



**P2CJJD-17**

**5000051**

**PAPER - II : ( CIVIL )**

Time:  $2\frac{1}{2}$  Hours

Total Marks : 75

- 
- Note :**
- (1) Answer to each question must be written in separate answer sheet.
  - (2) Answer to Short Note should not exceed **250** Words.
  - (3) If more questions are attended than required, the best combinations of the answers shall be taken into consideration.
- 

**1** Answer the questions : (any two)

**10**

(1) What are the essentials of pleadings ?

(2) What are the exceptions to the rule of "No consideration, No contract" ?

(3) Can a minor be admitted as a partner of a firm ? If so, can he subsequently ratify or revoke such partnership. Describe the rights and liabilities of such minor partner.

(4) What do you mean by specific performance of a contract ?

What contracts cannot be specifically enforced ? Can a part of contract be specifically enforced ? Explain with suitable illustrations.



2 Explain in brief : (any two) 10

(1) Explain the provisions, as also principles to invoke the jurisdiction of Civil Court.

(2) 'The Executing Court cannot go behind the decree. However, it does not mean that the Court has no duty to find out the true effect of the decree.'

(3) Explain 'The doctrine of frustration' according to the Contract Act with illustrations.

(4) "Law of limitation simply bars judicial remedy, it neither affects extra judicial remedies nor the substantive right itself."

Comment.

3 Discuss in detail : (any two) 10

(1) Mention the various types of injunctions and discuss how far it is correct to say that injunction is purely a preventive relief.

(2) The provisions and principles with regard to Summary Suits.

(3) 'All contracts are agreements, but all agreements are not contracts.'

(4) 'The liability of a surety is co-extensive with that of the principal debtor.'

4 Answer the questions : (any two) 10

(1) Difference between a contingent contract and a wagering agreement.

(2) Difference between Res Judicata and Res Sub Judice.

(3) Difference between Partnership and Joint Hindu Family Business.



5 Write Short Notes : (any two) 10

- (1) Amendments of Pleadings.
- (2) Attachment before Judgment.
- (3) Lis Pendens.
- (4) Effect of Non-registration of a Firm.

6 Write an Essay only in English : (any one) 10  
(Answer in Gujarati/Hindi to this Question-6 will not be considered.)

- (1) ADR Mechanism.
- (2) Legal Aid – Ambit and Scope in Indian Judicial System.
- (3) Principle of Natural Justice.

7 State whether True or False : (any five) 10

- (1) In Gujarat, as per the recent amendment, the pecuniary limit of jurisdiction of a Court of Civil Judge is Rs. 10,00,000/-.
- (2) The principle of *Res Judicata* applies also as between two stages of the same litigation.
- (3) Even if the guardian of the minor fails to execute the decree passed in favour of the minor, the right of the minor to execute the decree within three years, after attaining majority, is not affected.
- (4) Court is duty bound to dismiss the suit which is barred by limitation, irrespective of question, where issue was raised or not by the defendant.
- (5) Even an unregistered partnership firm can initiate criminal proceedings.
- (6) As per the recent amendment made in the Gujarat Court Fees Act, now process fees are not required to be paid in any Civil or Criminal proceedings.





8

Draw the Order granting or refusing ex parte interim injunction :

5

An agriculture land Survey No. 723 of village Ranakpur Talkula Dwarka is an ancestral property. The plaintiff Omprakash is a government servant and residing at Valsad with his family, since last more than 12 years. The defendants Ramprakash and Krishnaprakash, brothers of the plaintiff, are residing at village Ranakpur since beginning and cultivating the land jointly. As per say of the plaintiff, every year 1/3 share of the profits is being given to him by the defendants. It is the case of the plaintiff that due to considerable rise in the value of the land, his brothers have now declined to give him share saying that he is residing separate since last more than 12 years at Valsad and has not spent any amount towards development of the land in question. It has been alleged by the plaintiff that the defendants are trying to dispose of the said ancestral land without the consent of the plaintiff. The plaintiff has therefore, filed the suit for declaration and permanent injunction. Along with the plaint the plaintiff has also submitted an application (Ex. 5) for interim injunction in respect of transfer and possession of the land, and also claimed relief to restrain the defendants from prohibiting the plaintiff in entering in the suit land.





