

**KERALA JUDICIAL SERVICE
EXAMINATION [MUNSIFF-
MAGISTRATE] 2012**

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SAMPLE MATERIALS

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1. Vijaya Kumari was in occupation of a room in the campus of Victoria School. A letter was addressed to her on 1st October, 1982 that pursuant to the decision of the Managing Committee of the School not to allow any outsiders to reside in the campus and she was to vacate the room provided to her in the hostel within a week. This letter was replied by her on 4th October by praying for extension of time to leave the room, stating that the notice to vacate was rather short. The appellant not having vacated the room, it was locked by the end of October. The School authorities are convicted for wrongful restraint. The conviction is

- (a) Legal
- (b) Illegal
- (c) Improper
- (d) Irregular

Ans.(b)][AIR 1996 SC 1058]

2. A police officer detained an accused person in custody for 30 hours. Later the accused filed a Case against the officer U/S 342 of IPC. The Magistrate convicted the officer for the offence U/S 342 of IPC. The conviction is

- (a) Legal
- (b) Illegal
- (c) Improper

(d) Irregular

Ans.(a) [1993(1)KLT 454]

3. On the evening of October 29, 1957, Mr. Bhupendra Narain Singh, Assistant Superintendent of Commercial Taxes, Patna Sadar circle, paid a surprise visit to the shop of Hazari Lall and Co., in Barah town in order to inspect the books of accounts maintained by the shop. At that time the accused Hazari Lall was in the shop. Mr. Singh found that two sets of account books were kept in the shop. He took them up and started looking into them. The accused snatched away both the books from him, passed them on to one of his servants who made them over to another servant who was on the upper floor. It is urged, that mere snatching away of books does not amount to using force as contemplated by S.349, IPC and at any rate it does not amount to use of criminal force as contemplated by S.350, Indian Penal Code. If, therefore, the act of the accused did not constitute the use of criminal force, his conviction under S.353, IPC cannot be sustained. His contention is that no force was used against the person of Mr. Singh and, therefore, the requirements of S.349, IPC were not satisfied. The accused is found guilty. The conviction is

- (a) Legal
- (b) Illegal
- (c) Improper
- (d) Irregular

Ans.(a) [AIR 1967 SC 170]

4. A police officer conducted an illegal search in the house of X. X confined the officer and demanded to show the search memo. In a prosecution X is convicted U/S 342. The conviction is

- (a) Legal
- (b) Illegal
- (c) Improper
- (d) Irregular

Ans.(a) [AIR 1972 SC 886]

5. The accused supplied noxious liquor to the victims and the victim had lost their eyesight permanently. The accused were convicted for 326 of IPC. Conviction is

- (a) Legal
- (b) Illegal
- (c) Improper
- (d) Irregular

Ans.(a) [AIR 1995 SC 1066]

6. A women and her 13 year old son were summoned to police station and were interrogated at the police station. The Inspector was convicted for an offence under Section 341 of IPC. The conviction is

- (a) Legal
- (b) Illegal
- (c) Proper

9. A, is charged for an offence under Section 302 IPC, and B is charged under Section 212 IPC for harbouring A . A is acquitted for murder , but B is convicted under Section 212 of IPC. The conviction is

- (a) Legal
- (b) Illegal
- (c) Improper
- (d) Irregular

Ans.(a) [2008CrLJ 824]

10. When the accused came to attack him, Rupinder Singh ran from his house towards the fields. He was followed, apparently chased by the accused . According to PW 1 Rupinder Singh jumped into a well 'in order to save himself'. The accused were about 15 to 20 feet from Rupinder Singh when he jumped into the well. According to the medical evidence he received an injury on the head which made him lose consciousness and thereafter he died of asphyxia due to drowning. The accused were convicted for murder. The conviction is

- (a) Legal
- (b) Illegal
- (c) Proper
- (d) Irregular

Ans.(b) [AIR 1979 SC 1876]

11. Whether a person suffering from HIV(+) contracting marriage with a willing partner after disclosing the factum of disease to that partner will be committing an offence within the meaning of S.269 and 270 IPC?

