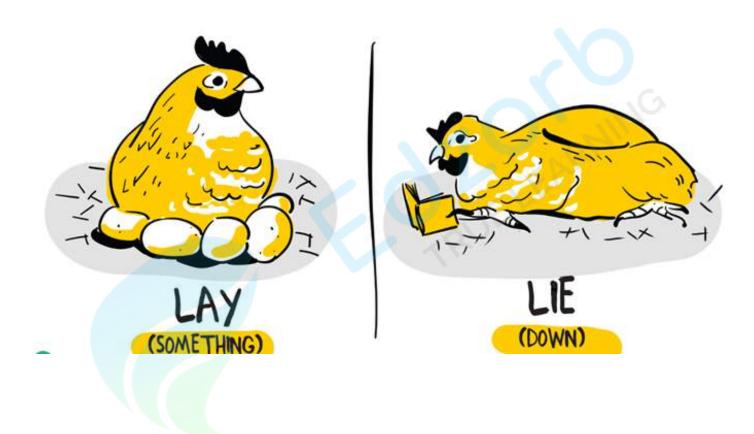
7. Function – with verb (-ing form)

"A ladle is a big spoon used for serving soup."

Q. 47) I shall go and ____ down.

- a) lay
- b) lied
- c) layed
- d) lie

Ans: D



- Q. 48) Which word best suits the meaning, 'To hide somewhere waiting for a perfect moment to attack'?
- a) Skulk
- b) Skink
- c) Lurk
- d) Conspicuous

Ans: C

Evince	To show clearly Ex: to reveal
Slink	To move quietly to avoid detection
Skulk	To keep out of sight - the stranger skulking outside their office building aroused the staff's suspicion
Lurk	To hide somewhere waiting for the right moment to attack - the killer was lurking in the shadows, waiting for her to come out of the house

- Q. 49) Which is the correctly spelt?
- a) Reannaisance
- b) Renaissance
- c) Rennaissance
- d) Renaisance

Ans: B

- The activity, spirit, or time of the great revival of art, literature, and learning.
- Europe 14th -17th century
- Transition from the medieval to the modern world.





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- Q. 50) X wanted to go __ a holiday to the beach __ July
- a) at, in
- b) on, in
- c) in, at
- d) on, at

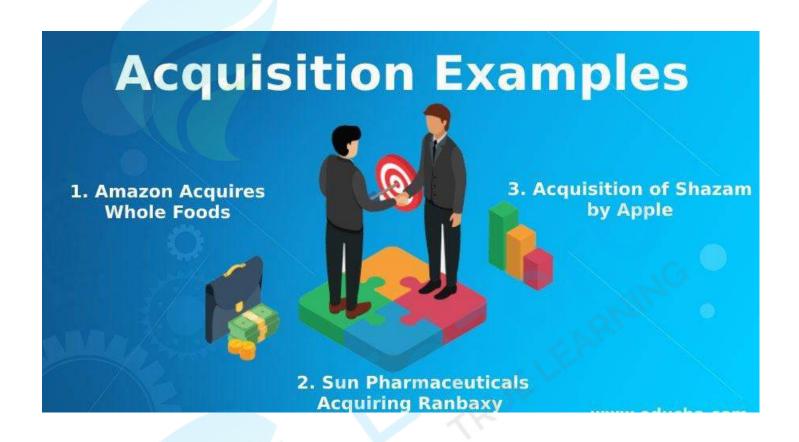
Ans: B

Prepositions of Time

General Specific ON AT Holidays without 'day' Parts of days Holidays with 'day' (morning, afternoon) (Labor Day, Christmas Day) (Easter, New Year's) Months Days of the week (April, May) (Monday) (noon, midnight, 6:00, 10 am) Days of the month Years (Fourth of July) Months **Dates** Centuries (April 15, my birthday)

- Q. 51) What is the correct spelling:
- a) Acquisition
- b) Acquizition
- c) Aquisition
- d) Acquisision

Ans: A



Q. 52) Which of the following are synonymous to the word 'periphery'?

- a) Edge
- b) Border
- c) Boundary
- d) All of the above

Ans: D

Periphery	The outer limits or edge of an area or object - small townships started to develop on the periphery of the main city Ex: 'pronounced as peri-fery; 'plural - peripheries; 'adjective form - peripheral;
Contour	The outline that represents the shape or boundary of something - the portrait artist studied the contours of his face
Verge	Edge - he was on the verge of getting fired because of his latest mistake

- Q. 53) The correct meaning of incumbent is:
- a) Upcoming
- b) Current holder
- c) Non-obligatory
- d) Competitor

Ans: B

Incumbent Currently holding office, in power, reigning

Ex: He was branded a "giant-killer" after defeating the incumbent Member of Parliament in the MP's own electoral constituency.

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- Q.54) Under the Rajasthan Rent Control Act, 2001, which of the following landlord is entitled to recover immediate possession of a residential premises:
- (a) A retired member of any Armed Forces of the Union
- (b) A retired employee of the Central Government
- (c) A retired employee of the State-Owned Corporation
- (d) All the above

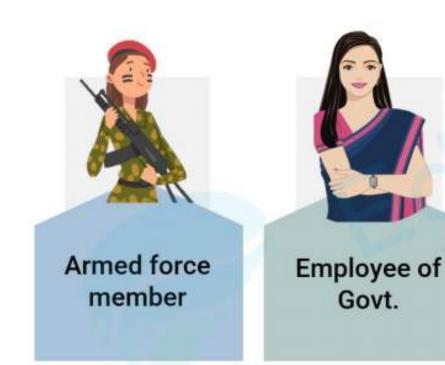
Answer: D



Section 10: Right of landlord to recover immediate possession in certain cases:

Following landlord shall, on a petition being filed in this behalf in the Rent Tribunal, be entitled to recover immediate

possession of a residential premises, if he:





- Member of armed force:
 - Member of <u>armed forces of paramilitary</u> forces of union
 - Petition is filed within 1 year:



Prior to or subsequent to the date of retirement

From the date of commencement of this Act

Whichever is later

• Employee of Government:

Employee of <u>Central Govt./State</u>
 Govt./State-owned Corporation



Prior to or subsequent to the date of retirement

From the date of commencement of this Act

Whichever is later



Petition is filed by senior citizen

Petition is filed after the:

Expiry of 3 years from the date of letting out of premises





Did you Know?

In this act, there is no provision for depositing of rent during pendency of a petition or an appeal because of which landlord suffers loss.



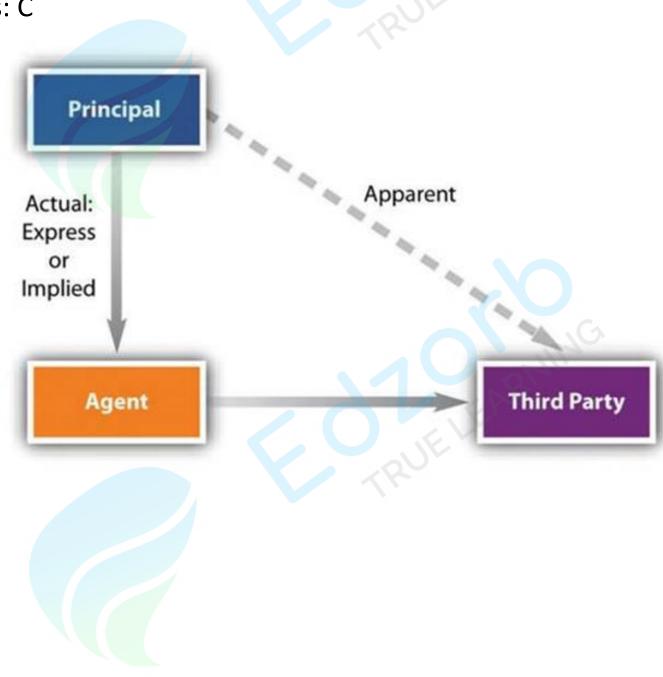
Reference: Rajasthan Rent Control Act, 2001, Sec. 10

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- a) Expressed
- b) Implied
- c) Either expressed or implied
- d) None of the above

Ans: C



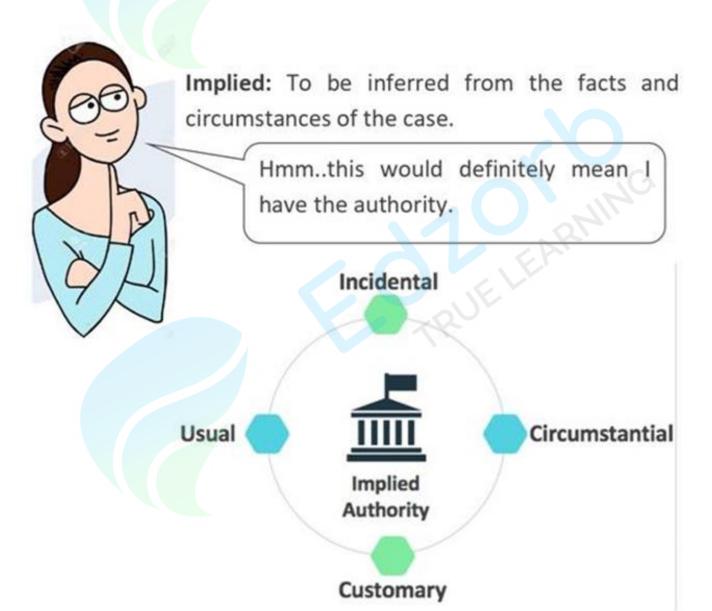
Section 187

Authority of an agent:

Express: Spoken or written







Section 186:

Agent's authority may be expressed or implied:

- Agency is created in the following ways-
 - Express Appointment
 - By conduct/situation/human relationship
 - By necessity
 - By subsequent ratification.

