

Feb, 2019

HIGH COURT OF TRIPURA
COMPETITIVE WRITTEN EXAMINATION FOR GRADE-I OF JUDICIAL
SERVICE

(By Direct Recruitment)

2019

Paper-II

Total Marks : 100

Duration : 3 (three) hours

(Note : The candidates are expected to refer to the case law of the Apex Court and the High Court while writing their answers to the questions)

(Part-I)

Q.1.(i) What is the rule against perpetuity (sum up within **100 words**)
12 marks

(ii) whether interest can be created by transfer of property: **3 marks**

(a) During the lifetime of a living person at the date of transfer and to any minor before the attainment of majority

(b) After the lifetime of a living person at the date of transfer and to any minor before the attainment of majority

(c) After the lifetime of living person and to any period after the attainment of the majority of a minor

(Total 15 marks)

(Part-II)

Q.2. Comment on or answer two from the following statement or questions (**within 100 words**) :

10 marks (5 for each question/comment)

(a) What factors are required to be borne in mind while considering the application for condonation of delay? (Support your answer with case law)

(b) What is an 'acknowledgement'? How can it be proved in a suit? What is the effect of acknowledgement of liability after the subsistence of period of limitation?

(c) What are the provisions relating to disability under Sections 6 and 7 of the limitation act, 1963?

(Part-III)

Q.3. Comment on or answer four from the following statement or questions (within 100 words) :

20 marks (5 for each question/comment)

(a) What is the value of "Test Identification Parade" in a criminal trial and whether unreasonable delay affects its credibility?

(b) What is the Doctrine of Res-Gestae? In which section this principle of law is embodied in the Indian Evidence Act?

(c) How can an "electronic record" be proved in a court of law?

(d) Whether an accomplice needs to be judged by an independent evidence and what is the importance of corroboration?

(e) Whether certified copy of a will is per se admissible in evidence?

(f) "Admission of documents amounts to admission of content but not its truth".

(Part-IV)

Q.4. Comment on or answer three from the following statement or questions (**within 100 words**) : **15 marks (5 for each question)**

(a) A sues B and C on a promissory note. B is the principle debtor and C is the surety. An ex parte decree is passed against both. B

alone applied to set aside the decree. The court set aside the decree as a whole as the liability of both is based on a common ground. Discuss its legality.

(b) How and in what manner a mentally unsound person can sue and be sued?

(c) What is a 'representative suit' and what procedure is required to be followed for granting permission to sue in such a suit?

(d) What determines the jurisdiction of a civil court?

(Part-V)

Q.5. Explain or answer three from the following circumstances or questions **(within 100 words)**
15 marks (5 for each question/comment)

(a) What is the procedure for trial when the Corporation or Registered Society is an accused?

(b) Whether an accused can be convicted on the basis of a dying declaration alone?

(c) What are the circumstances and procedure for declaring the accused as a 'proclaimed offender'?

(d) What procedure is required to be followed in a case of perjury, affecting the administration of justice?

(Part-VI)

Q.6. Explain or answer three from the following circumstances or questions **(within 100 words)**
15 marks (5 for each question/comment)

(a) "On a conviction for the offence of Murder, Life Imprisonment is a general rule and death is an exception." Explain

(b) The accused stands convicted under the POSCO Act and also under the Indian Penal Code, for the offence covered under both the Acts, under which act sentence shall be passed?

(c) What is the role of mens rea in a criminal case?

(d) Tashi, a young man, was attacked by a mob, who attempted to kill him but he could not actually exercise his right of private defense without firing on the mob, and he could not fire without risk of harming young children who were mingled with the mob. However, under the circumstances he fired a shot which killed a child. What offence was committed by Tashi? Give reasons to support your answer.

(Part-VII)

Q.7. Answer the following questions :

10 marks (5 for each question/comment)

(a) What is the procedure to record the statement of a deaf and dumb (mute) witness?

(b) Explain the procedure for recording the statement of a child?

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