Haryana Prelims Test Series – 2024
TEST 18 (Full Test - 1)
EXPLANATIONS

1. A- Refer to section 376(1) of CrPC
2. C- Refer to section 209(a) of CrPC
3. C- Refer to section 223 of CrPC- What persons may be charged jointly.
4. B- Refer to section 24(7) of CrPC- A person shall be eligible to be appointed as a Public Prosecutor or an Additional Public Prosecutor under sub-section (1) or sub-section (2) or sub-section (3) or sub-section (6), only if he has been in practice as an advocate for not less than seven years
5. D- Refer to section 251 of CrPC- When in a summons-case the accused appears or is brought before the Magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked whether he pleads guilty or has any defence to make, but it shall not be necessary to frame a formal charge.
6. C- Refer to section 216(1) of CrPC- Any Court may alter or add to any charge at any time before judgment is pronounced.
7. A- Refer to section 2(b) of CrPC- "charge" includes any head of charge when the charge contains more heads than one;
8. A- Refer to section 206(1) of CrPC-Special summons in cases of petty offence.—(1) If, in the opinion of a Magistrate taking cognizance of a petty offence, the case may be summarily disposed of under section 260 or section 261, the Magistrate shall, except where he is, for reasons to be respected……
9. B- Refer to section 167(2) of CrPC- The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorise the detention of the accused in such custody as such Magistrate thinks fit, for a term not

exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction

10. C- Refer to section 82(1) of CrPC- If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.
11. D- Refer to section 120 of Indian Evidence Act- – In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit, shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness
12. B- Refer to section 10 of Indian Evidence Act- Things said or done by conspirator in reference to common design.
13. D- Refer to section 63(5)- Secondary evidence. –– (5) oral accounts of the contents of a document given by some person who has himself seen it.
14. C- It was held that- There is no absolute rule of law, not even a rule of prudence that has ripened into a rule of law- that a dying declaration in order-that it may sustain an order of conviction must be corroborated by other independent evidence.
15. B- Refer to section 141 of Indian Evidence Act- leading Question
16. B- Refer to section 133 of Indian Evidence Act- An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.
17. C- Refer to section 107 of Indian Evidence Act- When the question is whether a man is alive or dead, and it is shown that he was alive

within thirty years, the burden of proving that he is dead is on the person who affirms it.

18. D- Refer to section 91 of Indian Evidence Act- Evidence of terms of contracts, grants and other dispositions of property reduced to form of document.

19. A- The principle on which it is admitted as evidence is indicated in the legal maxim 'nemomoriturus prae-sumitur mentire' which means a man will not meet his maker with a lie in his mouth. This is exactly the reason as to why courts have held that an accused can be convicted solely on the basis of 'Dying Declaration.

20. A- Refer to section 23 of Indian Evidence Act- Admissions in civil cases when relevant

21. D- It is a 2013 case in which a 2 judge Supreme Court bench consisting of G. S. Singhvi and S. J. Mukhopadhaya overturned the Delhi High Court case Naz Foundation v. Govt. of NCT of Delhi and reinstated Section 377 of the Indian Penal Code.

22. B- Refer to section 44 of IPC- The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

23. B- Refer to section 320 of crPC

24. C- Refer to section 354D(2) of IPC- Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

25. A- I and II statements are correct. Refer to provisions related to abetment and the illustrations (Sections 107 to section 120)

26. D- Refer to section 99 of IPC- Acts against which there is no right of private defence. Extent to which the right may be exercised.

27. D- Furiosi nulla voluntas est which states that no culpability can be fastened upon insane persons as they have no free will. (Section 84 IPC- Defence of unsound mind)