Here is the appointment letter Rohan. You will be acting as an agent for the company now onwards. Thank you! I will ensure all work are done accordingly.

Reference: The Indian Contract Act, 1872, Central Law Agency, Diglot Edition,
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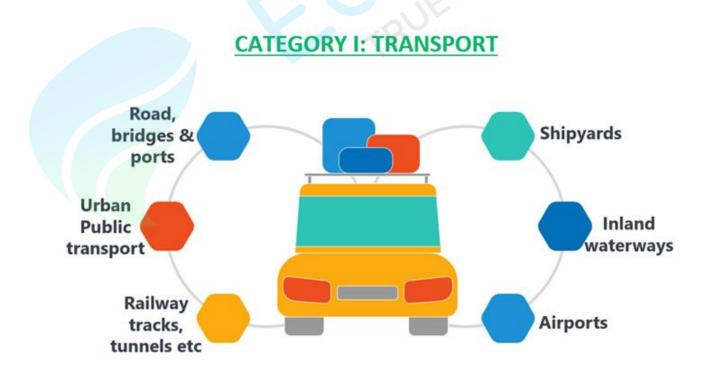
- Q.56) Which of the following is mentioned in schedule to SRA:
- 1. Oil and gas pipelines
- 2. Water supply & slurry pipelines
- 3. Telecommunication towers
- 4. 3 star or higher hotel located inside the city where population is more than 1 million

Codes:

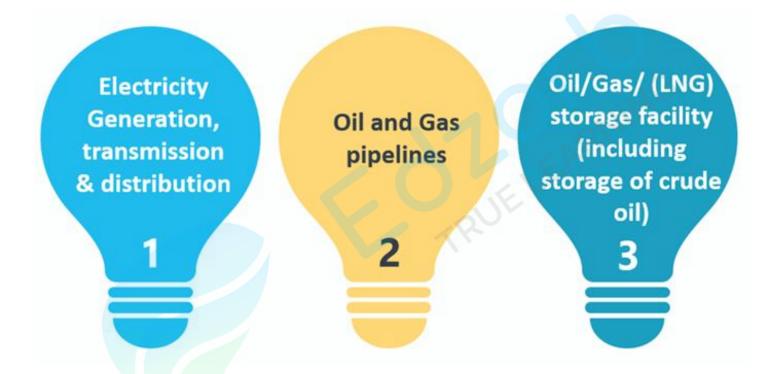
- a) 1, 2 & 4
- b) 1, 2 & 3
- c) 1, 3 & 4
- d) All of the above

Ans: B

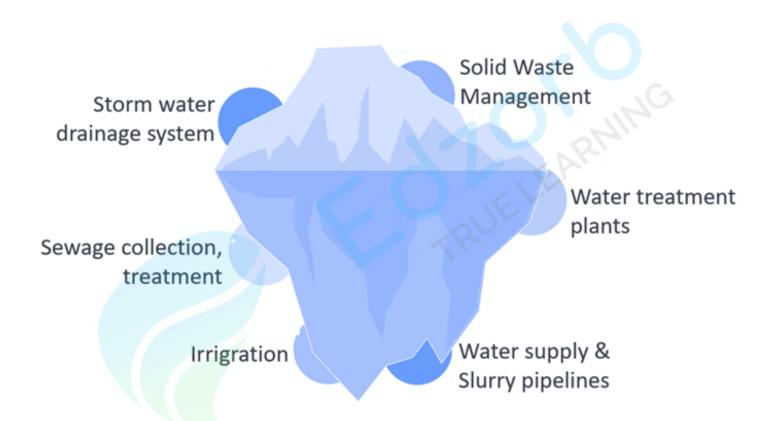
Schedule added by 2018 Amendment Act: Categories of projects and Infrastructure sub-sectors



CATEGORY II: ENERGY



CATEGORY III: WATER AND SANITATION



CATEGORY IV: COMMUNICATION



CATEGORY V: SOCIAL AND COMMERCIAL INFRASTRUCTURE

Post-harvest storage infrastructure for agriculture

Soil testing laboratories

Terminal markets



Tourism: Ropeways and cable cars Educational & sports institution

Hospitals

Tourism:

3 star or higher hotels located outside citiesPopulation> 1 million

Reference: Specific Relief Act, Schedule 1

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- Q.57) Which of the following could be proved as dying declaration after the death of a person?
- a) FIR lodged by the person (deceased)
- b) Statement of the person (deceased) to police, recorded u/s 161 CrPC.
- c) Statement of the person (deceased) recorded by the Executive Magistrate
- d) All of these

Ans: D

Concept of Dying Declaration: (Section 32(1))

- "Dying Declaration" means a statement written or verbal of relevant facts made by a person, who is dead.
- It is the statement of a person who had died explaining the circumstances of his death.



If a person dies, this becomes dying declaration as it states the cause of the death of the person.

Who can record Dying Declaration?

Any person can record dying declaration including:



Doctor



Magistrate (Executive or Judicial): Can become statement under **Section 164** CrPC



Police officer: It can become FIR or statement under Section 161 CrPC

State of U.P. Vs Madan Mohan AIR 1989 SC 1519

Dying declaration should be recorded by the executive magistrate & police officer to record the dying declaration only if condition of the deceased was so precarious that no other alternative was left.

Reference: Indian Evidence Act, Section 32

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- Q.58) A retracted confession:
- a) Can be made solely the basis of conviction without contradictions
- b) can't be made solely the basis of conviction under any circumstances
- c) Cannot be made solely the basis of conviction unless the same is corroborated
- d) Both (1) and (3) are incorrect

Ans: C

Retracted Confession:

To Retract



To withdraw or renounce prior statements formally.

Retracted Confession:

A retracted confession is a <u>statement made by an</u> <u>accused person before the trial begins</u>, by which he admits to have committed the offence, but which he rejects at the trial.

Before trial, while producing accused before magistrate.



I would like to confess that I and my friend committed fraud on the company.



Here, the confession is retracted by the person.



Evidentiary Value of Retracted Confession (RC):

Pyare Lal Bhargava Vs State of Rajasthan AIR 1963 SC 1094

Matter of prudence- RC not to be sole basis of confession unless corroborated.

Not necessary that each circumstance is separately and independently corroborated.

It must be corroborated it in material particulars.

Value of retracted confession against Co-accused and Accomplice

Shrishail Nageshi Pare Vs State of Maharashtra (1985) 2 SCC 341

- A retracted confession can be taken into consideration to indicate the prima facie involvement of others.
- A retracted confession can be considered against but it cannot be the basis for conviction of co-accused.

Comparison between Indian Law and English Law:

English Law

 An accused person <u>can be</u> <u>convicted on his own</u> <u>confession</u>, even when it is retracted if the Court is satisfied with its truth.

Indian Law

There is a <u>further</u>
 requirement of
 corroborative evidence
 to support it.

Reference: Indian Evidence Act, Section 27

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Q.59) The contract was written as "The agreement was signed on _____ in the presence of ____".

Whether an evidence can be given to fill these gaps.

- a) Yes, u/S. 93 of IEA
- b) Yes, u/s. 94 of IEA
- c) No, u/S. 93 of IEA
- d) No, u/S. 94 of IEA

Ans: C

Section 93:



- When the language used in a document is, on its face, ambiguous or defective,
- Evidence may not be given of fact which would show its meaning or supply its defects.



Keshav Lal Vs Lal Bhai T. Mills Ltd. 1958 AIR 512

Held: It would <u>not be open for the parties or the court</u> to remove the <u>ambiguity or vagueness</u> by relying upon the extrinsic evidence.

Section 94:

- When language used in a document is plain in itself, and when it applies accurately to existing facts,
- Evidence may not be given to show that it was not meant to apply to such facts.



If the seller has a house in Jabli, it cannot be proved that the contract was related to other property.

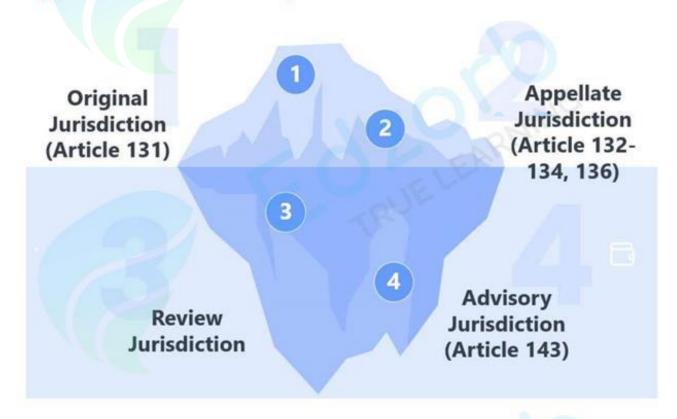
General Court Marshal Vs Col. Anil Tej Singh Dhaliwal 12 December, 1997, Supreme Court

Held: Section 94 applies only when the execution of the document is admitted before the court and there are no vitiating circumstances against it.

