Haryana Prelims Test Series – 2024

TEST 24 (Full Test - 4)

EXPLANATIONS

1. Ans. b

Section 439 provides Special powers of the High Court or Court of Session regarding bail.

2. Ans. c

Section 475- Delivery to commanding officers of persons liable to be tried by Court-martial
Section 476- Forms
Section 477-Power of High Court to make rules
Section 478-Power to alter functions allocated to Executive Magistrate in certain cases

3. Ans. d

Refer section 468 of CrPC.

4. Ans. b

Section 463-Non-compliance with provisions of section 164 or section 281
Section 464-. Effect of omission to frame, or absence of, or error in, charge
Section 465-Finding or sentence when reversible by reason of error, omission or irregularity
Section 466-Defect or error not to make attachment unlawful

5. Ans. c

The principles governing grant of bail which the courts have to consider can be enumerated, though not exhaustively, as under:

1. The gravity and severity of the offence and the nature of accusation;
2. Severity of punishment;
3. The position and status of the accused vis-à-vis the victim and the opportunity to approach the victims/witnesses;
4. The likelihood of the accused fleeing from justice;
5. The possibility of tampering with the evidence and/or the witnesses;
6. Obstructing the course of justice or attempting to do so;

7. The possibility of repetition of the offence;
8. The prima facie satisfaction of the court in support of the charge including frivolity of the charge;
9. The peculiar facts of each case and nature of supporting evidence.

6. Ans. c
Refer section 397 of CrPC.

7. Ans. b
Section 383-Procedure when appellant in jail
Section 384-Summary dismissal of appeal
Section 385- Procedure for hearing appeals not dismissed summarily
Section 386-Powers of the Appellate Court

8. Ans. b
Refer section 378 of CrPC.

9. Ans. c
Refer section 357 of CrPC.

10. Ans. b
Section 272-Language of Courts
Section 273-Evidence to be taken in presence of accused
Section 274-Record in summons-cases and inquiries
Section 275-Record in warrant-cases

11. Ans. a
Refer section 164 of Indian Evidence Act. 1872.

12. Ans. b
Section 156- Questions tending to corroborate evidence of relevant fact, admissible
Section 157-Former statements of witness may be proved to corroborate later testimony as to same fact
Section 158-What matters may be proved in connection with proved statement relevant under section 32 or 33.
Section 159-. Refreshing memory.

13. Ans. a
Refer illustration (b) to section 155

14. Ans. b
Refer section 125 of Indian Evidence Act, 1872.

15. Ans. b
As per section 114-A of IEA, In cases of rape, the court **shall presume(section 4 0f IEA)** that she did not consent.

16. Ans. b
Refer illustration(o) to section 14 of IEA.

17. Ans. b
Refer section 26 of IEA.

18. Ans. a
Section 30- Consideration of proved confession affecting person making it and others jointly under trial for same offence
Section 31-Admissions not conclusive proof, but may estop
Section 32-Cases in which statement of relevant fact by person who is dead or cannot be found, etc., is relevant
Section 33-Relevancy of certain evidence for proving, in subsequent proceeding, the truth of facts therein stated.

19. Ans. a
The concept of dying declaration(Section 32(1) of IEA) comes from the legal maxim "Nemo moriturus praesumitur mentire", which means "a man will not meet his maker with a lie in his mouth".

20. Ans. c
Refer illustration(h) to section 92

21. Ans. b
Refer section 30 of CrPC.

22.Ans. b
The case of Mahboob Shah v. Emperor was a landmark pronouncement of the Privy Council in the pre-constitutional era relating to the concept of same intention under and differentiating it from the concept of common intention as given under the Indian Penal Code, 1860.

23. Ans. b
Refer section 433 of CrPC.

24. Ans. d
Section 171A- "Candidate", "Electoral right" defined
Section 171B- Bribery
Section 171C-Undue influence at elections
Section 171D-Personation at elections

25. Ans. d

Refer explanation 3 to section 108 of IPC.

