Haryana Prelims Test Series – 2024

TEST 20 (Full Test - 2)

EXPLANATIONS

1. A-Refer Section 8 of Code of Criminal Procedure, 1973
2. B-Refer Section 25 of Code of Criminal Procedure, 1973
3. B-Refer Section 29(2) of Code of Criminal Procedure, 1973
4. B-Refer Section 41C of Code of Criminal Procedure, 1973
5. D-Refer Section 41C(1) of Code of Criminal Procedure, 1973
6. D-Refer Section 43 of Code of Criminal Procedure, 1973
7. B-Refer Section 53 of Code of Criminal Procedure, 1973
8. D-Refer Section 58 of Code of Criminal Procedure, 1973
9. C-Refer Section 70 of Code of Criminal Procedure, 1973
10. B-Refer Section 173(8) of Code of Criminal Procedure, 1973
11. A-Refer Section 22A of the Indian Evidence Act, 1872
12. B-The proof of the fact depends upon the degree of probability of its existence. The standard required for reaching the separation is that of a prudent man acting in any important matter concerning him; Hawkins v. Powells, (1911) 1 KB 988.

    Further the proof does not mean proof of rigid mathematical demonstration, because that is impossible, it must mean such evidence as would induce a reasonable man to come to a particular conclusion; M. Narasimha Rao v. State of Andhra Pradesh, AIR 2001 SC.
13. B-Section 3 of the Indian Evidence Act, 1872.
14. B-The case of Sawal Das v. State of Biharis a leading case on Rule of Res Gestae. Here a husband, his father and mother were

prosecuted for the murder of his wife. There was evidence to show that she cried out for help and also screamed out that she was being killed by the accused persons. Also, the children who were playing outside exclaimed that their mother was being killed.

These statements of the deceased as well as of the children were held to be relevant as res gestae.

15. C-Res Gestae is an exception to the principle that hearsay evidence is no evidence.

16. C-Refer to Section 7 of the Indian Evidence Act, 1872

17. C-Supreme Court in the decision of Khushal Rao v. State of Bombay, AIR 1958 SC 22, held that the dying declaration of a person by itself, may be sufficient to find the accused guilty and if the statement is reliable and credible, it does not even need corroboration

18. A-The words 'judgment in rem' are not used in the section and the English concept of judgment in rem is not identical with what is contained in Section 41. The Select Committee stated that the language of the section is based on the judgment of Sir Barnes Peacock CJ in Kanhailal v. Radha Churn: 7 WR 338 (Cal). This Section 41 refers only to four types of cases and the section is based on public policy in as much as the peace of society requires that matters of social status should not be left in continual doubt.

19. A- The court can consider any person as an expert if he has the necessary knowledge, skill, and experience in a particular field. In the case of Bhoginbhai Hirbhai v. State of Gujarat, the Apex Court held that even a student can be treated as an expert under Section 45 of the Indian Evidence Act, 1872.

20. D- Section 31 says that admissions are not conclusive proof of the matters admitted but they may operate as Estoppel under the provision of this Act. The provision is further supplemented by Section 58 under which it is provided, "Facts admitted need not to be proved." It says that no facts need to be proved in any proceeding which the parties hereto or their agent agreed to admit at the hearing or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading enforce at the time they are deem to have admitted by their pleading.

Admissions are different from Judicial Admissions. Admission in the Evidence Act is nothing but a piece of evidence. Judicial admissions are formal admissions made by a party during the proceeding of the case. Judicial admissions are binding on the party that makes them. They constitute a waiver of proof which means it is proof of fact admitted and further proof is not necessary, though the court in its direction may require further proof.

21. C

Order issued by a judge for the execution of a sentence of death- Section 77

Act of a child below the age of 7 years -Section 82

Act of a person of unsound mind-Section 84

Involuntary intoxication-Section 85

In the case of voluntary intoxication, under Section 86, knowledge is imputed.

22. C-There is no clear dividing line between preparation and attempt; it is very thin, every case has to be judged according to the facts and circumstances of its own. Some tests have been evolved by the

courts to determine at what stage an act or series of acts done towards the commission of the intended offence would become an attempt such as Proximity Test, Locus poenitentiae (Time for repentance), Impossibility Test and Social danger test.