- (a) Yes
- (b) No
- (c) Depends
- (d) None of the above

Ans.(b) [AIR 2003 SC 664]

12. The prosecution case against the appellants is that in a crowded place in front of the Neelam Cinema, on 31st October 1984, the day Smt. Indira Gandhi, the then Prime Minister of India was assassinated, after coming out from their respective offices after the duty hours, raised the following slogans: "1. Kalistan Zindabad. 2. Raj Karega Khalsa, and 3. Hinduan Nun Punjab Chon Kadh Ke Chhadange, Hun Mauka Aya Hai Raj Kayam Karan Da.". They were convicted for offence under Section 153A of IPC. The conviction is

- (a) legal
- (b) illegal
- (c) improper
- (d) irregular

Ans.(b) [AIR 1995 SC 1785]

13. A. Mr. Mehra and Mr. Santo were cadets on training in the Indian Air Force Academy at Jodhpur. Santo had been discharged from the

Academy on the grounds of misconduct. Mehra was a cadet receiving training as a navigator and was due for a flight in a Dakota as part of his training. However, on the scheduled day, Mehra along with Santo took off, not in a Dakota, but a Harvard HT 822, before the prescribed time, without authorization, and without observing any of the formalities which were prerequisites for an air-craft flight. They landed at a place in Pakistan about 100 miles away from the Indo – Pak border. Both of them were sent back to Delhi and arrested enroute in Jodhpur and prosecuted and convicted for theft.

Conviction is

- (a) Legal
- (b) Illegal
- (c) Improper
- (d) Irregular

Ans. (a)

[Question based on the leading case K.N.Mehra Vs State of Rajasthan ; AIR 1957 SC 369]

14. The appellant along with other three named accused were charged for offences under S.471, 420 R/W S.120B of IPC. All the other three accused were acquitted for all the offences. The appellant was convicted for criminal conspiracy. The conviction is

- (a) legal
- (b) illegal

(c) irregular

(d) improper

Ans.(b) [AIR 1956 SC 33]

15. The appellant, government servant was prosecuted along with four others, for offences under S.409 R/W 120 B of IPC. One of the accused turned approver. All other accused except appellant were acquitted for all the offences. Appellant convicted under S.120B for entering in to a criminal conspiracy with the approver. The conviction is

(a) legal

(b) illegal

(c) irregular

(d) improper

Ans.(a) [AIR 1956 SC 469]

16. The accused, public servants were alleged to have raised some slogans in a crowded place, on the day the then Prime Minister Smt. Indira Gandhi was assassinated. They were convicted under S.124 A. The conviction is

(a) legal

(b) Illegal

(c) Proper

(d) Irregular

Ans.(b)

17. In a case in which time had not been fixed for specific performance, the court refused to grant the relief to the plaintiff on the ground that suit was not filed within a reasonable time.

The order is

- (A) illegal
- (B) null and-void
- (C) legal**
- (D) irregular

18. A minor is a payee of a cheque. He endorses it in the favour of his father. The drawee refuses to honour the cheque on the ground that it as endorsed by a minor. The action of the drawee is

- (A) illegal**
- (B) legal
- (C) proper
- (D) regular

19. 'A' lends Rs. 1,00,000/- to 'B' and B promises to repay it with interest at 12% per annum after one year. The agreement provides that if the amount is repaid within six months the rate of interest will be 10%. The stipulation is

- (A) void
- (B) voidable
- (C) legal**

(D) Illegal

20. The Munsiff Court at Kasaragod transferred to the Munsiff Court at Kozhikode a money decree for execution. In the course of the enquiry in the latter court it was proved that the J.D. was residing at Kasaragod. The Munsiff issued a notice under Order 21 rule 37 CPC. The order is

(A) legal

(B) without jurisdiction

(C) improper only

(D) Irregular only

21. A Munsiff Court at Thiruvananthapuram passed a decree for Rs. 1,00,000/-. On the application of the decree holder the court attached the property of the J.D. situated at Kottayam and sent the decree to the Munsiff Court at Kottayam for execution. The order is

(A) legal

(B) illegal

(C) improper

(D) irregular

22. On 1-3-2010 a caveat was lodged. In a suit filed on 3-6-2010 in respect of the subject matter of the caveat, an application was filed. The court refused to issue notice to the caveator. The action is

- (A) proper**
- (B) illegal
- (C) irregular
- (D) improper

23. In an R.C.P. a landlord sought eviction of the tenant on the ground of bonafide own occupation of himself. Pending the petition he died. The court allowed his LRs to continue the proceedings. The action of the court is

- (A) illegal**
- (B) legal
- (C) proper
- (D) regular

24) A person other than the tenant was found in occupation of the tenanted building. The landlord filed an RCP seeking eviction of the tenant on the ground of sublease. The court held that it was for the tenant to establish the jural relationship between himself and the occupier of the room. The finding is

- (A) improper
- (B) illegal
- (C) irregular
- (D) proper**

25) A composite lease of building and land for a composite purpose was created. The Rent Control Court held that since it is difficult to break up the integrity of the lease a suit should be filed for eviction. The finding is

- (A) illegal
- (B) legal
- (C) proper
- (D) None of the above