- Q.60) Disputes between states in India come to the Supreme Court under
- a) Appellate jurisdiction
- b) Original jurisdiction
- c) Advisory jurisdiction
- d) Review jurisdiction

Ans: B

Types of Jurisdiction of Supreme Court:



Original Jurisdiction of the Supreme Court:

 Writ Jurisdiction (Article 32): Supreme Court is the guardian and protector of fundamental rights and hence, citizen can approach it if FR is violated.

- Disputes relating to Union and State (Article 131):
 Supreme Court <u>settles the disputes between</u>:
 - Government of India and state or states, or



Two or more States.



https://timesofindia.indiatimes.com/city/chandigarh/s c-to-punjab-haryana-cms-sort-out-syl-row-withoutbloodshed/articleshow/77236827.cms

Reference: The Constitutional Law of India by M.P. Jain; 6th Ed, 2012; Page No: 214. Copyright © Edzorb Law: Any breach will attract legal action with or without notice.



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- Q.61) Where can impeachment proceedings against the President be initiated?
- a) In Lok Sabha
- b) At a joint sitting of the two Houses specially called for the purpose
- c) In either House of Parliament
- d) In the Supreme Court

Ans: C

Article 61: Impeachment of President:

Grounds of impeachment: The President may be impeached for violating the Constitution of India.



Impeachment of President



INDIA

Impeachment charges can be intiated by either house (charges should be signed by 1/4th member)

14 days notice served to President

Chairman/ Speaker decide if house should proceed

Voting takes place

Special Majority: 2/3rd

majority of total member

Sent to other house

Investigation

Passes resolution:

Special Majority

President-Impeached

USA

Any member of the House of Representatives can introduce Impeachement

Or

House can vote for enquiry

House Judiciary Committee analyses the accusation and frame articles

Ву

Simple Majority:

>50% mjority

Houses of respresentative debate and vote

Simple Majority:

>50% mjority

President-Impeached

Bill of Indictment:

Once the President is impeached in USA, bill of indictment is written in House of Senate, where President is tried and then there is voting by simple majority, if it passes then there is conviction and removal of President from office.

Did you Know?

No president has been impeached till now.

Reference: The Constitutional Law of India by M.P. Jain; 6th Ed, 2012; Page No: 132. Copyright © Edzorb Law: Any breach will attract legal action with or without notice.

Q.62) Which of the following statement is incorrect:

- a) Bailable and Non-bailable offence: Section 2(a)
- b) Cognizable Offence and Non-cognizable Offence: Section 2(c)

c) Charge: Section 2(b)

d) India: Section 2(f)

Ans: B





Bailable Offence

- Bailable offence means an offence which is shown as bailable in the First Schedule, or which is made bailable by any other law for the time being in force.
- Non-bailable offence means any other offence.

Bailable Offence



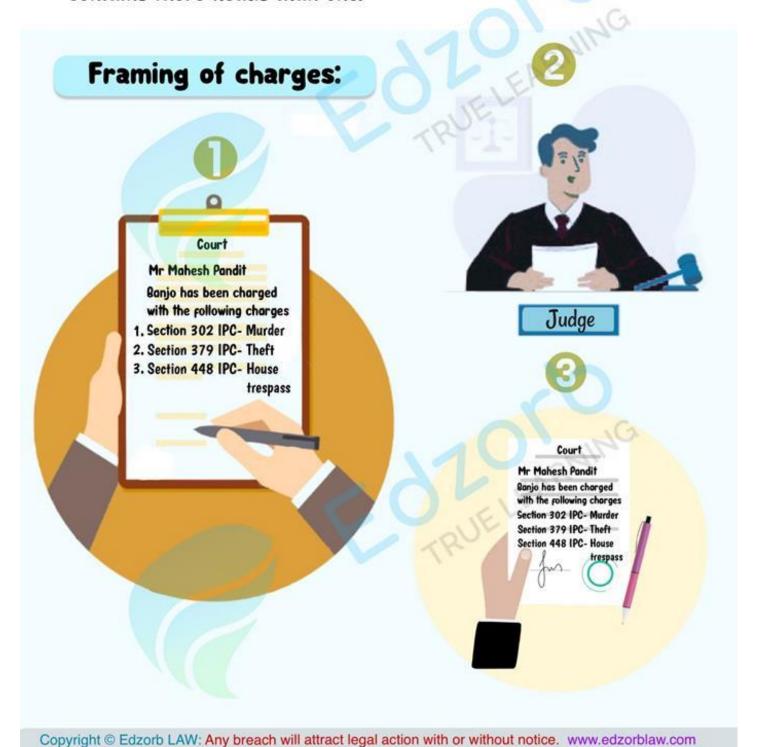
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Charge

"Charge" includes any head of charge when the charge contains more heads than one.

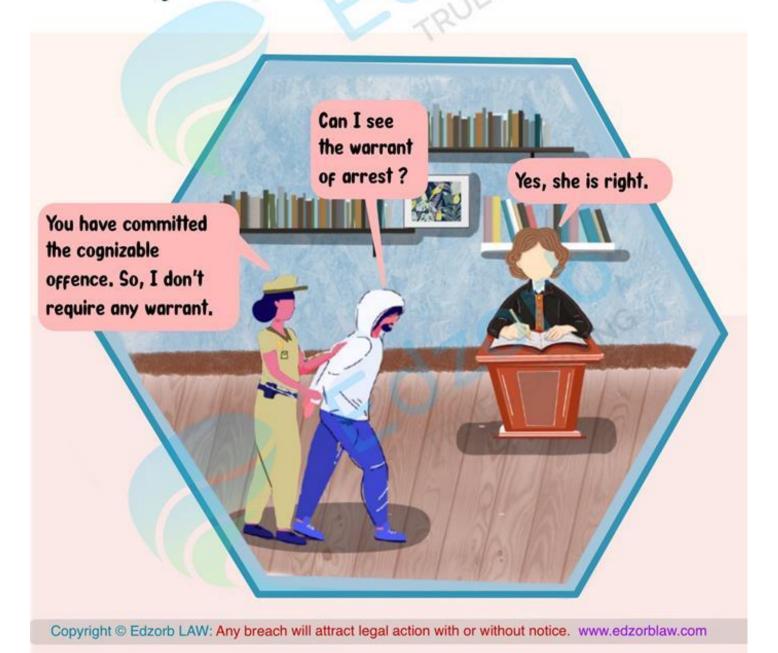






Cognizable Offence

"Cognizable offence" means an offence for which, and "cognizable case" means a case in which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant.





Whatis India ?

India" means the territories to which this Code extends.







Non- Cognizable Offence

"Non- cognizable offence" means an offence for which, a police officer has no authority to arrest without warrant.



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Q.63) In which of the following case Apex Court held that Section 499 is not an excessive restriction on freedom of speech?

- a) Indra Swahney Vs Union of India
- b) S.R. Bommai Vs Union of India
- c) R S Lodha vs B K Birla
- d) Subramaniam Swamy Vs Union of India

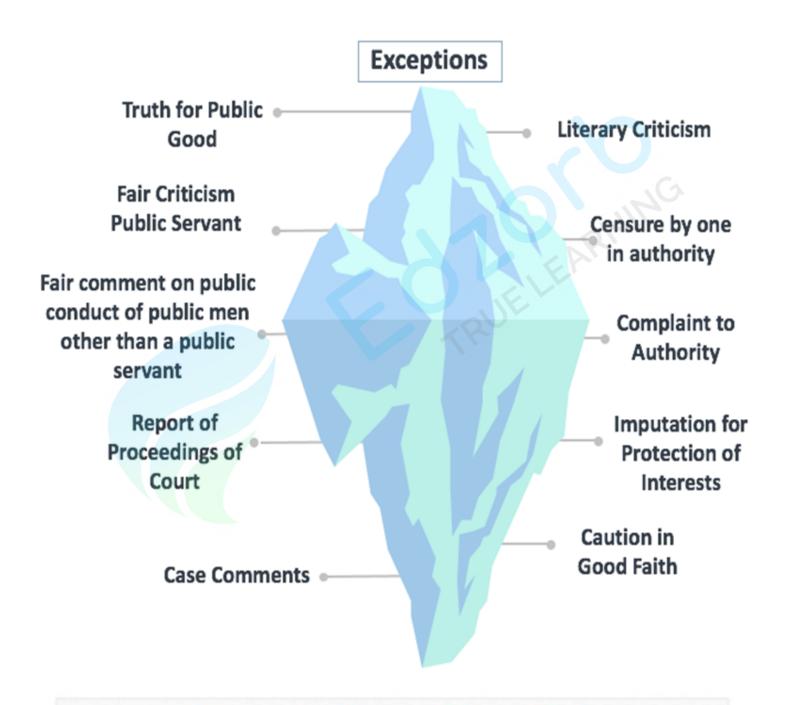
Ans: D

Section 499

Defamation

Ingredients

- Mode: Words, signs visible representations or any imputation
- Intention:
- to harm the reputation
- lowers the moral or intellectual character or credit
- · puts them in loathsome or disgraceful state
- Applicable Dead Person or Company



Subramanian Swamy v. Union of India 2014

In 2014, Dr. Subramanian Swamy made corruption allegations against Ms. Jayalathitha.