P1CJJD-17

5000051

PAPER - I : ( CRIMINAL )

Time:  $2\frac{1}{2}$  Hours

Total Marks : 75

- Note :**
- (1) Answer to each question must be written in separate answer sheet.
  - (2) Answer to Short Note should not exceed 250 Words.
  - (3) If more questions are attended than required, the best combinations of the answers shall be taken into consideration.

**1** Answer the questions : (any two) **10**

- (1) Enumerate the provisions of the commencement of proceedings before the Magistrate.
- (2) State what are the contents of the charge, the consequences of defect in framing of charge and when can charge be altered or amended.
- (3) Explain the law relating to circumstantial evidence.
- (4) What are the nature of reliefs which can be granted under the provisions of the Protection of Women from Domestic Violence Act ?

**2** Explain in brief : (any two) **10**

- (1) "Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed." State the exceptions to this rule.
- (2) 'Oral evidence in all cases must be direct.' Explain this rule with illustrations and exceptions.
- (3) Relevance of Motive and Intention in Criminal Law.
- (4) Explain in brief the historical background of Probation Law in India.





3 Discuss in detail : (any two) 10

- (1) Maintenance of Wife, Children and Parents.
- (2) Evidence has to be Weighed and not Counted.
- (3) Powers of Magistrate under the Protection of Women from Domestic Violence Act.
- (4) Prohibition of determination of sex of a foetus.

4 Answer the questions : (any two) 10

- (1) Difference between Theft and Extortion.
- (2) Difference between Common Intention and Common Object.
- (3) Difference between Simple Hurt and Grievous Hurt.
- (4) Difference between Admission and Confession.

5 Write Short Notes : (any two) 10

- (1) Dowry Death.
- (2) Right of Private Defence.
- (3) Importance and Relevancy of Case Diary.
- (4) Double Jeopardy.

6 Write Short Notes : (any two) 10

- (1) Juvenile Justice Board and its Powers.
- (2) Liability of Company under Section 138 of the N. I. Act.
- (3) Cognizance of Offences and jurisdiction of Court in the context of dishonour of cheque.



7. State whether True or False : (any five)

10

- (1) Offence punishable under Section 304-A of the IPC, causing death by rash or negligent act, is Non-bailable.
- (2) Offence punishable under Section 352 of the IPC, assault or use of criminal force otherwise than on grave provocation, is Non-cognizable.
- (3) Offence punishable under Section 338 of the IPC, causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of the others, is compoundable.
- (4) As held by the Apex Court in the case of Lalitakumari Vs. State of U.P., it is not mandatory for the PSO to register the FIR in cognizable offences.
- (5) Arrest should be the last option and it should be restricted to those exceptional cases where arresting the accused is imperative in the facts and circumstances of case, has been clarified by the Supreme Court recently in the case of Anirudhh Vs. State of Gujarat.
- (6) The decision in the case of Dashrath Rupsinh Rathod Vs. state of Maharastra is in reference of validity about of service of notice through e-mail in N.I. Act offences.