28. A- Refer to section 274 of IPC- Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both
29. C- Refer to section 300 of IPC- sixthly
30. A- Refer to section 280 of IPC-Rash navigation of vessel
31. B- Refer to Article 263- Provisions with respect to an inter-State Council.—If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of—
32. A- Refer to Article 61(1)- When a President is to be impeached for violation of the Constitution, the charge shall be preferred by either House of Parliament.
33. B- Refer to Article 243K- The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Panchayats shall be vested in a State Election Commission consisting of a State Election Commissioner to be appointed by the Governor.
34. C- Refer to Duties mentioned under Article 51A
35. A- Refer to Article 51(d) - encourage settlement of international disputes by arbitration
36. B- Refer to Article 34 - Restriction on rights conferred by this Part while martial law is in force in any area
37. A- Refer to Article 141- Law declared by Supreme Court to be binding on all courts
38. B- Refer to Article 213- Power of Governor to promulgate Ordinances during recess of Legislature
39. C- Refer to Article 220- No person who, after the commencement of this Constitution, has held office as a permanent Judge of a High Court

shall plead or act in any court or before any authority in India except the Supreme Court and the other High Courts

40. A- The concept of judicial review has been borrowed from the constitution of the USA. In the Indian Constitution, the power of judicial review with regards to the Supreme Court is stated in Articles 32 and 136 and in Articles 226 and 227 with respect to High court.

41. C- The Indian Sale of Goods Act, 1930 is a mercantile law which came into existence on 1 July 1930, during the British Raj, borrowing heavily from the United Kingdom's Sale of Goods Act 1893.

42. D- Refer to section 10(1) of Sale of Goods Act- Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation, the agreement is thereby avoided

43. A- Refer to section 12(1) of Sale of Goods Act- A stipulation in a contract of sale with reference to goods which are the subject thereof may be a condition or a warranty.

44. B- Refer to section 46 of Sale of Goods Act- Unpaid seller's rights.

45. B- Refer to section 46(1) of SOGA- Unpaid seller's sights.—(1) Subject to the provisions of this Act and of any law for the time being in force, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law— ……(b) in case of the insolvency of the buyer a right of stopping the goods in transit after he has parted with the possession of them;

46. D- Refer to section 15 of SOGA- Sale by description.

47. C- Refer to section 3 of CPC- For the purposes of this Code, the District Court is subordinate to the High Court, and every Civil Court of a grade inferior to that of a District Court and every Court of Small Causes is subordinate to the High Court and District Court.

48. B- Refer to section 80(1) of CPC- Save as otherwise provided in sub-section (2), no suits shall be instituted against the Government (including the Government of the State of Jammu and Kashmir) or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two

months next after notice in writing has been 8 [delivered to, or left at the office of—....

49. B- Refer to section 80(2) of CPC- A suit to obtain an urgent or immediate relief against the Government (including the Government of the State of Jammu and Kashmir) or any public officer in respect of any act purporting to be done by such public officer in his official capacity, may be instituted, with the leave of the Court, without serving any notice as required by sub-section (1)

50. B- Refer to section 86(1) of CPC- No foreign State may be sued in any Court otherwise competent to try the suit except with the consent of the Central Government certified in writing by a Secretary to that Government: …

51. B- Refer to section 88 of CPC- Where interpleader-suit may be instituted

52. C- Refer to section 88 of CPC- Where two or more persons claim adversely to one another the same debts, sum of money or other property, movable or immovable, from another person, who claims no interest therein other than for charges or costs and who is ready to pay or deliver it to the rightful claimant, such other person may institute a suit of interpleader against all the claimants for the purpose of obtaining a decision as to the person to whom the payment or delivery shall be made and of obtaining indemnity for himself:

53. A- In this case important principles regarding jurisdiction of civil courts were laid down by the Supreme Court

54. D- Refer to section 9 of CPC- The Courts shall (subject to the provisions herein contained) have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred.

55. B- Refer to Proviso to section 113 of CPC_ Provided that where the Court is satisfied that a case pending before it involves a question as to the validity of any Act, Ordinance or Regulation or of any provision contained in an Act, Ordinance or Regulation, the determination of which is necessary for the disposal of the case, and is of opinion that

such Act, Ordinance, Regulation or provision is invalid or inoperative, but has not been so declared by the High Court to which that Court is subordinate or by the Supreme Court, the Court shall state a

56. B- Refer to Order XXXVIII Rule 13 of CPC- Small Cause Court not to attach immovable property

57. C- Refer to order XXII Rule 1 of CPC- No abatement by party's death if right to sue survives.

58. B- Refer to section 3(2)(a)(ii) of The Limitation Act- (2) For the purposes of this Act,— (a) a suit is instituted,— ……..(ii) in the case of a pauper, when his application for leave to sue as a pauper is made; and…

59. C- Refer to Explanation to section 4 of The Limitation Act- —A court shall be deemed to be closed on any day within the meaning of this section if during any part of its normal working hours it remains closed on that day.

