

MIZORAM PUBLIC SERVICE COMMISSION

COMPETITIVE EXAMINATIONS FOR RECRUITMENT TO THE POST OF JUNIOR GRADE OF MIZORAM LEGAL SERVICE (LAW OFFICER) UNDER LAW & JUDICIAL DEPARTMENT, GOVERNMENT OF MIZORAM. FEBRUARY, 2021

LAW PAPER - II

Time Allowed : 2 hours

Full Marks : 100

*All questions carry equal mark of 1 each.
Attempt all questions.*

1. In which of the following case can a mere presence of Mens rea be sufficient to charge a person with an offence and no actus reus is required:
 - (a) Sedition
 - (b) Instigation of an offence
 - (c) Criminal conspiracy
 - (d) Voyeurism
2. The case of Kehar Singh v. Delhi Administration is concerned with –
 - (a) Criminal conspiracy
 - (b) Kidnapping
 - (c) Criminal intimidation
 - (d) None of the above
3. In a criminal trial, Accused X took the defence of having been deprived of his senses by reasons of intoxication. The defence taken by X is:
 - (a) Not a valid defence
 - (b) Ignorance of law is not a defence
 - (c) Valid defence subject to lawful provisos
 - (d) None of the above
4. An act is said to be done in “good faith” when:
 - (a) It is done or believed to be done in accordance with the law
 - (b) It is done honestly whether it be done carelessly or not
 - (c) It is done or believed to be done with due care and attention
 - (d) It is done properly and not against the law
5. Which of the following does not constitute grievous hurt under Section 320 of the Indian Penal Code?
 - (a) Permanent disfiguration of face
 - (b) Loss of limb or joint
 - (c) Permanent privation of the sight of either eye
 - (d) severe bodily pain for 12 days
6. A person who enters into the property of another with the intention of outraging the modesty of its occupants and having committed exits through a sealed passage by breaking it commits:
 - (a) Criminal Assault
 - (b) House breaking
 - (c) Lurking house trespass
 - (d) Criminal Intimidation.
7. Which section is based on the maxim “Volenti Non fit injuria”?
 - (a) Section 88 IPC
 - (b) Section 86 IPC
 - (c) Section 87 IPC
 - (d) Section 90 IPC
8. The case of Rudul Shah v. State of Bihar is concerned with -
 - (a) Protection of basic rights of prisoners
 - (b) Assault
 - (c) Compensation for illegal detention
 - (d) None of the above

9. Sexual intercourse between two transvestites is:
- (a) An unnatural offense.
 - (b) Not an unnatural offense.
 - (c) An unnatural offense as transvestite is not legally defined.
 - (d) Not an unnatural offense if the parties are consenting adults.
10. Which offence does not require a minimum of five person?
- (a) Dacoity
 - (b) Riots
 - (c) Unlawful Assembly
 - (d) Robbery
11. Giving or fabricating false evidence is dealt under _____ of the Indian Penal Code.
- (a) Section 169
 - (b) Section 163
 - (c) Section 193
 - (d) Section 172
12. X instigates S a child of 7 years to stab Y with a knife. Y dies.
- (a) X is guilty of abetting an offense.
 - (b) X is not guilty of abetting an offense as S is below 7 years.
 - (c) X is guilty of an offense but S's minority is a defence.
 - (d) None of the above.
13. The punishment for an attempt to commit suicide is:
- (a) Simple imprisonment for a term which may extend to one year or with fine or with both.
 - (b) Imprisonment for a term which may extend to three years or with fine or both
 - (c) Simple imprisonment for three months or with fine or both
 - (d) Imprisonment for one month with fine.
14. The case of Mahboob Shah v. Emperor is concerned with -
- (a) Wrongful confinement
 - (b) Common intention
 - (c) Trespass
 - (d) Negligent and rash driving
15. Do private hospitals have legal obligations under the IPC to give first aid treatments to victims of sexual assault?
- (a) Yes, under Section. 166-B IPC
 - (b) No under Section. 168 IPC
 - (c) Yes, under Section. 170 IPC
 - (d) No, private hospitals being not run by the Government have no such obligation.
16. 'A' picks up a revolver and pointing towards 'B' says, "I will shoot and kill you." It amounts to:
- (a) Assault
 - (b) Criminal intimidation
 - (c) Simple hurt
 - (d) None of the above
17. Mensrea involves-
- (a) Crimes of basic intent
 - (b) Crimes of speculative intent
 - (c) Crimes of specific intent
 - (d) Both (a) & (c)
18. Voyeurism is:
- I. The watching of a woman engaging in a private act.
 - II. Advances involving unwelcome sexual overtures.
 - III. Eve teasing.
 - IV. Disseminating the captured images of a woman wearing only her underwear.