Section 499 excessive restriction on freedom of speech and expression Article 19 (1)(a)?

Held:

NO.

- Valid to treat defamation as a public wrong.
- Protection of reputation is a fundamental right as well as a human right.



Reference: The Indian Penal Code, 1860.

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- Q.64) 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

Ans: A

Introduction

Section 16 of the Juvenile
 Justice (Care and
 Protection of Children)
 Act, 2015 contains
 provision with regards to
 the review of the
 pendency of inquiry.



Section 16: Review of the pendency of inquiry.

 The Chief Judicial Magistrate or the Chief Metropolitan Magistrate should review the pendency of cases of the Board once in every three months, and

- They should direct the Board to increase the frequency of its sittings or
- It might recommend the constitution of additional Boards.
- Things that should be reviewed by High Level
 Committee in every 6 months
 - The number of cases pending before the Board,
 - The duration of such pendency,
 - The nature of pendency and reasons of it.
- High level committee consisting of
 - The Executive Chairperson of the State Legal Services Authority.
 - A representative from a voluntary or nongovernmental organisation to be nominated by the Chairperson.

- The information of such pendency should be furnished on quarterly basis by the Board to the –
 - Chief Judicial Magistrate or
 - Chief Metropolitan Magistrate and
 - District Magistrate
 - Format prescribed by the State Government.

Sanjay Suri Vs Delhi Administration AIR 1986 SC 414

Held: The Supreme Court ordered the release of juvenile undertrial prisoners.

 The judgement also highlighted that the jail authorities shall not accept the age of the juvenile until and unless the age is specifically mentioned in the documents supporting detention.

Conclusion

 Hence, the pendency of cases of the Juvenile Justice Board should be reviewed by the Chief Judicial Magistrate or the Chief Metropolitan Magistrate.

Reference: The Juvenile Justice (Care and Protection of Children) Act, 2015 s. 16

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- Q.65) Any person aggrieved by order made by the competent authority under the Juvenile Justice (Care and Protection of Children) Act, 2000 can appeal to RUELEARNING
- (a) The Sessions Court
- (b) The High Court
- (c) Home Minister
- (d) Chief Justice Magistrate

Ans: A

Introduction

 Section 52 in The Juvenile Justice (Care and Protection of Children) Act, 2000 provides provision with regards to appeals.

Section 52 Appeals

 The aggrieved person can appeal to the Court of Session within 30 days.



- Provided that the Court of Session might entertain the appeal after the expiry of the thirty days,
 - If it is satisfied that there is a sufficient cause for delay.

An appeal shall not lie from –

- Any order of acquittal made by the Board relating to a juvenile alleged to have committed an offence;
- Any order made by a Committee with respect to a finding that a person is not a neglected juvenile.
- There should be no second appeal from the order passed by the Court of Session in appeal under this section.

Conclusion

 Therefore, if any person is aggrieved by order made by the competent authority under the Juvenile Justice (Care and Protection of Children) Act, 2000 can appeal to the Sessions Court.

Reference: The Juvenile Justice (Care and Protection of Children) Act, 2000 s. 52

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- Q.66) Which of the following statement is not correct:-
- a) One or more Juvenile Justice Board shall be constituted by the State Government for every district.
- b) Each Juvenile Justice Board shall consists of a Metropolitan Magistrate or a Judicial Magistrate and two social workers, of whom at-least one shall be a woman
- c) The order passed by the Juvenile Justice Board in absence of any member at any stage of proceedings shall be invalid.
- d)Power of the Juvenile Justice Board may also be exercised by the High Court and the court of sessions, who the proceedings come before them in appeal, revision or otherwise.

Answer: C

 Section 5 of The Juvenile Justice (Care and Protection of Children) Act, 2000 provides the order passed by the Juvenile Justice Board in absence of any member at any

stage of proceedings should not be invalid.



 Section 4 and Section 6 of The Act, 2000 provides provision with regards to Juvenile Justice Board and Powers of Juvenile Justice Board respectively.

Section 4 Juvenile Justice Board

- The State Government should constitute one or more Juvenile Justice Board for every district.
- Each Juvenile Justice Board should consist of
 - A Metropolitan Magistrate or
 - A Judicial Magistrate and
 - Two social workers (one should be a women).

Section 6 Powers of Juvenile Justice Board

- A Board constituted for any district have the power to deal with all the proceedings under this Act.
- Power of the Juvenile Justice Board might be exercised by –
 - The High Court and
 - The court of sessions,

 When – during the proceedings come before them in appeal, revision or otherwise.

Jayendra Vs State of U.P. AIR 1982 SC 685

Held: If the order of the High Court sending a child to imprisonment for committing an offence was challenged before the Supreme Court.

 The Supreme Court called for the report by the medical in charge of the jail to determine the age of the child and it was found that the age of the child at the time of committing an offence was 16 years and 4 months and the sentence for imprisonment was quashed and the convict was released immediately.

Conclusion

 Therefore, the order passed by the Juvenile Justice Board in absence of any member at any stage of proceedings should be valid.

Reference: The Juvenile Justice (Care and Protection of Children) Act, 2000 s. 4, 5, 6
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Q.67) In which section second rule of against perpetuity was propounded?

- a) Section 12
- b) Section 13
- c) Section 14
- d) Section 15

Ans: C

Section 14 of TPA, 1882: Rule against perpetuity is the rule

- Which is against a <u>transfer making them inalienable</u> for an indefinite period or forever.
- Where a property is transferred in such a way that it becomes non-transferable in future
- For an indefinite period, the property is tied up forever.



Reference: Property Law by PP Saxena; 2nd Ed., 2011, Page No. 152

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- Q.68) Making the facts in issue is
- a) Is the duty of the party
- b) Is duty of the advocates of the party
- c) Is the duty of the court
- d) Is the duty of the government council

Ans: C

- Issues are disputed facts.
- Issues are framed by the court.



Issues are framed by court and not by the parties or either by the consent of the parties.

- Q.69) A Magistrate directing the matter to be referred for counseling under Section 14 of the Protection of Women from Domestic Violence Act, 2005, will fix the next date for hearing:
- a) After a period of two months,
- b) Within a period not exceeding two months.
- c) After a period of three months.
- d) After a period of four months.

Answer: B

Section 14 of the Protection of Women from Domestic Violence Act, 2005 provides provision with regards to Counselling.



Section 14: Counselling

 Directed By – The Magistrate, at any stage of the proceedings under this Act.

Direction To –

- The Respondent or
- The aggrieved person (either singly or jointly).
- The Direction To undergo counselling with any member of a service provider who possess such qualifications and experience in counselling as may be prescribed.
- If the Magistrate has issued any direction, then, he should fix the next date of hearing of the case within a period not exceeding two months.

S.R. Batra Vs Tarun Batra Civil Appeal 5837 of 2006

Held: The Supreme Court with reference to definition of shared household under Section 2(s) of the Domestic Violence Act stated that the definition of 'shared household' in Section 2(s) of the Act is not very happily worded, and appears to be the result of clumsy drafting requires to be interpreted in a sensible manner.

 Section 17(1) of the Act wife is only entitled to claim a right to residence in a shared household, and a 'shared household' would only mean the house belonging to or taken on rent by the husband, or the house which belongs to the joint family of which the husband is a member.

Conclusion

 A Magistrate directing the matter to be referred for counseling under Section 14 of the Protection of Women from Domestic Violence Act, 2005, will fix the next date for hearing within a period not exceeding two months.

Reference: The Protection of Women from Domestic Violence Act, 2005 s. 14

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- Q.70) Who of the following have power to make rules under S. 17 of the Probation of the Offenders Act, 1958?
- a) State Government with approval of Central Government
- b) Central Government with the approval of Supreme Court
- c) High Court
- d) Any of the above

Ans: A

 Section 17 of the Probation of the Offenders Act, 1958 provides provision with regards to the Power of the State Government to make rules.



GOVERNMENT

Section 17 Power to make rules

 The State Government with the approval of the Central Government makes rules to carry out the purposes of this Act. These rules will not affect the generality of the foregoing power.

The rules provide for all or any of the following matters, namely:—



- All the rules made under this section should be as per the condition of previous publication.
- The rules made should be laid before the State Legislature.