60. B- Refer to section 8 of the Limitation Act- —Nothing in section 6 or in section 7 applies to suits to enforce rights of preemption, or shall be deemed to extend, for more than three years from the cessation of the disability or the death of the person affected thereby, the period of limitation for any suit or application.

61. B- Where a person who would, if he were living, have a right to institute a suit or make an application dies before the right accrues, or where a right to institute a suit or make an application accrues only on the death of a person, the period of limitation shall be computed from the time when there is a legal representative of the deceased capable of instituting such suit or making such application

62. C- Refer to Explanation to section 18 of the Limitation Act- Explanation.—For the purposes of this section,— (a) an acknowledgment may be sufficient though it omits to specify the exact nature of the property or right, or avers that the time for payment, delivery, performance or enjoyment has not yet come or is accompanied by a refusal to pay, deliver, perform or permit to enjoy, or is coupled with a claim to set off, or is addressed to a person other than a person entitled to the property or right, (b) the word "signed" means signed

either personally or by an agent duly authorised in this behalf, and (c) an application for the execution of a decree or order shall not be deemed to be an application in respect of any property or right

63. A- Refer to Article 73 of the Schedule of Limitation Act

64. A- Refer to section 4 of Specific Relief Act- Specific relief to be granted only for enforcing individual civil rights and not for enforcing penal laws.

65. A- Refer to section 6(3) of Specific Relief Act-No appeal shall lie from any order or decree pass

66. C- Refer to Explanation 2 to section 7 of the Specific Relief Act- A special or temporary right to the present possession of movable property is sufficient to support a suit under this section.

67. D- Refer to section 10 of the Specific Relief Act- The specific performance of a contract shall be enforced by the court subject to the provisions contained in sub-section (2) of section 11, section 14 and section 16.

68. A- Refer to section 14A of Specific Relief Act- Power of court to engage experts.

69. D- Refer to section 20(4) of Specific Relief Act- Nothing in this section shall prevent the party who has suffered breach of contract from claiming compensation from the party in breach.

70. B- Refer to section 20C of Specific Relief Act- Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), a suit filed under the provisions of this Act shall be disposed of by the court within a period of twelve months from the date of service of summons to the defendant

71. C- Refer to Illustration (a) to section 4 of Indian Contract Act

72. D- Refer to section 6 of Indian Contract Act- Revocation how made

73. D- Refer to Illustrations to section 17 of Indian Contract Act

74. D- Refer to section 19 of Indian Contract Act- —When consent to an agreement is caused by coercion, fraud or misrepresentation, the agreement is a contract voidable at the option of the party whose consent was so caused.

75. D- Refer to Illustration © to section 32 of Indian Contract Act

76. B- Refer to section 44 of the Indian Contract Act- Where two or more persons have made a joint promise, a release of one of such joint promisors by the promisee does not discharge the other joint promisor or joint promisors; neither does it free the joint promisors so released from responsibility to the other joint promisor or joint promisors.

77. B- Refer to section 57 of Indian Contract Act- 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 first set of promises is a contract, but the second is a void agreement.

78. B- Clayton's principle means- the first debit in the account will be discharged by the first credit deposited, and likewise, other entries will be released in chronological order. Hence, it is also called the first-in, first-out principle. In India, this rule is applicable based on the Indian Contract Act, 1872.

The principle of "first in, first out" established in Devaynes v Noble (1816) 35 ER 767 (often referred to as "Clayton's case").