Choose the correct answer from the options below:

- (a) I & II
- (b) I & IV
- (c) Only I
- (d) III & IV

19. 'A' appears as a witness before Z, a magistrate. Z says that he does not believe a word of 'A's depositions, and that A has perjured himself. A is moved to sudden passion by these words and kills Z. This is:
- (a) Grave and sudden provocation (b) Murder
(c) Culpable homicide not amounting to murder (d) All the above
20. Adultery as defined under the IPC is:
- (a) A man having sexual intercourse with the wife of another with that other's consent.
(b) A man having sexual intercourse with the wife of another without that other's consent.
(c) No longer an offense.
(d) Not an offense subject to the presence of connivance of the parties involved.
21. Section 73 of IPC prescribes the maximum time for keeping a person in solitary confinement to be:
- (a) One year (b) Two years
(c) Six months (d) Three months
22. Right of private defence of body extends to:
- (a) Causing only harm that prevents bodily injury
(b) Causing harm extending to death of the assailant
(c) Harm that is proportionate to the threatened injury
(d) Causing such harm that enables the victim to escape from the place of incident
23. The case of Vishaka & Ors vs State of Rajasthan is a landmark judgment for:
- (a) Women's reproductive rights
(b) Marital rape
(c) Protection of women from sexual harassment at the workplace.
(d) Child marriage
24. The right of private defence is:
- (a) Unrestricted
(b) Subject to restriction contained in section 99 of IPC.
(c) Subject to restrictions contained in Chapter IV of IPC.
(d) Subject to restrictions contained in any other provisions of IPC.
25. The plea of sudden and grave provocation as an exception of murder is:
- (a) Question of law (b) Question of fact
(c) Mixed question of law and fact (d) Presumption under law
26. The condition precedent for issuing of process u/s 204 CrPC is:
- (a) Examination of witnesses. (b) Directing limited investigation.
(c) Filing list of prosecution witnesses. (d) All of the above.
27. The punishment for warrant case amounts to:
- (a) Death, life imprisonment or imprisonment for a term exceeding two years.
(b) Death, life imprisonment or imprisonment for a term not exceeding two years.
(c) Death, life imprisonment or imprisonment for a term exceeding three years.
(d) Death, life imprisonment or imprisonment for a term not less than five years.
28. Which of the following is not amongst the Classes of Criminal Courts -
- (a) Courts of Session (b) Judicial magistrate of the First Class
(c) Special Courts (d) Executive Magistrates