Conclusion

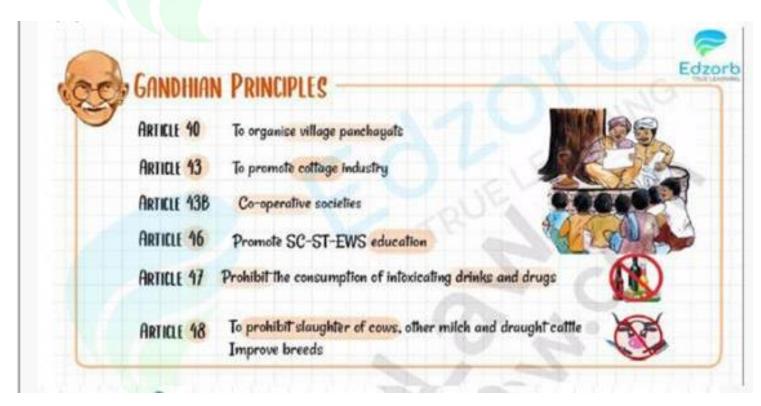
 Hence, the State Government with the approval of the Central Government have the power to make rules under Section 17 of the Probation of the Offenders Act, 1958.

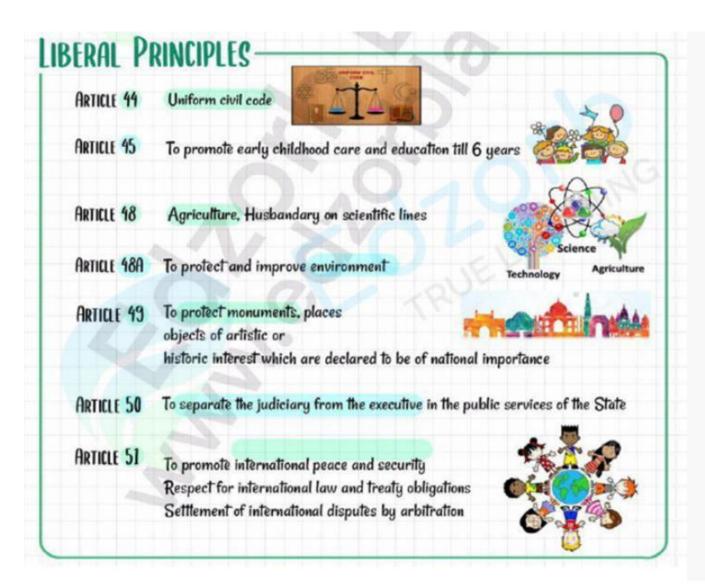
Reference: The Probation of the Offenders Act, 1958 s. 17

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- Q.71) Which of the following is not a directive principle of state?
- a) Organisation of village panchayat
- b) Provisions for free and compulsory education for the citizens of all age group
- c) provision for just and human conditions of work
- d) Promotion of educational and economic interest of scheduled castes and scheduled tribes and other weaker sections.

Ans: B





Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21-A to provide free and compulsory education of all children in the age group of six to fourteen years as a Fundamental Right.



Option (B) is wrong as:

- It is a Fundamental Right and not a DPSP.
- it is for children of 6 to 14 years.

T.M.A Pai Foundation Vs State of Karnataka AIR 2003 SC355

State can determine the status of a **religious or linguistic** minority and religious and linguistic minorities, who have been put on a par in **Article 30** and any regulation framed in the **national interest** must necessarily apply to all educational institutions, whether run by the **majority or the minority**.

Reference: The Constitutional Law of India by M.P. Jain; 6th Ed, 2012; Page No: 1301, 1512.

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- Q.72) Doctrine of Privity to contract applies on contract between Principal and _____?
- a) Sub agent
- b) Substituted agent
- c) Both (a) and (b)
- d) Neither (a) nor (b)

Ans: B

Section 194 of the ICA, 1872 defines a Substituted Agent

An agent, for a part of the business of the agency, can name a person as substituted agent who becomes an agent of the Principal after having an express or implied authority to name a person to act for the principal in the business of the agency as is entrusted to him and not a sub-agent;



Sub-Agent

- Defined under Section 191 as, a person appointed by and in control
 of an original agent.
- There is no contract between a Principle and Sub-Agent.

Substituted-Agent

- Section 194, provides for the appointment of a Substituted-Agent.
- Principal and the Substituted-Agent have Privity of Contract.

Reference: Contract & Special Relief by Avtar Singh; 10th Ed; 2008; Page No. 761

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- Q.73) Under Section 139 of CrPC, magistrate may order for ?
- a) Local investigation only
- b) Local investigation and examination of expert
- c) Examination of expert only
- d) None of the above

Ans: B

Section 139-Power of Magistrate to direct local investigation and examination of an expert.

The Magistrate <u>may</u>, for the purposes of an inquiry under section 137 or section 138-

- (a) direct a local investigation to be made by such person as he thinks fit; or
- (b) summon and examine an expert.

Yes, you go this site and bring me information about the factory dumping waste into the pond.









Reference: Code of Criminal Procedure, 1973

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RAJASTHAN

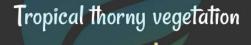


SANCTUARY & NATIONAL PARK

- •Sariska NP
- Desert NP
- Ranthambore NP
- Keoladeo Ghana NP



Guru Shikhar 1,722 m



Desert

RANGES

- •Aravalli range
- Mount Abu

-STATE ANIMAL

Camel, Chinkara



-STATE TREE

Khejri (Prosopis cineraria)



-STATE FLOWER

Rohida (Tecomella undulata)



-STATE BIRD

Great Indian Bustard



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RAJASTHAN







- Bishnoi Tribe
- Meena tribe
- Meghval
- Rabari Tribe

■ Thar desert



■Jantar Mantar



Amer Fort



-Mount Abu



Umaid Bhawan Palace



■Jodhpur "Blue city"



GhateshwaraMahadeva temple





RAJASTHAN



Ranthambore

1973



Banas, Chambal



Aravalli and Vindhya

• Tiger, Leapord, Sambar, Sloth Bear, Chital, Gray Langur, Rhesus Macaque 🥒 • Jamun, Gurjan













Nilgai

Striped hyena

Wild Boar

Mugger Crocodile

Banyan

Babul

Sariska

1978



Bandipool stream flows into the Ruparel River



Aravalli Range

- It is the first reserve in the world with successfully relocated Tigers
- Tiger, Indian Leopard, Jungle Cat, Striped Hyena, Chital, Sambar Deer, Nilgai, Wild Boar







Small Indian Civet



Golden Jackal



Indian Eagle-Owl



Dhok, Kair, Adusta, Jhar Ber

2013





Khair trees



Blue Bull



Wild Boar



Sloth Bear



Hyena



Tiger Leopards

Deer

Wild boars



Q.74) Which article of Limitation Act provides for compensation for malicious prosecution:

- a) Article 71
- b) Article 74
- c) Article 75
- d) Article 72

Ans: B

Article 74

Description of suit

For compensation for a malicious prosecution.

Period of limitation

One year

Time from which period begins to run

When the plaintiff is acquitted or the prosecution is otherwise terminated.

1. Prosecution by the tortfeasor or Defendant 2. Without 5. Some "reasonable damage to and the Plaintiff probable" Malicious cause Prosecution 4. Plaintiff 3. With should be Malice acquitted

Oh my god! All the lies!
He'll definitely pay for
this malicious
prosecution one I'm
acquitted.

Yes, Inspector he stole my dead wife's jewelries! Hehe.. this way I can get rid of them!



Reference: Limitation Act, 1963; FIRST SCHEDULE

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Q.75) यह, वह, तुम, आप हैं-

- a) क्रिया
- b) संज्ञा
- c) विशेषण
- d) सर्वनाम

Ans: D

- सर्वनाम उन शब्दों को कहा जाता है, जिन शब्दों का प्रयोग <u>संज्ञा</u> अर्थात किसी व्यक्ति, वस्तु, स्थान आदि के नाम के स्थान पर करते हैं।
- इसके अंतर्गत मैं, तुम, तुम्हारा, आप, आपका, इस, उस, यह, वह, हम, हमारा आदि शब्द आते हैं।
- पुरुषवाचक मैं, तू, वह, हम, मैंने
- निजवाचक आप
- निश्चयवाचक यह, वह
- अनिश्चयवाचक कोई, कुछ
- संबंधवाचक जो, सो
- प्रश्नवाचक कौन, क्या



Q.76) LICENCE शब्द का सही हिंदी रूपांतरण बताइए:

- a) पट्टा
- b) अनुज्ञप्ति
- c) अनुमति पत्र
- d) प्रत्याभूति

Ans: B

LICENCE का अर्थ:

n.(संजा)

- • अनुज्ञप्ति
- • आज ना
- - अधिकार
- + सनद
- - लाइसैंन्स
- • अधिकार पत्र

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Q.77) "किये हुए उपकार को न मानने वाला कहलाता है :

- a) कृततज्ञ
- b) कृतार्थ।
- c) कृतघ्न
- d) कुलांगार

Ans: C

- "किए हुए उपकार को न मानने वाला-
- कृतघ्न
- उपकार मानने वाला कृतरा

- Q.78) निम्नांकित में से शुद्ध वाक्य है:
- a) तुलसीदास ने रामचरितमानस का प्रणयन किया।
- b) तुलसीदास ने रामायण का प्रणयन किया।
- c) तुलसीदास ने रामचरितमानस का पारायण किया।
- d) तुलसीदास ने रामचरितमानस का संयोजन किया।