26.Ans. c

Section 85- Act of a person incapable of judgment by reason of intoxication caused against his will

Section 88- Act not intended to cause death, done by consent in good faith for person's benefit

Section 95-Act causing slight harm

Section 96-Things done in private defence

27. Ans. c

Refer illustration (f) to section 350.

28. Ans. a

The Subramanian Swamy v. Union of India case is a landmark decision that upheld the constitutional validity of criminal defamation in India.

29. Ans. c

Refer section 124-A

30. Ans. d
Section 417-. Punishment for cheating
Section 418-Cheating with knowledge that wrongful loss may ensue to a person whose interest the offender is bound to protect.
Section 419- Punishment for cheating by personation
Section 420-Cheating and dishonestly inducing delivery of property

31. Ans- a
The means for judicial review is based in Article 13 of the Constitution. It gives the power to the courts to keep the legislature under preview. The Article gives to the judiciary the power to declare an act or law void if it is not in consonance with Part III of the Constitution.

32. Ans- c
As per Article 124(4) of the Constitution of India, A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity.

33. Ans- b
P. Rathinam v. Union of India, 1994(3)SCC 394 a two-Judge Bench of the Supreme Court struck down section 309 as unconstitutional and in the second case in Gian Kaur v. State of Punjab, 1996(2)SCC 648 a Constitution Bench overruled the earlier judgment and upheld the validity of section 309.

34. Ans- c
Article 141-Law declared by Supreme Court to be binding on all courts
Article 142-Enforcement of decrees and orders of the Supreme Court and orders as to discovery, etc
Article 143-Power of the President to consult the Supreme Court
Article 145-Rules of Court, etc.

35. Ans- d
Under Article 159 of the Constitution Of India, Every **Governor** and every person discharging the functions of the Governor shall, before entering upon his office, make and subscribe in the presence of the **Chief Justice of the High Court** exercising jurisdiction in relation to the State, or, in his absence, the senior most Judge of that Court available

36. Ans- b
42nd amendment of Constitution of India had accorded precedence to Directive Principles over Fundamental Rights.

37. Ans- d

All the above changes were introduced in the Indian Constitution by 42nd amendment.

38. Ans- a
Refer 100(1) of the Indian Constitution of India.

39. Ans– d
As per Article 156(1) of the Constitution of India, the Governor shall hold office during the pleasure of the President. The constitution does not provide any procedure for removal of the Governor from office. However, the term of the Governor is prescribed as five years.

40. Ans- a
The Balwant Rao Mehta Committee was formed in 1957. It introduced the three-tier Panchayati Raj system, which consisted of the Gram Panchayat at the village level, the Panchayat Samiti at the block level and the Zila Parishad at the district level.

41. Ans. d
Refer section 14 of SOGA.

42. Ans. d
Refer section 44 of SOGA.

43. Ans. b
Section 24-Effect of notice to acting partner
Section 26-Liability of the firm for wrongful acts of a partner.
Section 26(b)-Not Provided
Section 25-Liability of a partner for acts of the firm

44.Ans. a
As per section 2(11) of the SOGA, "property" means the **general property in goods**, and not merely a special property.

45. Ans. b
Refer section 26 of SOGA.

46. Ans. b
Section 16-Implied conditions as to quality or fitness

Section 22-Specific goods in a deliverable state, when the seller has to do anything thereto in order to ascertain price.
Section 23-Sale of unascertained goods and appropriation. Delivery to carrier
Section 21-Specific goods to be put into a deliverable state

47. Ans- a
Refer section 2(2) of CPC.

48. Ans- d
Refer section 2(11) of CPC.

49. Ans- d
Order 13, Rule 3-Rejection of irrelevant or inadmissible documents
Order 13, Rule 6-Endorsements on documents rejected an inadmissible in evidence
Order 13, Rule 7-Recording of admitted and return of rejected documents
Order 13, Rule 8-Court may order any document to be impounded

50. Ans: D
As per order 12 rule 6 of CPC, Where admissions of fact have been made either in the pleading or otherwise; whether orally or in writing, the Court may **at any stage of the suit**, **either on the application of any party or of its own motion** and without waiting for the determination of any other question-between the parties, make such order or give such judgment as it may think fit, having regard to such admissions.