29. 'Plea Bargaining' is applicable in respect of:
- (a) Offences except those punishable with death penalty.
 - (b) Offences punishable with less than 3 years imprisonment.
 - (c) Offences punishable with less than 7 years imprisonment.
 - (d) All of the above.
30. A private person may arrest any person who:
- (a) Is reported to be a criminal
 - (b) In his presence commits a non cognisable offence
 - (c) In his presence commits a bailable offence
 - (d) In his presence commits a cognisable and non bailable offence.
31. Section 26 of the Criminal Procedure Code states that any offence under the Indian Penal Code may be tried by -
- (a) High Court
 - (b) Court of Session
 - (c) Any other court by which offence is shown in the First Schedule to be triable
 - (d) All of the above
32. When there is a complaint case and investigation in respect of the same offense:
- (a) What the Court must do depends on whether or not charge sheet has been submitted.
 - (b) The Court must treat the complaint as if it were instituted on a police report.
 - (c) Either (a) or (b)
 - (d) None of the above
33. In which case the Supreme Court held that Section 125CrPC was applicable to all irrespective of their religion?
- (a) Mohd. Umar Khan vrs Gulshan Begum
 - (b) Mohd Ahmad Khan vrs Shah Bano Begum
 - (c) Zohara Khatoon vrs Mohd Ibrahim
 - (d) Noor Saba Khatoon vrs. Mohd Quasim
34. The Courts can issue orders for maintenance of wives, children and parents under _____ of the Criminal Procedure Code.
- (a) Section 121
 - (b) Section 124 A
 - (c) Section 125
 - (d) Section 125 B
35. Summary Trials can be conducted by:
- (a) All Court of Judicial Magistrates and above
 - (b) Court of Judicial Magistrate 1st Class.
 - (c) Only Chief Judicial Magistrates.
 - (d) All of the above
36. Point out incorrect response under CrPC :
- (a) Inquiry is conducted by the court
 - (b) Inquiry is conducted after framing of charge
 - (c) Inquiry is conducted prior of framing of charge
 - (d) Inquiry is conducted by the magistrate
37. _____ of the Criminal Procedure Code deals with medical examination of the victim of rape.
- (a) Section 157 A
 - (b) Section 164 A
 - (c) Section 123 A
 - (d) Section 142 A
38. The limitation period for the offense of theft is:
- (a) 1 year
 - (b) 2 years
 - (c) 6 months
 - (d) 3 years
39. Complaint as provided under Section 2(d) of CrPC can be:
- (a) In writing only
 - (b) Oral
 - (c) Either in writing or oral
 - (d) Can be by gestures

40. _____ of the Criminal Procedure Code deals with appeal in case of acquittal.
- (a) Section 286 (b) Section 378
(c) Section 388 (d) Section 400
41. Irregularities that vitiate proceedings include:
- (a) An executive magistrate passing an order for maintenance.
(b) A magistrate taking cognizance without jurisdiction.
(c) A magistrate making over a case without jurisdiction.
(d) Both (a) & (b)
42. When a complaint is presented to a magistrate and the magistrate proceeds to examine the complainant and the witnesses:
- (a) The magistrate is conducting investigation (b) The magistrate is conducting an inquiry
(c) Magistrate is conducting a trial (d) Both (b) & (c)
43. _____ of the Criminal Procedure Code deals with victim compensation scheme.
- (a) Section 280 B (b) Section 357 A
(c) Section 275 A (d) Section 312 A
44. X is arrested for committing an offense punishable with death.
- (a) X cannot be released on bail by a magistrate under any circumstance.
(b) X can be released on bail by a magistrate under some circumstance.
(c) Neither (a) or (b).
(d) Both (a) & (b).
45. A Magistrate has the power under CrPC to direct the Police to investigate into:
- (a) A non cognisable offence
(b) A cognisable offence
(c) Only a non-cognisable offence, as in a cognisable offence the police is under a duty to investigate
(d) Both (a) & (b)
46. Investigation of a summons triable case must be completed within:
- (a) 3 months (b) 9 months
(c) 6 months (d) 4 months
47. Statement recorded under Sec 161 CrPC can be used during trial:
- (a) For contradicting the witnesses (b) For corroborating the witnesses
(c) For subtending the evidence (d) All of the above
48. The CrPC provides that inquiry into the offense of rape must be completed within:
- (a) 3 Months from the date of filing of charge sheet.
(b) 2 Months from the date of filing of charge sheet.
(c) 6 Weeks from the date of filing of charge sheet.
(d) 3 Weeks from the date of filing of charge sheet.
49. In case chargesheet under Section 173 is not filed within 90 days or 60 days as the case may be, the accused, who is in custody is entitled to be:
- (a) Released on bail (b) Acquitted
(c) Discharged (d) Released on bail on making application for bail
50. The magistrate can authorise for the detention of an accused for a total period of 90 days during investigation under Sec 167 of CrPC which are punishable with:
- (a) Imprisonment for life (b) Death penalty
(c) Imprisonment for a term not less than 10 years (d) All of the above