First Information Report being CR No. I 302/2017 for the offence punishable under Sections 406, 417, 420, 467, 468, 471, 477 and 114 of the IPC, is registered with Dediypada Rural Police Station on 9.3.2017, against the applicant-accused Chimanbhai Vasava and five others. The applicant-accused Chimanbhai has been arrested by the Investing Officer on 17.3.2017 at 11.00 am and then produced before the Ld. Magistrate, Dediypada on 18.3.2017 at 10.30 am. At the time of production, the accused himself made complaint against the Investigating Officer about ill-treatment. An application for bail has also been submitted by the accused Chimanbhai through Ld. Advocate Mr. Tamakuwala stating that there is no prima facie case, investigation qua the applicant is almost completed, he is the permanent resident of Dediypada and he possesses immovable properties within the jurisdiction of the Court. Mr. Afinwala Assistant Public Prosecutor has strongly raised objections against the bail application submitting that the co-accused persons are absconding, investigation is going on, muddamal articles are still to be recovered, alleged offences are serious in nature, there is possibility of tampering with the evidence and as the applicant-accused also possesses Passport, there are chances of fleeing from justice therefore, discretion should not be exercised in favour of the applicant-accused.







P3CJJD-17

5000051

PAPER - III ( GUJARATI LANGUAGE )

Time: 1½ Hours

Total Marks : 50

સૂચના : દરેક પ્રશ્નનો ઉત્તર અલગ ઉત્તરવહીમાં આપવો.

- ૧ નીચેનાં વાક્યોમાંની જોડણી ભૂલો સુધારીને ફરીથી લખો : (ગમે તે આઠ) ૪
- (૧) કોમલ વર્ગખંડમાં હોશિયાર વિદ્યાર્થીની છે.
- (૨) સોહનનું વ્યક્તિત્વ નીરભિમાનિ છે.
- (૩) કરીશમા પ્રતિકૂળ પરિસ્થિતીમાં પણ સ્વસ્થ રહે છે.
- (૪) કમલેશભાઈ મંડળના પ્રતિનીધી તરીકે આવ્યા છે.
- (૫) તેઓ સહાનુભૂતીથી સેવાકાર્યો કરે છે.
- (૬) વિદ્યાર્થીઓએ વર્ગખંડ સૂસોભીત કર્યો હતો.
- (૭) તેમનું સ્થાન નિલગિરી પર્વતમાં છે.
- (૮) હું તેના માટે ખૂબ દિલગીર છું.
- (૯) સૌરભે એન્જિનિઅર મારફત પ્લાન બનાવડાવ્યો.



૨ નીચેના શબ્દોના સમાનાર્થી શબ્દ દર્શાવી તેનો વાક્યમાં પ્રયોગ કરો : ૮  
(ગમે તે ચાર)

- (૧) વ્યોમ (૨) અરુણોદય  
(૩) લલિત (૪) તાસીર  
(૫) ગ્રંથી (૬) વિભૂષિત

૩ નીચેના શબ્દોના વિરુદ્ધાર્થી શબ્દ દર્શાવી તેનો વાક્યમાં પ્રયોગ કરો : ૮  
(ગમે તે ચાર)

- (૧) મ્હાન (૨) વિરક્તિ  
(૩) પરલક્ષી (૪) ઉન્નતિ  
(૫) એકાંગી (૬) સાવધ

૪ નીચેના રૂઢિપ્રયોગોનો અર્થ જણાવી વાક્યમાં પ્રયોગ કરો : (ગમે તે પાંચ) ૧૦

- (૧) જીવ તાળવે ટીંગાઈ રહેવો  
(૨) રાખ વળી જવી  
(૩) કંઠે ભુજાઓ રોપવી  
(૪) હેલારે ચઢવું  
(૫) ગોદડે ગાંઠ વાળવી  
(૬) કાળા અક્ષર કુહાડે મારવા  
(૭) ગંગામાં જળ વહી જવું



૫

નીચેના ફકરાનું ગુજરાતીમાં ભાષાંતર કરો :