79. C- Undue influence is said to be a subtle species of fraud whereby mastery is obtained over the mind of the victim, by insidious approaches and seductive artifices; Mahboob Khan v. Hakim Abdul Rahim, AIR 1964 Raj 250

80. A- A person who finds goods belonging to another, and takes them into his custody, is subject to the same responsibility as a bailee

81. A- Refer to section 3(1) of the Punjab Courts Act

82. A- Refer to section 20 of the Punjab Courts Act

83. A- Refer to section 20 of the Punjab Courts Act

84. B- Refer to section 31(1) of Punjab Courts Act

85. B- Refer to section 34 of Punjab Courts Act

86. C- Vijnaneshwara was a prominent jurist of the first millennium CE India. His treatise, the Mitakshara, dealt with inheritance, and is one of the most influential legal treatises in Hindu law

87. B- Refer to section 8(2) of Hindu Marriage Act- Notwithstanding anything contained in sub-section (1), the State Government may, if it is of opinion that it is necessary or expedient so to do, provide that the entering of the particulars referred to in sub-section (1) shall be compulsory in the State or in any part thereof, whether in all cases or in such cases as may be specified, and where any such direction has been issued, any person contravening any rule made in this behalf shall be punishable with fine which may extend to twenty-five rupees.

88. C- Refer to section 13(1)(ib) of Hindu Marriage Act- has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition

89. B- This appeal was filed by Lakshmi Ammal, the petitioner in O. P. No. 83 of 1955, on the file of the District Judge, Ramanathapuram, at Madurai, against the order of the learned District Judge dismissing as not maintainable, her petition under Ss. 11 and 17 of the Hindu Marriage Act XXV of 1955 for declaring the marriage of her husband Ramaswami Naicker, the first respondent, with Krishnammal, the second respondent, void and illegal.

90. D- Pre-marital relation of spouse is irrelevant

91. B- An effort was made to define cruelty in the classic English case of Russel v. Russel, which contained the first use of the term. Cruelty was held to be a conduct of such character as to have caused danger to life or health, bodily or mentally, gives rise to reasonable apprehension of such danger.

92. D- In the case of Jyotish Chandra Guha v. Meera Guha (1969), the husband was not interested in his wife and his behaviour towards her was cold and rude from the beginning of the marriage, due to which the wife suffered a lot of agonies, mental and physical, and was forced to file a divorce petition. It was held to be desertion at the hands of the husband.

93. B- Refer to footnote appended to section 13B of Hindu Marriage Act

94. A- Early support for the validity of analogical reason in jurisprudence (qiyas) came from Abu Hanifa and his student Abu Yusuf.

95. A- Ithana isharia is a Shia school

96. C- According to Nawawi, the age of 15 lunar year is self-evident for both boys and girls to become full adults.

97. B- Muta marriage is for a specific period of time. This marriage if not consummated then the woman is authorised to take only half the mehar. And if otherwise, meaning if the marriage has been consummated between the husband and the wife, then the wife is entitiled to entire mehar payable by the man.

98. C- Ila is an oath whereby the husband vows to refrain from sexual relations with his wife for at least four months. If he fulfils his oath, the marriage is dissolved; if he breaks it, the marriage continues.

99. A- Four months and ten days, that's about 130 days (give or take a leap year) or a third of a year – the time a widow is meant to mourn for her husband in Islam

100. B- A Muslim can make a Will in favour of anyone, only to the extent of one-third of his total property.

101. A- uch acceptance must be made during the lifetime of the donor and while he is till capable of giving, If the donee dies before acceptance, the gift is void.

101- A- The truest test of a partnership is the existence of a Mutual Agency. There are other instances where the sharing of profit exists but there is no partnership. But if an agency exists between the parties who run a business together and share profits it will be deemed that a partnership exists.

102. D- Hickman sued the firm for payment treating Cox and Haywood as partners. The House of Lords Held that there was no partnership and Cox was not liable. Lord Cranworth held that participation in profits is not the decisive test of a partnership.

103. C- Refer to section 7 of Indian Partnership Acy- Where no provision is made by contract between the partners for the duration of

their partnership, or for the determination of their partnership, the partnership is "partnership-at-will".

104. D- Refer to section 19(2)(d) of Indian Partnership Act- In the absence of any usage or custom of trade to the contrary, the implied authority of a partner does not empower him to - ……..(d) withdraw a suit or proceeding filed on behalf of the firm……..