51. Leading question –
- (a) May be asked in examination in chief
 - (b) May be asked in cross examination
 - (c) May be asked in re-examination
 - (d) Cannot be asked in any circumstances
52. Under Section 3 of the Indian Evidence Act, 1872, 'evidence' means:
- (a) All statements which the court permits or requires to be made before it by witness, in relation of fact under inquiry
 - (b) All documents, including electronic records, produced for the inspection of the court
 - (c) Both (a) & (b)
 - (d) None of the above
53. A 'fact' is said to be 'Proved' when:
- (a) The possibility of its existence is high.
 - (b) The Court believes it exist.
 - (c) The Court is convinced of the probability of its existence.
 - (d) The witnesses have testified of its existence.
54. A village policeman arrested A and left him in the charge of certain villagers to inspect the crime scene. During this interval the accused confessed his guilt to those villagers. The confession by A-
- (a) is not admissible as it is extra judicial in nature
 - (b) is admissible even though it is extra judicial in nature because it was made to the villagers who were deputed by the police officer
 - (c) is not admissible as it was made while in the custody of police officer
 - (d) is admissible because at the time of making the confession A was not under the custody of the police officer
55. Which of the following constitute substantive evidence?
- (a) FIR
 - (b) Confession of co-accused
 - (c) Departmental Inquiry
 - (d) Recorded Tapes
56. Under the provisions pertaining to 'Relevancy of Facts', a 'Test Identification Parade (TIP) is admissible under:
- (a) Section. 7
 - (b) Section. 5
 - (c) Section. 9
 - (d) Section. 11
57. The maxim "Omnia proesumuntur rite esse ecta" means:
- (a) All acts are presumed to be rightly done
 - (b) All acts are presumed to be not rightly done
 - (c) All acts are presumed to be wrongly done
 - (d) All acts are presumed to be not wrongly done
58. Classification of evidence are :
- (a) Direct and circumstantial evidence
 - (b) Real and personal evidence
 - (c) Positive and negative evidence
 - (d) All of the above
59. 'A' is a Police Officer who has seen a machine copy of a confessional statement recorded by a Judicial Magistrate 1st Class. 'A' while deposing before a Court gives an oral account of the contents of the confessional statement he saw. 'A's' oral account is:
- (a) Primary Evidence of the contents of the confessional statement.
 - (b) Secondary Evidence of the contents of the confessional statement.
 - (c) Neither A nor B
 - (d) Can be either A or B depending on the reliability of 'A'.
60. Under which of the following sections of the Indian Evidence Act opinion as to digital signature is relevant?
- (a) Section 34
 - (b) Section 3
 - (c) Section 47 A
 - (d) Section 85 A

61. 'Res gestae' means:
- (a) Admissibility of fact
 - (b) Thing done
 - (c) Relevancy of fact
 - (d) None of the above
62. A Court 'may presume' the existence of a fact in the following instances:
- I. Judicial and official acts have been regularly performed.
 - II. A statement of absence of consent by a rape victim.
 - III. An accomplice is unworthy of credit.
 - IV. Withholding of information almost always implies guilt.
- Choose the correct answer from the options below:
- (a) All of the above
 - (b) I, II & III
 - (c) I, III & IV
 - (d) III & IV
63. The defence of alibi is best because:
- (a) If the accused was not there when the deceased was murdered, he could not have murdered her
 - (b) Once the pleas of alibi is raised no other defence is open to the prosecution
 - (c) It leaves room for no other defence for the accused
 - (d) None of the above
64. Admissions are:
- (a) Conclusive proof
 - (b) May operate as estoppels
 - (c) Always irrelevant
 - (d) None of the above
65. Estoppel can be made by:
- (a) Statement
 - (b) Silence
 - (c) Election
 - (d) All of these
66. When can a statement recorded under Sec.161 CrPC be referred to while the testimony of a witness is recorded at the time of trial.
- (a) At the time recovery evidence is testified on.
 - (b) For the purposes of refreshing memory.
 - (c) When hostile witnesses are cross examined by the party calling them.
 - (d) All of the above.
67. Which of the following is not a hearsay evidence?
- (a) Statement of police on the basis of inquiry conducted by him that accused was not at home on night of incident.
 - (b) Report of newspaper
 - (c) Report prepared on basis of information provided by officer.
 - (d) Statement of witness to prove relationship between persons.
68. The case of R. v. Silverlock is concerned with
- (a) Identity of handwriting or finger impression as evidence
 - (b) Recorded tapes as evidence
 - (c) Statement of eye witness as evidence
 - (d) All of the above
69. The evidentiary value of an expert opinion is:
- (a) Absolute
 - (b) Advisory
 - (c) Limited Value
 - (d) Inadmissible