૧૦

In the light of the provisions of Section 363 read with Section 361 of the Indian Penal Code, the first question that arises for consideration is as to whether the age of the victim was under eighteen years at the time of the incident so as to fall within the ambit of Section 361 of the Indian Penal Code. The evidence on record reveals that a school leaving certificate came to be produced at Exhibit 20 wherein the birth date of the victim is shown to be 5<sup>th</sup> October, 1982. In the present case, the alleged offence is stated to have been committed on 6<sup>th</sup> March, 1999. Therefore, if the age of the victim is computed on the basis of the age as stated in the school leaving certificate, she is clearly below eighteen years of age. However, the record further reveals that prior to getting married to the accused, an ossification test of the victim and the accused had been carried out which reveals that the age of the victim was nineteen years. Subsequently, a medical test of the victim came to be carried out and as per the medical report (Exhibit 13), the victim was nineteen years of age. The trial court, in the impugned judgment has chosen to place reliance upon the medical report rather than school leaving certificate. What is required to be, therefore, examined is as to whether the trial court was justified in giving more weightage to the medical certificate at Exhibit-13 rather than the school leaving certificate. The record reveals that the school leaving certificate at Exhibit 20 has been produced on record by one Ranjanben Girdharbhai Upadhyay, Assistant Teacher at the Kashibai Vjkorbai Girls School No. 1, Rajula. The said witness has deposed that the date of birth of the victim as entered in the school register is 5<sup>th</sup> October, 1982.



આ કામે પડેલ પુરાવાને સમગ્રપણે જોતાં ફરિયાદીએ કોર્ટમાં કરેલ ફરિયાદ ઉપર અમારા પુરોગામી ન્યાયાધીશશ્રી દ્વારા ક્રિમિનલ પ્રોસીજર કોડની કલમ ૧૫૬(૩) મુજબની ફરિયાદ દાખલ કરી પોલીસ તપાસ કરવાનો હુકમ કરવામાં આવેલ. આ કામની અસલ ફરિયાદ (આંક-૧૯) ફરિયાદશ દ્વારા કોર્ટમાં રજૂ કરવામાં આવેલ છે, જેમાં ફરિયાદીની સહી છે. આ ફરિયાદ અને પડેલ પુરાવાની સરખામણી કરતાં ફરિયાદ, ફરિયાદશની જુબાની અને ફરિયાદપક્ષના અન્ય સાહેદોની જુબાનીઓ વચ્ચે ગંભીર વિરોધાભાસ જણાઈ આવેલ છે. અત્રે ઉલ્લેખનીય છે કે આ કામે કોઈ અરજદારણના ભરણપોષણના મુદ્દાનો કે છૂટાછેડાનો નિર્ણય કરવાના અર્થે અરજદારણને પોતાના પતિનો ત્યાગ કરવા માટે પૂરતાં અને વાજબી કારણ હતાં કે કેમ તે તપાસવાનો મુદ્દો નથી. પરંતુ ઈન્ડિયન પીનલ કોડની કલમ ૪૯૮(ક)માં સમાવિષ્ટ તત્વો આ કામે આરોપીઓની વિરુદ્ધ પુરવાર થાય છે કેમ તેના ન્યાયિક નિર્ણયનો મુદ્દો છે. ભરણપોષણનો કે છૂટાછેડાનો ન્યાયિક નિર્ણય કરવો એ અનુક્રમે અર્ધ-દીવાની અને દીવાની પ્રક્રિયા છે જ્યારે આરોપી વિરુદ્ધ ગુનાની કાર્યવાહી ચલાવવી તે ફોજદારી પ્રક્રિયા છે. ફોજદારી પ્રક્રિયામાં પુરાવાનું સ્તર તે દીવાની પ્રક્રિયાના પુરાવાના સ્તર કરતાં ઊંચું છે અને તે નિઃશંકપણે માની શકાય તેમ હોય તે મહત્વની આવશ્યકતા છે. તે દૃષ્ટિથી જ આ કામે પુરાવાનું મૂલ્યાંકન કરવામાં આવેલ છે. આ કામે ફરિયાદીએ પોલીસ સ્ટેશને નહીં પરંતુ કોર્ટમાં લેખિત ફરિયાદ કરેલ છે. વળી ફરિયાદી પોતાની જુબાનીમાં એ વાતને વળગી રહે કે મારી ફરિયાદ મેં જ લખેલ છે.