Ans: A

- तुलसीदास ने रामचरितमानस का प्रणयन किया।
- श्री रामचरित मानस के अतिरिक्त विनय पत्रिका,
 दोहावली, कवितावली, गीतावली आदि अनेक भिक्त परक ग्रंथों की रचना की



- Q.79) किस युग्म में विलोमता नहीं है?
- a) अभिकज्ञ-अनभिज्ञ
- b) वियोग-संयोग
- c) ग्राहय-त्याज्य
- d) हर्ष-विस्मय

Ans: D

- हर्ष-विस्मय युग्म में विलोमता नहीं है।
- हर्ष, विषाद, विस्मय, घृणा आदि के लिए प्रयोग किया जाता है विस्मयादिसूचक।



Q.80) "जानने की इच्छा रखने वाला' के लिये उपयुक्त शब्द है:-

- a) विश्वासी
- b) सर्वक्ञ
- c) जिज्ञासु
- d) वाचाल

Ans: C

- जानने की इच्छा रखने वाला जिजासु
- जानने वाला विज्ञ

Q.81) "कामचोर' में समास हे;

- a) अपादान तत्पुरुष
- b) अन्ययी भाव
- c) करण तत्पुरुष
- d) बहुब्रीहि

Ans: A

- कामचोर में समास का उपभेद पंचमी तत्पुरुष (अपादान तत्पुरुष) समास है।
- तत्पुरूष समास सूत्र-प्रायेण उत्तरपदार्थ प्रधानस्तत्पुरूषः
- जिस समास में उत्तर पद के अर्थ की प्रधानता हो तथा
 पूर्व पद में द्वितीया से सप्तमी विभक्ति तक का लोप हो , उसे तत्पुरूष समास कहते है।

- Q.82) 'हाय! अब मैं क्या करं।' किस प्रकार का अव्यय है
- a) क्रिया विशेष
- b) समुच्चय बोधक
- c) संबंध सूचक
- d) विस्मयादि बोधक

Ans: D

- साधारण क्रियाविशेषण अव्यय :- जिन शब्दों का प्रयोग वाक्यों में स्वतंत्र रूप से किया जाता है उन्हें साधारण क्रियाविशेषण अव्यय कहते हैं।
- जैसे :- हाय! अब मैं क्या करूँ।
- बेटा जल्दी जाओ !
- अरे! वह सांप कहाँ गया ?

Q.83) निम्न में से कौन सा शब्द 'चांदनी' का समानार्थी नहीं है?

- a) चन्द्रिका
- b) कोमुदी
- c) ज्योत्स्ना
- d) कालत्र

Ans: D

- 'चांदनी' का पर्यायवाची शब्द
- चन्द्रिका, कौमुदी, ज्योत्स्ना, चन्द्रमरीचि, उजियारी, चन्द्रप्रभा, जुन्हाई।



Q.84) "साध्वाचरण" शब्द का संधि विच्छेद किस क्रम में है:

- a) साधु + आचरण
- b) साध + आचरण
- c) साधव + चरण
- d) साधु + चरण\

Ans: A

- "साध्वाचरण" शब्द का संधि विच्छेद किस क्रम में है:
- साध् + आचरण

Q.85) वे शब्द जो किसी संस्कृत या प्राकृत मूल से निकले हुए नहीं जान पड़ते और जिनकी व्युत्पत्ति का पता नहीं WE LEARNING लगता, कहलाते हैं:

- a) तेत्सम
- b) व्यंजन
- c) देशज
- d) खडी बोली

Ans: C

- जो शब्द क्षेत्रीय प्रभाव के कारण परिस्थिति व आवश्यकतान्सार बनकर प्रचलित हो गए हैं वे देशज कहलाते हैं।
- **जैसे**-पगड़ी, गाड़ी, थैला, पेट, खटखटाना पगड़ी, मनई, मेहरारू आदि।

Q.86) संज्ञा या सर्वनाम का क्रिया के साथ संबंध निर्धारित करने वाले तत्व कहलाते हैं:

- a) विशेषण
- b) अव्यय
- c) क्रिया
- d) कारक

Ans: C

- परिभाषा-संज्ञा या सर्वनाम के जिस रूप से उसका सीधा संबंध क्रिया के साथ ज्ञात हो वह कारक कहलाता है।
- जैसे-गीता ने दूध पीया। इस वाक्य में 'गीता' पीना क्रिया का कर्ता है और दूध उसका कर्म।
- अतः 'गीता' कर्ता कारक है और 'दूध' कर्मकारक।

- Q.87) निम्न में से शुद्ध वाक्य हे-
- a) कृपया करके अपना स्थान ग्रहण करें
- c) अपना स्थान ग्रहण करने की कृपया करें d) उपगेन्न --
- d) उपरोक्त सभी

Ans: B

- अपना स्थान ग्रहण करने की कृपा करें।
- वाक्यों में अनेक प्रकार की अश्द्धियाँ होती हैं जिनमें से क्छ इस प्रकार हैं -
- वर्तनी संबंधी अश्द्धि
- शब्द-अर्थ प्रयोग की अश्द्धि
- लिंग संबंधी अश्द्धि
- वचन संबंधी अश्द्धि
- पदक्रम संबंधी अश्द्धियाँ
- प्नरावृति की अश्द्धियाँ/प्नरुक्ति दोष

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Second Question Paper

3. Translate the following 10 Sentences into English: -

- 10
- a) उच्च न्यायालयों का अपीलीय अधिकार क्षेत्र भी दीवानी और फौजदारी दोनों प्रकार के मुकदमों तक विस्तृत है.
- किसी संस्था या व्यक्ति या कंप्यूटर नेटवर्क में अनिधकृत व्यक्ति द्वारा बिना अनुमित लिये उसके कंप्यूटर के डाटा की कॉपी करना या उसे साझा करना डाटा चोरी अपराध के तहत माना जाता है।
- दरअसल कोर्ट की अवमानना की समूची व्यवस्था न सिर्फ जनतंत्र, बल्कि न्यायिक प्रणाली के भी प्राकृतिक नियमों को सस्पेंड किये जाने की मांग करती दिखती है।
- ब) जिन दीवानी मुकदमों में कम-से-कम 5,000 रु. की मालियत का प्रश्न अंतर्ग्रस्त हो, उनकी अपीन उच्च न्यायालय में की जा सकती है

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- वधि भारत एक संघ है, परन्तु अन्य संघों के विपरीत भारत में संविधान द्वारा एकतापूर्ण न्यायपालिका और एक ही मौलिक विषयों के समृह की व्यवस्था की गई है
- f) पहले उच्च न्यायालयों को केवल बंदी-प्रत्यक्षीकरण के लेख जारी करने का अधिकार था, परन्तु अब उच्च न्यायालयों को बंदी-प्रत्यक्षीकरण, परमादेश, प्रतिषेध, अधिकार-पृच्छा, उत्प्रेषण इत्यादि लेख जारी करने का अधिकार दिया गया है.
- सर्वोच्च न्यायालय के मतानुसार उद्देशिका का प्रयोग संविधान निर्माताओं के मस्तिष्क में झांकने और उनके उद्देश्य को जानने में प्रयोग की जा सकती है।
- h) लेकिन कानून में प्रावधानित कारावासों और वास्तविक कारावासों में अत्यधिक अन्तर है ।
- जमानत, किसी आरोपी को प्राप्त एक ऐसी कानूनी व्यवस्था है जिसके तहत अदालत में प्रतिभूति या गारंटी के रूप में पैसे या संपत्ति या कुछ संपार्श्विक बांड जमा कर रिहाई प्राप्त की जाती है.

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Incorrectly (0.3) (1/10) TOTAL MARKS (10, 100)

(a) The appellate jurisdiction of high courts / also covers both civil and criminal entends upto (6) Without seeling permission of an appointed person of an institution or computer network, the act of maling a copy of his computer's data or sharing it is an Offence the fermission of an institution or an institution or an institution or an institution of an institution or an individual or a computer network, makes copy of data, or such. (4) Actually tree proper system of contempt of court not only siegs to suspend democracy, rather also envisages to susperid tre principles of natural justice of fudicial tystem. dispute is related to a sum of at least of 5000/- R com he appealed trefore the High Court.

(e) Although India is an union, leut unlike other unions, an united judicial system and a group of fundamental subjects have been guaranteed by the Constitution of India. provided by (C2/d2-2/1) (b) Initially, the High Courts only had the right to issue the writ of halveas coopers, but now they have been hestoured the right to iesue the writs of halveas corpus, mandamus, prohibition, que warrante and certiorari.
et retern (50218) Make sure that
every word is revered.