70. A disputed handwriting can be proved
- (a) By calling an expert
 - (b) By examining a person acquainted with the handwriting of the writer of the questioned document
 - (c) By comparison of the two admitted and disputed handwriting
 - (d) All of the above
71. The basis of the rule as to dying declaration was explained in the case
- (a) P. Babu v. State of A.P.
 - (b) Om Pal Singh v. State of U.P.
 - (c) Queen - empress v. Abdullah
 - (d) R. v. Woodcock
72. The previous conviction of an accused can be proved by entering into evidence:
- (a) Copy of the conviction order transcribed from a copy.
 - (b) Certified copy of the conviction order.
 - (c) Facsimile copy of the conviction order.
 - (d) All of the above
73. The Court may forbid any questions or inquiries which it regards as indecent or scandalous under _ of the Indian Evidence Act, 1872.
- (a) Section 151
 - (b) Section 150
 - (c) Section 153
 - (d) Section 155
74. X a Magistrate is examined as a witness:
- I. X cannot be questioned of his conduct in Court.
 - II. X cannot be questioned of anything other than what came to his knowledge in Court.
 - III. X can be questioned only of what occurred in his presence
 - IV. X can be questioned about anything with the permission of the examining Court.
- Choose the correct answer:
- (a) 1, II & III
 - (b) Only III
 - (c) II, III & IV
 - (d) Only III & IV
75. Privileged communications include:
- (a) Communications before divorce.
 - (b) Communications with a source.
 - (c) Communications made to attorney.
 - (d) All of the above
76. When a person is a victim of an offence under IPC and such offence is also a tort, eg in the case of defamation, negligence, nuisance etc. such person has a remedy available through:
- (a) Civil suit, for compensation under law of torts only
 - (b) Criminal case, for fixing the criminal liability on the accused under IPC only
 - (c) Both (a) & (b)
 - (d) Either (a) or (b)
77. The principle on which a suit for malicious prosecution can be instituted was laid down in
- (a) Cook v. Alexander case
 - (b) Coupe Co. v. Maddick case
 - (c) Cutts v. Cunley case
 - (d) Saville v. Roberts case
78. In which case Lord Atkin quoted that, "You must take reasonable care to avoid acts or omission which you can reasonably foresee would be likely to injure your neighbour"
- (a) Winter Bottom vrs Wright
 - (b) Donoghue vrs Stevenson
 - (c) Longmeid vrs Holliday
 - (d) Baker vrs Jones
79. To constitute defamation of a person –
- (a) The statement must be false and defamatory
 - (b) The Statement must be published
 - (c) The statement must refer to the plaintiff
 - (d) All of the above