51. Ans- d
As per section 32 of CPC, The Court may compel the attendance of any person to whom a summons has been issued under section 30 and for that purpose may—
(a) issue a warrant for his arrest;
(b) attach and sell his property;
(c) impose a fine upon him not exceeding five thousand rupees;
(d) order him to furnish security for his appearance and in default commit him to the civil prison.

52. Ans: C
Refer section 14 of CPC read with section 4 of IEA.

53. Ans: A

Refer section 51 of CPC

54. Ans- d
Order VI, Rule 17-Amendment of pleadings
Order VI, Rule 2-Pleading to state material facts and not evidence
Order VI, Rule 4- Particulars to be given where necessary
Order VI, Rule 15-Verification of pleadings

55. Ans. a
As per Order VII Rule 14(3) of CPC, A document which ought to be produced in Court by the plaintiff when the plaint is presented, or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, **shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.**

56. Ans. d
Refer Order XIV of CPC.

57. Ans- d
Refer section 89 of CPC.

58. Ans- b
Section 2(e)-defendant
Section 2(f)-easement
Section 2(g)-foreign country
Section 2(h)-good faith

59. Ans- d
Section 5-Extension of prescribed period in certain cases
Section 6-Legal disability
Section 8-Special exceptions
Section 9-Continuous running of tim

60. Ans- d
Refer section 25 of Limitation Act.

61. Ans- b
Refer section 5 of Limitation Act.

62. Ans- a
Refer section 3(2)(a)(iii) of Limitation Act.

63. Ans- a
Refer Article 64 of Limitation Act.

64. Ans- c
As per section 8 of SRA, Liability of person in possession, not as owner, to deliver to persons entitled to immediate possession.

65. Ans- c
Refer section 21 of SRA.

66. Ans. B
Section 37-Temporary and perpetual injunctions
Section 38-Perpetual injunction when granted
Section 39-. Mandatory injunctions
Section 40-Damages in lieu of, or in addition to, injunction

67. Ans. c
Declaratory decrees-Section 34
Mandatory Injunction-Section 39
Rectification of instruments-Section 26
Rescission of contracts-Section 27

68. Ans. d
Refer section 16 of SRA.

69. Ans. B
Refer section 9 of SRA.

70. Ans. A
Under Section 16 (1)(c) of the Specific Relief Act, 1963, Specific performance of a contract cannot be enforced in favour of a person who fails to prove that he has performed or has always been **ready and willing to perform** the essential terms of the contract which are to be performed by him, other than terms the performance of which has been prevented or waived by the defendant.

71. Ans- c
Sectio 2(b)-Promise
Section 2(c)-Promisor, Promisee
Section 2(d)-Consideration
Section 2(f)-Reciprocal promises

72. Ans- d

Under section 10 of the Indian Contract Act, All agreements are contracts if they are made by the **free consent of parties competent to contract**, for a **lawful consideration** and with a **lawful object**, and are not hereby expressly declared to be void.

73. Ans- c
The rule against unjust enrichment is embodied in section 70 of Indian Contract Act, 1872 and founded not upon any contract or tort but upon a third category of law, namely quasi contract or restitution.

74. Ans- c
Refer explanation to section 17 of ICA.

75. Ans- d
Refer section 22 of ICA.

76. Ans- c
Refer section 33 of ICA.

77. Ans- b
Refer section 52 of ICA.

78. Ans- b
Section 190-When agent cannot delegate
Section 191-"Sub-agent" defined
Section 192-Representation of principal by sub-agent properly appointed
Section 193-Agent's responsibility for sub-agent appointed without authority

79. Ans- b
In Nash v. Inman it was observed that to render an infant's contract for necessaries an enforceable contract two conditions must be satisfied, namely, (1.) the contract must be for goods reasonably necessary for his support in his station in life, and (2.) he must not already have a sufficient supply of these necessaries."