Seat No. : 5304

**PAPER – I**

Question Paper No. : 494

Paper Code : **JC1HCG9**

Total Pages : 4

Time : 3 Hours

Maximum Marks : 100

**Notes :**

*Answer to Short Note should not exceed 250 words.*

*Carefully read the instructions given on first page of Answer Book.*

- |   | <b>Marks</b> |
|---|--------------|
| <b>1 Write short notes on any two of the following :</b>  | <b>10</b>    |
| (i) Suits by indigent persons.                            |              |
| (ii) Rejection of plaint.                                 |              |
| (iii) Cases in which temporary injunction may be granted. |              |
| (iv) Amendment of pleadings.                              |              |

- |   |           |
|---|-----------|
| <b>2 Write short notes on any two of the following :</b>            | <b>10</b> |
| (i) Sale and agreement to sell.                                     |           |
| (ii) Principle of "Buyer Beware".                                   |           |
| (iii) Definition of Mortgage.                                       |           |
| (iv) List any three kinds of mortgages and explain any one of them. |           |

- |  |           |
|--|-----------|
| <b>3 Define partnership and discuss requirements of valid partnership.</b> | <b>10</b> |
|--|-----------|

**OR**

Write short notes on the following. 10

- (i) Dissolution of partnership by Court.
- (ii) Effects of non-registration of a partnership firm.

JC1HCG9]



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-[Contd

(Section)

Criminal



Seat No. : 5304

**PAPER – II**

**Question Paper No. : 494**

Paper Code : **JC2HCG9**

Total Pages : 4

Time : 3 Hours

Maximum Marks : 100

**Notes :**

*Answer to Short Note should not exceed 250 words.*

*Carefully read the instructions given on first page of Answer Book.*

- |  | Marks |
|--|-------|
| 1 Write short notes on any two of the following :  | 10    |
| (i) Power of the Magistrate to grant bail under Section 437 of the Code of Criminal Procedure.   | 4     |
| (ii) Plea Bargaining.  |       |
| (iii) Difference between summons triable and warrant triable cases.  |       |
| (iv) Power of the Magistrate under Section 125(3) of the Code of Criminal Procedure to sentence a person who fails to comply with the order for payment of maintenance under Section 125(i) of the Code of Criminal Procedure. |       |
| 2 (A) Explain the difference between compoundable and non-compoundable offences.   | 5     |
| OR   |       |
| Explain the difference between cognizable and non-cognizable offences.   | 5     |
| OR   |       |
| Explain the difference between acquittal and discharge.  | 5     |
| (B) Which are the categories of the persons who can apply for maintenance under Section 125 of the Code of Criminal Procedure ?  | 5     |
| OR   |       |
| Can an illegitimate minor child seek maintenance from his father?  | 5     |
| Can a child who has attained majority seek maintenance from his father?  |       |
| If yes, under what circumstances. Explain in brief.  |       |

JC2HCG9



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[Contd...]



9 Answer any two of the following :

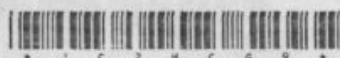
10  
5

- (i) How is the term 'Gaming' defined in The Bombay Prevention of Gambling Act, 1887?
- (ii) Are the offences under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 cognizable? Which courts are competent to try such offences?
- (iii) Write short note on duty of probation officers under the Probation of Offenders Act, 1958.
- (iv) How does the Wildlife (Protection) Act, 1972 control hunting of wild animals? What are the penalties prescribed under the said Act for breach of such provisions.

10 Answer any two of the following.

10  
5

- (i) How is the term 'brothel' defined in The Immoral Traffic (Prevention) Act, 1956?
- (ii) Who can constitute Juvenile Justice Board? What are the powers of such Board?
- (iii) State at least three reliefs that the Magistrate can grant by way of residence orders under the Protection of Women from Domestic Violence Act, 2005.
- (iv) What are reserved forests? List some acts which are prohibited in such forests, commission of which are punishable under the Indian Forest Act, 1927.