105. C- Refer to section 30 of Indian Partnership Act- Section30 MINORS ADMITTED TO THE BENEFITS OF PARTNERSHIP. Clause 1 and 3

106. B- Refer to section 41 of Indian Partnership Act- Compulsory dissolution.

107. B- Refer to section 34(3)(b) of the Registration Act- …….satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document……

108. B- Refer to section 47 of the Registration Act- A registered document shall operate from the time which it would have commenced to operate if no registration thereof had been required or made, and not from the time of its registration

109. D- Refer to section 10(1) of the Registration Act- When any Registrar, other than the Registrar of a district including a Presidency-town, is absent otherwise than on duty in his district, or when his office is temporarily vacant, any person whom the Inspector-General appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, shall be the Registrar during such absence or until the 1 [State Government] fills up the vacancy.

110. A- Refer to section 23 of the Registration Act- Subject to the provisions contained in sections 24, 25 and 26, no document other than a will shall be accepted for registration unless presented for that purpose to the proper officer within four months from the date of its execution:

111. D- Refer to section 28 of the Registration Act- ……shall be presented for registration in the office of a Sub-Registrar within whose

sub-district the whole or some portion of the property to which such document relates is situate

112. A- Refer to section 17 of the Registration Act- Documents of which registration is compulsory

113. C- Refer to section 2(a) of Haryana Urban (Control of Rent and Eviction) Act- "building" means any building or a part of building let for any purpose whether being actually used for that purpose or not, including any land, godowns, out-houses, gardens, lawns, wells or tanks appurtenant to such building or the furniture let therewith or any fittings affixed to or machinery installed in such building, but does not include a room in a hotel, hostel or boarding house;

114. C- Refer to section 4(1) of Haryana Urban (Control of Rent and Eviction) Act- The Controller shall, on application by the tenant or the landlord of a building or rented land, fix the fair rent for such building or rented land after holding such enquiry as he may think fit. Such fair rent shall be operative from the date of application.

115. B- Where any sum has, whether before or after the commencement of this Act, been paid which sum by reason of the provisions of the Act should not have been paid, such sum shall, at any time within a period of six months after the date of payment, be recoverable by the tenant from the landlord who received the payment or his legal representative, and may, without prejudice to any other method of recovery, be deducted, within such six months, by such tenant from any rent payable by him to such landlord.

116. B- Refer to section 18 of Haryana Urban (Control of Rent and Eviction) Act- Every order made under the provisions of this Act shall be executed by a civil court having jurisdiction in the area as if it were a decree or order of that court.

117. C- Refer to section 21 of Haryana Urban (Control of Rent and Eviction Act)- Landlord and tenant to furnish particulars

118. D- Refer to section 20 of Haryana Urban (Control of Rent and Eviction) Act- The High Court] may, on an application made to it or otherwise, by order transfer any proceedings pending before any

appellate authority to another appellate authority and the appellate authority to whom the proceedings are so transferred may, subject to any special direction in the order of transfer, dispose of the proceedings.

119. D- Refer to section 3(a) of Haryana Urban (Control of Rent and Eviction) Act- the expressions “custom” and “usage” signify any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family: Provided that the rule is certain and not unreasonable or opposed to public policy;

120. B- In a move towards increasing voter participation during the elections, the Election Commission of India joined hands with renowned actor Rajkumar Rao. The Commission recognized Rajkumar Rao as National Icon to create awareness among the voters especially the youth.

121. C- National Unity Day is celebrated in India on 31 October. It was introduced by the Government of India in 2014. The day is celebrated to mark the birth anniversary of Sardar Vallabhbhai Patel who had a major role in the political integration of India.

122. B- In the September 2023 rating list, Gukesh officially surpassed Viswanathan Anand as the top-ranked Indian player, marking the first time in 37 years that Anand was not the top-ranked Indian player. In December 2023, with the end of the FIDE Circuit, Gukesh qualified for the 2024 Candidates Tournament.

123. A- The conference has been organised by Defence Food Research Laboratory (DFRL), the Mysuru-based laboratory of Defence Research and Development Organisation (DRDO).

124. A- The 'cry' gene which is responsible for the pest resistance in Bt cotton was obtained from a bacterium called Bacillus thuringiensis. Therefore, Bt stands as an identification for Bacillus thuringiensis.

125. A- Justice Katju is the author of this book