80. Ans- a
Refer section 163 of ICA.

81. Ans- b
Refe section 22 of the Punjab Courts Act.

82. Ans- c
Refer section 21 of Punjab Courts Act.

83. Ans- b
Refer section 37 of Punjab Courts Act.

84. Ans- c
Section 39-Appeals from Subordinate Judges
Section 40-Power to transfer to a Subordinate Judge appeals from other Subordinate Judges
Section 41-Second appeals
Section 43-. [Repealed by Section 2(4) of Punjab Act IV of 1919].

85. Ans- b
Section 42-Second appeal on no other ground
Section 44-Revision
Section 46- Continuance of powers of officers
Section 47-Control of list of holidays

86. Ans. c
Refer section 3(f) of HMA.

87. Ans. c
Section 21-Application of Act 5 of 1908
Section 20-. Contents and verification of petitions
Section 19-Court to which petition shall be presented
Section 21A-Power to transfer petitions in certain cases

88. Ans. c
Refer section 13(1)(ib) of HMA.

89. Ans. b
Section 10-Incapacity of minor to act as guardian of property
Section 11-De facto guardian not to deal with minor's property
Section 12-. Guardian not to be appointed for minors undivided interest in joint family property
Section 13-Welfare of minor to be paramount consideration

90. Ans. a
Section 6-Requisites of a valid adoption
Section 5-Adoptions to be regulated by this Chapter

Section 4-Overriding effect of Act
Section 7-Capacity of a male Hindu to take in adoption

91. Ans. d
The statement, 'while there is no rose which has no thorn but if what you hold is all thorn and no rose, better throw it away' relates to Irretrievable breakdown of marriage theory of divorce.
Irretrievable Breakdown of Marriage is when, despite the parties' best efforts, their marriage cannot be restored to as it was before. It is often used as a no-fault ground for divorce, meaning that neither party needs to prove that the other is at fault for the breakdown of the marriage.

92. Ans. c
Refer section `16 of HMA.

93. Ans. b
Section 22 of the Hindu Marriage Act provides for Proceedings to be in camera and may not be printed or published.

94. Ans. c
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.

95. Ans. a

Absolute Incapacity or Prohibition: arises from:

(a) Consanguinity

(b) Affinity

(c) Fosterage

The prohibitions on account of 'consanguinity', 'affinity' or 'Fosterage' are absolute and the marriages contracted in contravention of these rules are void i.e. Batil.

96. Ans. a
When the husband and wife are alone together under circumstances that present no legal, moral or physical impediment to marital intercourse, they are said to

be in "valid retirement". The term is also famously referred to as khilwat-us-sahiha in Muslim Law.

97. Ans. b
Under Sunni law, the proposal and acceptance must be made in the presence of two males or one male and two female witnesses who are sane, adults and muslims. Absence of witnesses does not render marriage void but voidable.

98. Ans. b
THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION ACT, 1937 contains 6 sections.

99. Ans. a
In a Muslim Marriage, proposal is referred to as 'ijab' and acceptance of the same as 'qubul'. A proposal should be made by or on behalf of one party and the same should be accepted by the other party. For a valid Muslim marriage, proposal and acceptance should be carried out at the same meeting. If a proposal is made at one meeting and the acceptance of the proposal is done in the second meeting, it is not considered as valid.