23. D-Refer to Section 198A of Code of Criminal Procedure, 1973.
24. A-Chapter VI of the IPC deals with Offences against the state.
25. C-Refer to Section 426 of IPC for Punishment for mischief.
26. C-Refer to Section 408 of IPC.
27. C-In Criminal Misappropriation, the initial step of taking property may be innocent and lawful.
28. D-Refer to Section 103 of IPC
29. B-Refer to Section 396 of IPC
30. C-Refer to Section 364A of IPC
31. A-73rd constitutional amendment gave constitutional status and protection to the Panchayati Raj institutions
32. A-According to article 338A of the Indian Constitution, there shall be a Commission(National Commission for the Scheduled Tribes) for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.
33. A-Article 343 of the Indian Constitution provides that The official language of the Union shall be Hindi in Devanagari script.
34. B-Refer to Article 40 of the Indian Constitution.
35. C-Refer to the proviso of Article 356(4) of the Indian Constitution.
36. B-Refer to Article 75(3) of the Indian Constitution.
37. D- Article 109 &110 of the Indian Constitution
38. A-The principle of res judicata does not apply in the Writ of Habeas Corpus as far as High Courts are concerned. Article 32

gives power to the Supreme Court to issue writs and some power is given to High Courts under Article 226.

39. C-Writs of India are borrowed from English law where they are known as 'Prerogative writs'
40. B-India is a ‘democratic republic’ which implies that Both head of the state and the government are elected.
41. A-Refer to Section 16(2) of the Sales of Goods Act, 1930.
42. A-Refer to Section 38 of the Sales of Goods Act, 1930.
43. B-The expression ‘course of dealing’ between the parties in Section 62 of the Sale of Goods Act, 1930 means past dealings between the parties.
44. C-Refer to Section 61 of the Sale of Goods Act, 1930.
45. A-Refer to Section 2 (6) of the Sale of Goods Act, 1930.
46. B-Refer to Section 10 of the Sale of Goods Act, 1930.
47. C-Refer to Section 18 of the Code of Civil Procedure, 1908.
48. B-Refer to section 22 of the Code of Civil Procedure, 1908.
49. A-Refer to Section 39 of the Code of Civil Procedure, 1908.
50. B-Refer to Section 99 of the Code of Civil Procedure, 1908.
51. C-Refer to Section 132 of the Code of Civil Procedure, 1908.
52. C-Refer to Section 148A of the Code of Civil Procedure, 1908.
53. D-Refer to Section 153B of the Code of Civil Procedure, 1908.
54. B-Refer to Order I Rule 10(5) of the Code of Civil Procedure, 1908.
55. A-Refer to Order V Rule 2 of the Code of Civil Procedure, 1908.
56. C-Refer to Order V Rule 5 of the Code of Civil Procedure, 1908.
57. D-Refer to Order XII Rule 2 of the Code of Civil Procedure, 1908.
58. C-Refer to Section 2(f) of the Limitation Act, 1963.
59. D-Refer to Section 6 of the Limitation Act, 1963.

60. C-Refer to Section 5 of the Limitation Act,1963.
61. D-Refer to Section 17 of the Limitation Act, 1963.
62. B-Refer to Section 27 of the Limitation Act, 1963.
63. C-Refer to Article 52 of the Limitation Act, 1963.
64. B-Refer to section 2(d) of the Specific Relief Act, 1963.
65. D-Refer to Section 14 of the Specific Relief Act, 1963.
66. D-Refer to Section 15 of the Specific Relief Act, 1963.
67. B-Refer to Section 20A of the Specific Relief Act, 1963.
68. B-Refer to Section 21 of the Specific Relief Act, 1963.
69. D-Refer to Section 30 of the Specific Relief Act, 1963.
70. B-Refer to Section 6 of the Specific Relief Act, 1963.
71. D- Promise- Section 2(b)
    Contract-Section 2(h)
    Voidable contract- Section 2(i)
    Reciprocal promises- Section 2(f)
    Void-Section 2(g)
72. A-Refer to Section 12 of the Indian Contract Act, 1872
73. C-Refer to Section 13 of the Indian Contract Act, 1872
74. A-Refer to Section 23 of the Indian Contract Act, 1872, illustration(d), (f), (h), (k)
75. B-Refer to Section 29 of the Indian Contract Act, 1872.
76. B-Refer to Section 32 of the Indian Contract Act, 1872
77. B-Refer to Section 57 of the Indian Contract Act, 1872
78. D-A contract may be discharged by breach, agrement, frustration, performance, novation.
79. C-In the case of *"Bhim Singh v. Kan Singh (1980 AIR 727)*, the Court held that the Doctrine of Quasi-Contract is based on the principle that no one should be allowed to enrich themselves

unjustly at the expense of another. The Court emphasized the importance of preventing unjust enrichment and upheld the doctrine's applicability in appropriate cases.