(9) According to Supreme Court, the preamble
can be used to look into the minds of framers of the Constitution and to find out their intention and objective. The sentence is silent on intention (h) But there is a lot of difference metween the prisons laid down by the law and that statutory prisons Scanned with CamScanner

of real phisons. huge (3) Bail is such a hestomed right for + any accused (i) Buil, is such a legal system available to any accused, in pursuance of which he can he released by depositing any security, money in the form of guarantee, property or a collateral The question was about summary misting, and not translation.

This diwali, while judicially decisions talled about the fullicially decisions had talled about reservictionselon crackers declared to put gallian not trein; the bullic morried all these factors and burnt wrackers the whole night. This is the lowermost step of decency and the man standing on très step, environment, his own health or the comprise or

Q.88) हिन्दी भाषा किस लिपि में लिखी जाती है?

- a) प्राकृत
- b) पाली
- c) देवनागरी
- d) सिंहली

Ans: C

- हिंदी भाषा की लिपि देवनागरी लिपि हैं। हिन्दी भाषा देवनागरी लिपि में लिखी जाती है।
- देवनागरी लिपि में हिन्दी के अलावा संस्कृत, पालि, मराठी, कोंकणी, सिन्धी भोजपुरी, मगही, कश्मीरी, अंगिका, नेपाली, गढ़वाली, बोडो, संथाली, मैथिली आदि भाषाएँ भी लिखी जाती हैं।

- Q.89) घर शब्द का पर्यायवाची शब्द है-
- a) प्रासाद
- b) ग्रह
- c) सदन
- d) ग्राम

Ans: C

- घर का पर्यायवाची शब्द है-
- आलय, आवास, गेह, गृह, निकेतन, निलय, निवास, भवन,
 वास, वास -स्थान, शाला, सदन।

Q.90) Section 27 of the Limitation Act, 1963 provides that on the expiry of the period of limitation for filing a suit for possession, RUELEARNING

- a) The right itself gets extinguished
- b) Remedy is barred
- c) Both (a) and (b)
- d) None of the above

Ans: A

(A)

Section 27: Extinguishment of right to property:

At the determination of the period hereby limited to any person for instituting a suit for possession of any property, his right to such property shall be extinguished."

When there exists a cause of action in favour of a person to file a suit for possession and

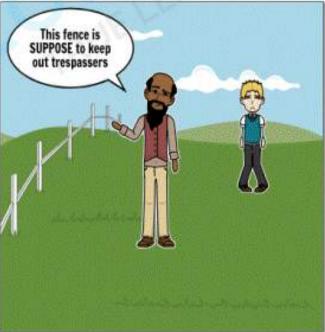


If suit is not filed within the period of limitation,



Then his proprietary right shall stand extinguished. This section conveys that limitation not only bars the remedy, but also extinguishes the title.











Adverse possession is a principle of law by which someone
who possesses the property of another person for an
extended period of time may be able to claim legal title to that
land, provided he fulfills certain other criteria.

- It is based on the principle of limitation of actions whereby an action in the courts becomes 'statute-barred' after a certain period of time.
- But for this section to apply, the true owner should not be in possession of the property.

Reference: Civil Procedure & Limitation Act by C. K. Takwani; 8th Ed., 2013, Page No. 777

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- Q.91) The jurisdiction to grant exemption under section 14 of Limitation Act, 1963 is given exclusively to
- a) Civil Court
- b) High Court
- c) Supreme Court
- d) None of the above

Ans. A

(A)

Section 14 applies to suits and application only, and not to appeals.

This section is limited to courts of original jurisdiction. However,

Section 5 gives a large and more unfettered power in the same
behalf to appellate courts.

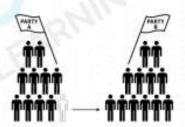
Did you Know?

Section 14 is restricted to civil proceedings before court of first instance. It does not apply to criminal proceedings.



On analysis of the said section, it becomes evident that the following conditions must be satisfied before **Section 14** can be pressed into service:

 Both the prior and subsequent proceedings are civil proceedings prosecuted by the same party;



2) The prior proceeding had been prosecuted with due diligence and in good faith;

- The failure of the prior proceeding was due to defect of jurisdiction or other cause of like nature;
- The earlier proceeding and the latter proceeding must relate to the same matter in issue and;
- 5) Both the proceedings are in a court.

Reference: Civil Procedure & Limitation Act by C. K. Takwani; 8th Ed., 2013, Page No. 772

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Q.92) The period of limitation for a suit for an account and a share of the profits of dissolved partnership is

- a) One year
- b) Two years
- c) Three years
- d) Five years

Ans: C

(C)

Article 5

Description of suit

For an account and a share of the profits of a dissolved partnership.

Period of limitation

Three years.

Time from which period begins to run

The date of the dissolution.



Dissolutions of firms Sec 39 to 55

Se. 39 lays down that the dissolution of partnership between all the partners of a firm is called the "Dissolution of a firm".

Changes in the constitution of a firm does not amount to a Dissolution of a firm.

Retirement of Partner does not amount a dissolution of firm.

- Q.93) A, B, and C as sureties for D enter into three bonds, each in different penalty namely, A for Rs. 10000/- B for Rs. 20000/- C for Rs. 30000/-. D makes default of Rs. 40000/-
- a) A is liable for Rs. 10000/- B for Rs. 10000/- C for Rs. 20000/-
- b) A is liable for Rs.5000/- B for Rs. 10000/- and C for Rs. 15000/-
- c) A is liable for R s.10000/- B for Rs. 15000/- and C for Rs. 15000/-
- d) A is liable for Rs. 10000/- B for Rs. 20000/- and C for Rs. 10000/-

Ans: C

Section 146

Equal liability of Co-sureties:

- Co-sureties (jointly or several) for the same debt or duty.
- They can be under the same or different contracts.
- Can be co-sureties with or without the knowledge of each other.
- Liable to pay off debts.
- Subject to any contract to the contrary

Co-sureties

Rule 1: Contribute Equally

Rule 2: excess by one can

be recovered by other

Surety 1 Surety 2

This means the surety is liable to pay according to their limit.

Debts of Ram, Shyam and Ravan

Ram = 10000

Shyam = 20000

Ravan = 30000

- Total liability = 40000
- Equally divide between 3 = 40000/3=13333.3
- Liability affixed to Ram = 10,000
- So, remaining 30,000 will be divided between Shyam & Ravan = 15,000 each.



Shirley v Burdett (1911) 2 Ch 418

 If one of the co-surety has been compelled to pay more than the share, they can recover contribution from the other co-sureties so as to equalise the loss as between all of them.

Reference: Law of Contract and Specific Relief Dr. Avtar Singh 12th Ed.,2020, Page No. 668

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- Q.94) In case of gratuitous bailment, the bailee is:
- a) Not entitled to any expenses
- b) Entitled to necessary expenses and additional changes
- c) Entitled to necessary expenses incurred by him for the purposes of bailment
- d) Either (b) or (c)

Ans: C

Section 159

- Lender may require its return at ZERO COST any time.

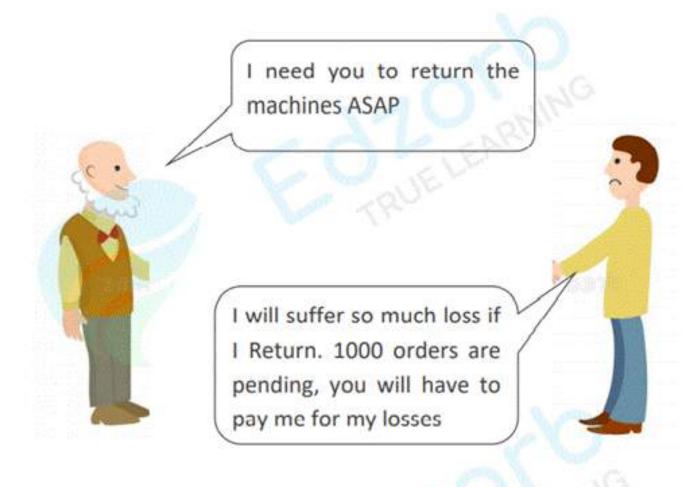


But if the return would cause excessive loss (more than the benefits), the lender must indemnify the borrower for the loss.

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 If premature termination causes any loss to the bailee exceeding the benefit derived from the bailment, the bailor must indemnify.

Reference: Law of Contract and Specific Relief Dr. Avtar Singh 12th Ed.,2020, Page No. 675

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Q.95) Goods displayed in a shop with a price tag is an

- a) offer
- b) invitation to offer
- c) counter offer
- d) none of the above.

Ans: B

(B)

OFFER	INVITATION TO OFFER
An offer is a proposal	An invitation to offer (treat) is inviting someone to make a proposal.
In an offer, there is an intention to enter into a contract, of the party, making it and thus it is certain.	act which leads to the offer,



When goods are displayed in a shop window with price tag attached to them, it is invitation to offer.



Fisher Vs Bell [1961] 1 QB 394

Where goods are displayed such display is treated as an invitation to treat by the seller. The offer is instead made when the customer presents the item to the cashier together with payment. Acceptance occurs at the point the cashier takes payment.

Reference: Contract & Specific Relief by Avtar Singh, 10th Ed, 2008; Page No. 20.