100. Ans. d
The following gifts are considered void under Muslim law:

- A gift to an unborn person
- Gift of future property
- Contingent gift:
- Gift of speculative successionists
- Gift of the right to claim dower
- Gift of services
- Gift with a condition

101. Ans. a
Refer section 7 of IPA.

102. Ans. a
Section 9-General duties of partners
Section 10-Duty to indemnify for loss caused by fraud
Section 11-Determination of rights and duties of partners by contract
Section 13-Mutual right and liabilities

103. Ans. a
Refer section 2(a) of IPA.

104. Ans. c
As per section 10 of IPA, Every partner shall indemnify the firm for any loss caused to it by his **fraud** in the conduct of the business of the firm.

105. Ans. c
Section 17-Rights and duties of partners after a change in the firm
Section 19-Implied authority of partner as agent of the firm
Section 18-Partner to be agent of the firm
Section 20-Extension and restriction of partner's implied authority

106. Ans. a
Under Section 25 of the Indian Partnership Act, 1932, Every partner is **liable jointly with all the other partners and also severally,** for all acts of the firm done while he is a partner.

107. Ans. d

Section 42- Deposit of wills
Section 44-Withdrawal of sealed cover deposited under section 42.
Section 41-Registration of wills and authorities to adopt
Section 43-Procedure on deposit of wills

108. Ans. a
As per section 61(2) of registration act, The registration of the document shall thereupon be deemed complete, and the document shall then be returned to the person who presented the same for registration, or to such other person (if any) as he has nominated in writing in that behalf on the receipt mentioned in **section 52**.

109. Ans. b
Section 17-Documents of which registration is compulsory
Section 49-Effect of non-registration of documents required to be registered
Section 48-Registered documents relating to property when to take effect against oral agreements
Section 50-Certain registered documents relating to land to take effect against unregistered documents

110.Ans. c
As per section 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.

111. Ans. c
Section 10-Absence of Registrar or vacancy in his office
Section 11-Absence of Registrar on duty in his district
Section 8-Inspectors of Registration offices
Section 17-Documents of which registration is compulsory

112. Ans. a
Refer section 82 of the Registration Act.

113. Ans- d
Refer section 5 of the Haryana Urban (Control of Rent and Eviction) act.

114. Ans- b
Refer section 6A of the Haryana Urban (Control of Rent and Eviction) act.

115. Ans- c
Refer section 7 of the Haryana Urban (Control of Rent and Eviction) act.

116. Ans- d
Refer section 13-A(8) of Haryana Urban (Control of Rent and Eviction) act.

117. Ans- a
Refer section 13(7) of Haryana Urban (Control of Rent and Eviction) act.

118. Ans- d
Refer section 18 of Haryana Urban (Control of Rent and Eviction) act.

119. Ans- b
Rakhigarhi is a Harappan site located in the Hisar district of the state of Haryana. It is the site of pre-Indus Valley civilization settlement and also mature Indus Valley Civilisation. It was excavated by Amarendra Nath between 1997 to 2000.

120. Ans- a

The Hathni Kund is a concrete barrage located on the Yamuna River in Yamuna Nagar district of Haryana state, India. It was constructed between October 1996 and June 1999 for the purpose of irrigation.

121. Ans- b
Unesco has added two Indian cities, Gwalior and Kozhikode, to its Creative Cities Network. Gwalior was included in the 'Music' category, while Kozhikode made the list in the 'Literature' category.

122. Ans- b
Deepika Kumari wins gold at National Games 2023; aims at Indian team return post motherhood. The Indian archer, who became a mother to a baby girl last December, also won the mixed team gold and women's team silver.

123. Ans- c
INS Sandhayak (Yard 3025), the first Survey Vessel Large (SVL) ship, was commissioned into the Indian Navy in the presence of Raksha Mantri Shri Rajnath Singh at an impressive ceremony held at the Naval Dockyard, Visakhapatnam on February 03, 2024.

124. Ans- a
The world's first portable hospital was unveiled in Gurugram, Haryana. This portable hospital has been named 'Arogya Maitri Cube'

125. Ans- d
Junior Mehmood passed away recently. He was a famous Comedian.