80. C-Refer to Section 70 of Indian Contract Act
81. B-Refer to Section 3(2) of the Punjab Courts Act
82. A-Refer to section 28 of the Punjab Courts Act
83. A-Refer to section 38 of the Punjab Courts Act
84. B-Refer to section 41 of the Punjab Courts Act
85. D-Refer to section 41 of the Punjab Courts Act
86. D-Refer to Section 19 of the Hindu Adoptions and Maintenance Act, 1956
87. C-Refer to Section 27 of the Hindu Adoptions and Maintenance Act, 1956
88. B-Refer to Section 10(iii) of the Hindu Adoptions and Maintenance Act, 1956
89. A-Refer to Section 8 (both prior and after the amendment) of the Hindu Adoptions and Maintenance Act, 1956. After the amendment, the married woman can adopt with the consent of her husband,unless the husband has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.
90. D-Refer to Section 3(g) of the Hindu Succession Act, 1956
91. A-Refer to Section 3(c) of the Hindu Succession Act, 1956
92. A- A Hindu individual has the right to gift away their separate or self-acquired property. However, a condition applies: if family members who are legally entitled to receive maintenance from that person make a claim against the gift, then the Hindu cannot dispose of their property through a gift.

93. C-As per Section 21 of the Guardians and Wards Act, 1890- Capacity of minors to act as guardians - A minor is incompetent to act as guardian of any minor except his own wife or child or, where he is the managing member of an undivided Hindu family, the wife or child of another minor member of that family.

94. B-In Islam, *iddat* is the period a woman must observe after the death of her husband or after a divorce, during which she may not marry another man. One of its main purposes is to remove any doubt as to the paternity of a child born after the divorce or death of the prior husband.

95. C-'Muta' marriage is a marriage for temporary but a fixed period after specifying dower. 'Muta' marriage is void under Sunni Law because the words used at the time of proposal and acceptance must denote an immediate and permanent union.It is recognized only in the Ithna Asharia Shia School.

96. D-Dissolution of Muslim Marriage Act, 1939 (DMMA) is sole document in the history of Sub continent, which is a departure from the Hānāfi School of Islamic thought. It is based on the Maliki School of Islamic jurisprudence.

97. D-Muslim marriage is a religious sacrament too was laid down in the case of Anis Begum Vs. Mustafa (1933).

98. C-A widow, whose dower remains unpaid, has a right to retain the properties of the husband till her dower debt is satisfied. This right is termed as the right of retention in lieu of unpaid dower and it is available to a widow, whether there is any agreement between the parties for this right or not.

99. C-Hizanat means the right of a mother over her children for bringing them up, for their education, and for the care of their property.

100. A-The literal meaning of the word 'Mubarat' is obtaining release from each other. It is said to take place when the husband and wife, with mutual consent and desire, obtain release and freedom from their married state.

101. B-The partnership firm is not a legal entity as that of a company registered under the Companies Act. therefore the firm cannot on its own create or enter into any contract.

102. B-Refer to section 5 of the Indian Partnership Act

103. A-Refer to section 14 of the Indian Partnership Act

104. C-Refer to section 10 of the Indian Partnership Act

105. B-Refer to Section 10 of the Indian Partnership Act

106. A-Refer to section 44(c)of the Indian Partnership Act

107. C-Refer to section 18 of the Registration Act

108. D-Refer to section 20 of the Registration Act

109. A-Refer to section 27 of the Registration Act

110. D-Refer to Section 1(3) of the Registration Act

111. C-Refer to section 76 of the Registration Act

112. A-Refer to section 78 of the Registration Act

113. C-Refer to Section 4 of the Haryana Urban (Control of Rent and Eviction) Act

114. C-Refer to Section 11 of the Haryana Urban (Control of Rent and Eviction) Act

115. B-Refer Section 13 of the Haryana Urban (Control of Rent and Eviction) Act

116. D-Refer to Section 22(3) of the Haryana Urban (Control of Rent and Eviction) Act

117. A-Refer to Section 10 of the Haryana Urban (Control of Rent and Eviction) Act

118. B-Refer to Section-13(2)(ii)(a) of the Haryana Urban (Control of Rent and Eviction) Act

119. B-Refer to Section 29(2) of the Hindu Marriage Act

120. D-Prime Minister Shri Narendra Modi participated in the 15th BRICS Summit held under South Africa's chairship, in Johannesburg on 23 August 2023.

121. B-In proceedings before the International Court of Justice (ICJ), the Republic of South Africa is alleging that Israel is responsible for violations of the Genocide Convention in respect of its actions taken in Gaza, allegations which Israel rejects.

122. B-This Is The Autobiography Of M. Hidayatullah, Chief Justice Of India And Then Vice-President Of India.

123. B-Uttarakhand Assembly passed UCC Bill and became India's first state to implement Uniform Civil Code.

124. C-The sanctioned strength of the Punjab and Haryana High Court is 38 permanent and 30 additional Judges.

125. C-Australia would win by 6 wickets, winning their sixth Cricket World Cup title.