

**HIGH COURT OF TRIPURA
COMPETITIVE WRITTEN EXAMINATION FOR GRADE-I OF
TRIPURA JUDICIAL SERVICE, 2024**

PAPER-II

Total Marks- 100
Duration- 3 (three) hours

Part-I (IPC)

Answer any four questions. Each question carries 4 marks [4x4= 16]

1. A, a landlord/ landholder, knowing of the commission of a murder within the limits of his estate, willfully misinforms the Magistrate of the District that the death has occurred by accident in consequence of the bite of a snake. What the offence A has committed?
[Hint: Sec 177 Illustration (a)]
2. What do you mean by Public nuisance? Explain with relevant provisions.
[Hint: Section 268 IPC]
3. What protection with exceptions has been given to a person for the act done in compelling situation of threats?
[Hint: Section 94]
4. A, residing in Calcutta, is agent for Z, residing at Delhi. There is an expressed or implied contract between A and Z, that all sums remitted by Z to A shall be invested by A, according to Z's direction. Z remits a lakh of rupees to A, with directions to A to invest the same in company's paper. A dishonestly disobeys the direction and employs the money in his own business. What offence A has committed?
[Hint: Section 405, illustration (c)]
5. A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be believed to render Z an object of Divine displeasure. What offence A has committed?
[Hint: Section 508 Illustration (b)]

Part-II (Code of Civil Procedure)

Answer any four questions. Each question carries 4 marks [4x4= 16]

6. What options can be utilized by a minor plaintiff on attaining majority?
[Hint: Ord 32, R12, CPC]

7. Discuss "*Examination de bene esse*".

[Hint: Order 18 Rule 16]

8. A sues X, Y & Co., a semi-government organization for recovery of certain amount of money. The company takes the objection that a prior notice under Section 80 of the CPC was not served upon it. Do you think that the objection is sustainable?

[Hint: Sec 80 CPC, R/W, A-12, Constitution]

9. When the defendant may be called to furnish security for the production of property before Judgment?

[O38 R5 CPC]

10. In what conditions the Appellate Court can remand a case?

[Section 107 (b), Order 41 Rule 23, 23(A) and 25]

Part-III (Indian Evidence Act)

Answer any four questions. Each question carries 4 marks

[4x4= 16]

11. Consider the following statement and decide whether the statement is protected under privilege communication or not?

A, being charged with embezzlement, retains B, an attorney to defend him. In the course of the proceeding, A observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment. This being a fact observed by B in the course of his employment, showing that a fraud has been committed since the commencement of the proceedings.

[Hint : Section 125, Illustration c]

12. What is the law of cross examination of a witness whose statement has been recorded by an Officer of CBI in a case under Prevention of Corruption Act, 1988.

[Hint: Section 145 and 155(3), 153 explanation 2]

13. What do you understand by presumption as to "certain offences"?

[Hint: Section 111A]

14. Discuss- proof as to verification of digital signature.

[Hint: Section 73A, IEA]

15. What is the procedure for 'impeaching the credit of a witness'?

[Hint: Section 155]

Part-IV (Code of Criminal Procedure)

Answer any four questions. Each question carries 4 marks

[4x4= 16]

16. Discuss the effect of omission to frame, or absence of, or error in charge.
[Hint: Section 464, R/W, S. 215 CrPC]
17. In a session trial for murder case, during recording of evidence, the witness refuses to answer such questions as are put to him. What action the Session Court may take against such witness?
[Section 349 CrPC]
18. What is the procedure for admission and denial given in CrPC?
[Hint: Section 294]
19. Enumerate the distinction between Section 53 and Section 54 of the Code of Criminal Procedure.
20. Whether an application for anticipatory bail under Section 438 of the CrPC is maintainable at the instance of an accused while he is already in Judicial custody in connection with his involvement in a different case? Reply with help of case laws.
[Dhanraj Aswani vs. Amar S. Mulchandani & Anr. (Criminal Appeal No. 2501 of 2024)]

Part-V (T.P. Act)

Answer any four questions. Each question carries 4 marks

[4x4= 16]

21. A, a Hindu who has separated from his father B sells to C three properties X, Y, Z representing that A is authorized to transfer the same. Of these properties, Z does not belong to A, it having been retained by B on the partition but on B's dying A as heir obtained Z. After that A sold Z to D. C, not having rescinded the contract of sale, may require A to deliver Z to him. Would he be successful? Decide.
[Hint: A is stopped for denying the transfer when he subsequently acquires such authority. The law incorporated in Section 438 Transfer of Property Act, R/W S.115 of the Indian Evidence Act].
22. Write short notes on "Doctrine of fixture".
[Hint: the doctrine addresses the classification of chattels (movable property) as either personal property or as fixtures that become part of the immovable property to which they are attached.]
23. Distinction between marshalling and contribution.
[Hint: Section 82, 81]

24. What do you mean by incapacity of Judge and legal practitioner connected with course of justice?

[Hint: Section 136]

25. What is English Mortgage?

[Section 58(e)]

Part-VI (Limitation Act)

Answer any four questions. Each question carries 4 marks

[4x4= 16]

26. Write notes on the effect of Section 8, Limitation Act on the provisions of Sections 6 and 7, Limitation Act. Refer relevant case laws.

[Hint: Section 8 is ancillary to and restrictive of the concessions granted in Sections 6 and 7, and did not confer any substantial privilege.]

[Bailochan Karan Vs. Basant Kumar Naik, 1990]

27. The appellant applied for certified copies twice and on different dates, the copies are supplied. If appeal is filed on certified copies received at first instance, the appeal is barred by time, but if appeal is filed with copies of second instance, the appeal is within time. Appellant filed appeal with copies of second instance. Objections come from respondent that appeal be dismissed, as same is barred by limitation, because appellant had already received copies of first instance and shortest time is to be allowed under Section 12. Discuss.

[Hint: The appeal of the appellant will be allowed with the certified copies of second instance if he can prove that he filed both the applications for the certified copies before expiry of the limitation period for filing application for certified copy. (Commissioner of Sales Tax, U.P vs Madan Lal Dan & Sons, Bareilly AIR 1977 SC 523)]

28. Explain the provisions regarding acquisition of easement by prescription. How can ownership be acquired by possession under the Limitation Act? How are Easementary rights acquired under the provisions of the Limitation Act?

[Hint: Section 25 of Limitation Act covers the acquisition of Easements by prescription. It states that if someone has peacefully and uninterruptedly enjoyed the access to light or air for building and anyway water course or other easement for perpetual "twenty years" and "thirty years" in case of private and public property respectively, may be able to acquire an easement.]

29. "For reasons of policy the legislature insists on a written and signed acknowledgement as the only proof of payment and excludes oral testimony". Elucidate with relevant provisions on effect of part payment and claiming exemption from initial period of limitation. Discuss citing relevant case laws on the subject.

[Hint: Sant Lal Vs. Kamla Prasad (1951 SC)] To attract operation of Section 19, two essential conditions must be filled, the payment must be made within the prescribed period (1st) and it must be acknowledged by some form of writing either in the handwriting or signed (2nd).]

30. Limitation bars remedy not right. Explain.

Part-VII

Answer any two questions. Each question carries 2 marks

[2x2= 4]

31. One execution petition has been dismissed for default. Describe the provisions for its restoration as prescribed in CPC.

[Hint: Order 21 Rule 106]

32. What will be the fate of the proceeding if a Magistrate calls for record exercising power u/s 397 of CrPC.

[Hint: Section 461 (P) CrPC]

33. When a witness can be declared Hostile Witness?

[Hint: Section 154 of Indian Evidence Act]