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- Q.96) Where persons reciprocally promise, firstly to do certain things which are legal and secondly, under specified circumstances, to do certain other things which are illegal the
- a) first set of promise is a contract, but the second is a void agreement
- b) first set of promise is voidable but the second set is a void agreement
- c) entire set of promises is void
- d) entire set of promises is valid

Ans: A

Section 57 of ICA, 1872: Reciprocal promises

The parties may have entered the contract to do legal acts.

- But after the contract was established, under specific conditions, they agreed to do illegal acts.
- In this case, the previous legal acts are valid and the preceding illegal acts are held void.



- Ashok promises to supply coats to Navya.
- Navya then promises to sell such coats on the black market for more profits.
- Here Ashok's promise to supply coats to Navya is valid
- But Navy's promise to sell such coats on the black market is invalid.



B.O.I. Finance Ltd. Vs Custodian and others 1997 (3) SCR

The question of severance arises only in the case of a composite agreement consisting of reciprocal promises.

Reference: Contract-I, By Dr. RK. Bangia, 6th Edn. (2009), Page No.2

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- Q.97) A Metropolitan Magistrate may release an accused on bail in non-bailable offence except in following case(s) if
- a) There are reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life
- b) There are reasonable grounds for believing that he has been guilty of a cognizable offence and he has been previously convicted of an offence punishable with imprisonment for seven years
- c) He had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years
- d) All of the above

Ans: D

Section 437 CrPC - When bail may be taken in case of nonbailable offence.



Section 437 and Discretionary Bail

Rule: The officer in charge of police station and Court other than High Court and Sessions Court can grant bail, except:

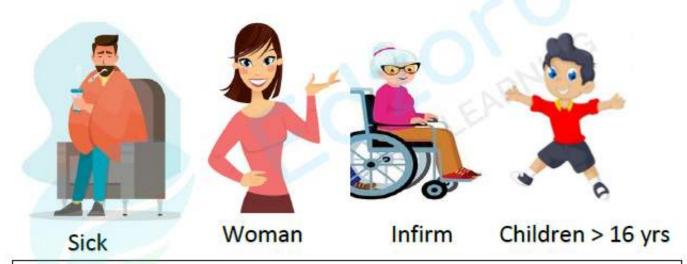
- Person suspected of guilty of offence punishable with the death or imprisonment for life
- Previous Conviction: If offence is cognizable and he was previously convicted with:
 - Offence punishable with death, life imprisonment or imprisonment for 7 years or more,
 - Convicted on two occasions of cognizable offence punishable with three years or more but not less than 7 years.

2+5=7 – Not applicable

3+3=6 – Not applicable

3+4=7 – Applicable

The exceptions does not apply in following case:



In these case, the bail can be granted after recording the reasons



In case of previous conviction, bail can be granted after recording the special reasons.

Reference: The R.V. Kelkar's Criminal Procedure; 5th Ed., 2013, Page No. 289.

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- Q.98) A agrees to let her daughter to hire to B for concubinage. The agreement is:
- a) Valid
- b) Morally
- c) Void because it is immoral
- d) If daughter is major then agreement is valid

Ans: C

(C)

This contract is void because, it is immoral;

Bill agrees to let her daughter to hire to Sam for concubinage.

The agreement is void, because it is immoral, though the letting may not be punishable under the Indian Penal Code. (ill. (k) - Sec.23)

Section 23 of the ICA, provides that consideration and object of an agreements is lawful.

Gherulal Vs Mahadeodas Maiya AIR 1959 SC 781

Enshrines the Doctrine of Public Policy in India.



Reference: Contract & Special Relief by Avtar Singh; 10th Ed; 2008; Page No. 256

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Q.99) Under Criminal Procedure Code, 1973 the irregularities which do not vitiate proceedings have been stated in

- a) Section 460
- b) Section 461
- c) Section 462
- d) Section 466

Ans: A

(A)

Section 460 CrPC - Irregularities which do not vitiate proceedings.



Issue a search-warrant under section 94

Order, under section 155, the police to investigate





Hold an inquest under section 176

Issue process under section 187 for person committed an offence outside his jurisdiction





Take cognizance of an offence u/s 190 (1) (a) & (b)

To make over a case under Section 192(2)







To tender a pardon under section 306

To recall a case and try it himself under section 410





To sell property under section 458 or section 459

Abdul Ameez Khan Vs State of Karnataka 1979 CrLJ NOC 182 (Knt.)

Where Magistrate took cognizance of a private complaint for defamation on police report, the whole proceedings were not vitiated due to erroneous cognizance. The defect could be cured by Section 460.

Reference: The Code of Criminal Procedure

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Q.100) Who among the following are duty bound to inform a person aggrieved by domestic violence about her rights?

- a) Protection officer
- b) Police officer or service provider
- c) Magistrate
- d) All the above

Ans: D



Police Officer or Service Provider





Section 10

The "service provider" under the Protection of Women from Domestic Violence Act, 2005 is appointed.



Magistrate



Reference: Domestic Violence Act, 2005, Sec.10

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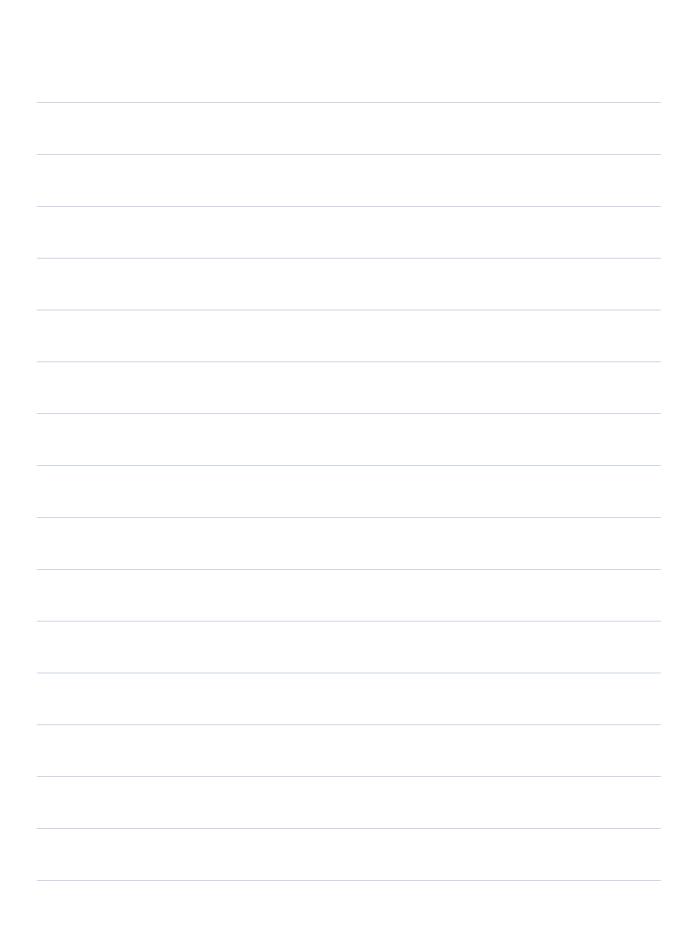
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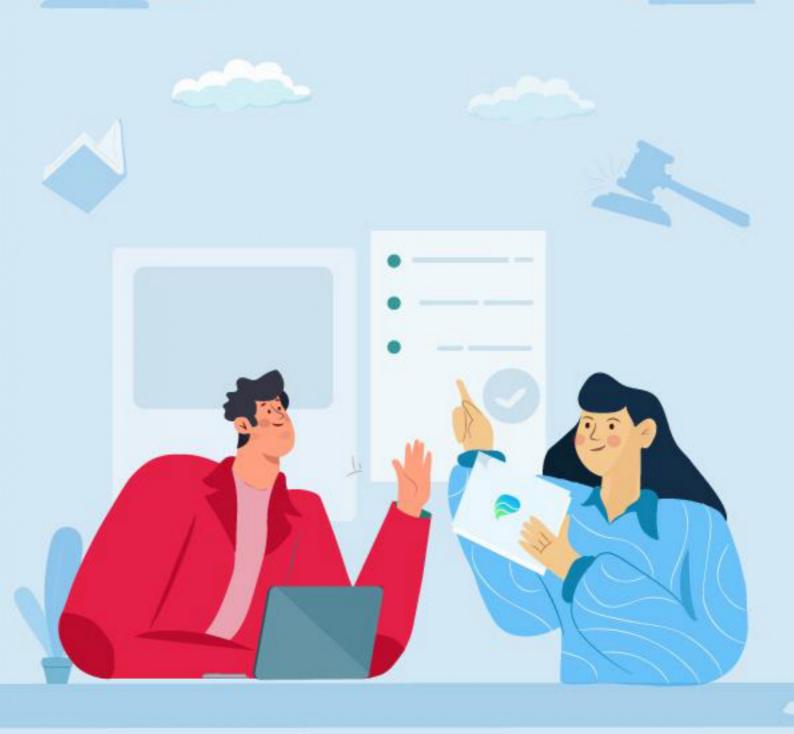
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