- 80.** In which case the Supreme Court missed the chance of making the state liable for the acts of its servants and upheld the immunity of the State from tortious liability for the act of its servants while carrying out sovereign functions:
- (a) Union of India vrs Bhagwati Prasad Mishra (b) Kasturi Lal vrs State of U.P
(c) Lado vrs UP Electricity Board (d) State of Rajasthan vrs Vidyawati
- 81.** The case of Bhim Singh v. State of J&K is concerned with –
- (a) Tortious liability of the state (b) Vicarious liability of the state
(c) Both (a) and (b) (d) None of the above
- 82.** The meaning of volenti non fit injuria is:
- (a) The punishment of the defendant should suit the injury that he caused.
(b) A person who causes injury must be held liable.
(c) Voluntary assumption of risk
(d) There can be no injury to one who consents.
- 83.** The ‘last opportunity’ principle is related to the
- (a) Hanging of the convicts
(b) Right of the accused to prove innocence before the court
(c) Principal of natural justice
(d) Vehicle accidents
- 84.** One of the cases mentioned below deals with the plaintiff, as a spectator in a motor car race where the car collided, was hit resulting in injury but was held to be the risk taken by the plaintiff and the defendant not liable.
- (a) Smith vrs. Charles Baker Auto Racing Club (b) Woolridge vrs Summer
(c) Hall vrs Brooklands Auto Racing Club (d) Illot vrs Wilkes
- 85.** Wrongs affecting husband and wife include –
- (a) Enticement (b) Adultery
(c) Live – in relationship (d) All of the above
- 86.** The Supreme court held that an advocate who has been engaged to act is clearly liable for negligence to his client in
- (a) Raman Services Pvt Ltd vrs Subhash Kapoor (b) M. Veerappa vrs Evelyn Squeria
(c) Arthur J S Hall & Co vrs Simons (d) Jacob Matthew vrs State of Punjab
- 87.** The test of remoteness of damage was propounded by-
- (a) Salmond (b) Pollock
(c) Hitchcock (d) Roscoe Pound
- 88.** Under the Wagon Mound Case, the test for remoteness of damage:
- (a) Was the damage reasonably foreseeable
(b) Was the damage proximate
(c) Was the damage of a kind that was foreseeable
(d) Was the damage caused by the breach of duty
- 89.** Which of the following is not a remedy for trespass –
- (a) Right to re - enter (b) Suit for mense profits
(c) Suit for damages (d) Distress damage feasant
- 90.** Res Ipsa loquitur places the burden of proving negligence on:
- (a) Defendant (b) Plaintiff
(c) Both of the above (d) It is irrelevant which party proves the negligence

91. To constitute battery, two things are essential –
- (a) Malice and brute force
 - (b) Hostile intent and force
 - (c) Hostile intent and malice
 - (d) Motive and coercion
92. The general remedy in law of tort is:
- (a) Action for damages
 - (b) Action for injunction
 - (c) Specific restitution of property
 - (d) Action for unliquidated damages
93. In which one of the following situations is slander actionable per se:
- (a) An imputation that a certain person is a habitual gambler
 - (b) An imputation that a certain female player is of unchaste character
 - (c) An imputation that certain wrestler is a womanizer
 - (d) None of the above
94. K wants to buy L's car and drives it to test it with L seated by his side. Because of K's negligence an accident happened in which M is injured. M sues L for damages. In this case:
- (a) L is not liable as K was driving the car for his own purpose.
 - (b) L is not liable as K was not the servant of L.
 - (c) L is liable because he had not abandoned his right and duty to control the way in which the car was driven.
 - (d) L is liable because K was driving the car for L's purpose.
95. Negligence of two or more persons resulting in the same damage to a third person makes the persons responsible as:
- (a) Joint & several tortfeasors
 - (b) Composite tortfeasors
 - (c) Contributory negligence
 - (d) Joint tortfeasors
96. Mistake of law is –
- (a) A great defence for civil liability
 - (b) No defence for civil liability
 - (c) Additional defence for civil liability
 - (d) None of the above
97. The maxim "Salus Populi Supreme Lex" means:
- (a) No man is above the law
 - (b) Whatever the public collectively say is the law
 - (c) The welfare of the people is Supreme law
 - (d) The increasing population is the supreme cause of concern
98. _____ is irrelevant in the law of torts
- (a) Malice
 - (b) Motive
 - (c) Fault
 - (d) Liability
99. An adverse withholding of the goods of another where the plaintiff can recover the goods from the defendant when the same are being wrongfully detained by the latter is:
- (a) Conversion
 - (b) Detinue
 - (c) Trover
 - (d) Mesne Profit
100. Vis Major is:
- (a) An inevitable accident
 - (b) Beyond the control of human's might
 - (c) Extraordinary occurrence which could not be foreseen and could not have been guarded against
 - (d) All of the above