- 4 (A) Write a short note on bar of limitation as per the Limitation Act, 1969. 5

OR

Explain briefly effect of acknowledgement in writing on period of limitation for filing a suit or an application. 5

- (B) Which are the kinds of documents of which registration is compulsory? 5

OR

Effect of non-registration of documents required to be registered. 5

- 5 Write short notes on any two of the following : 10

- (i) Suspension of the Sarpanch or Up-Sarpanch under the Gujarat Panchayats Act, 1993.
- (ii) Motion of no confidence under the Gujarat Panchayats Act, 1993 against the President or Vice-President of the Panchayat.
- (iii) Appeals against valuation and taxes on properties under Bombay Provincial Municipal Corporations Act, 1949.
- (iv) Power of Magistrate under Registration of Births & Deaths Act, 1969 to direct registration of a birth or a death.

- 6 Which are the different modes of settlement of disputes outside the Court enlisted in Section 89 of the Code of Civil Procedure? What is the duty of the Court to explore possibility of settlement through such modes? 10

OR

Write a note on organization of Lok Adalats and the powers of the Lok Adalats under the Legal Services Authorities Act, 1987. 10

OR

State and explain any two offences punishable under the Information Technology Act, 2000 and state the punishments prescribed for such offences. 10



7 Attempt any two of the following :

- (i) Write a short note on power of the court to release certain offenders on probation for good conduct under The Probation of Offenders Act, 1958.
- (ii) Explain the term 'domestic violence' as defined in the Protection of Women from Domestic Violence Act, 2005.
- (iii) Explain the term 'prostitution' as defined in the Immoral Traffic (Prevention) Act, 1956.
- (iv) Write short note on prohibition of determination of sex of a foetus with reference to law governing the subject.

8 State whether following statements are True or False :

- (i) Under Section 125 of the Code of Criminal Procedure, wife is not entitled to receive maintenance if she refuses to live with her husband without sufficient reasons.
- (ii) If a complaint is made to a Magistrate who is not competent to take cognizance of the offence, he must dismiss such a complaint.
- (iii) Offence of culpable homicide not amounting to murder is punishable under Section 303 of IPC.
- (iv) Section 326 of IPC prescribes punishment for causing hurt by dangerous weapons or means.
- (v) Offence punishable under Section 304-A of IPC is a compoundable offence.
- (vi) Under the Juvenile Justice (Care & Protection of Children) Act, 2000, a juvenile means a person who has not completed sixteen years of age.
- (vii) Under the Protection of Women from Domestic Violence Act, the Magistrate has power to pass interim as well as ex-parte orders.
- (viii) If her husband is present and has given his consent, it is not necessary to obtain the consent of a pregnant woman before conducting pre-natal diagnostic procedures on her.
- (ix) A court when directing release of an offender on probation under The Probation of Offenders Act, 1958 also has the power to direct him to pay compensation for loss or injury caused to any person by commission of the offence.
- (x) Offence punishable under Section 325 of IPC is cognizable and non-bailable.





## 7 Attempt any two of the following :

- (i) Write a short note on power of the court to release certain offenders on probation for good conduct under The Probation of Offenders Act, 1958.
- (ii) Explain the term 'domestic violence' as defined in the Protection of Women from Domestic Violence Act, 2005.
- (iii) Explain the term 'prostitution' as defined in the Immoral Traffic (Prevention) Act, 1956.
- (iv) Write short note on prohibition of determination of sex of a foetus with reference to law governing the subject.

## 8 State whether following statements are True or False :

- (i) Under Section 125 of the Code of Criminal Procedure, wife is not entitled to receive maintenance if she refuses to live with her husband without sufficient reasons. ✓
- (ii) If a complaint is made to a Magistrate who is not competent to take cognizance of the offence, he must dismiss such a complaint. ✓
- (iii) Offence of culpable homicide not amounting to murder is punishable under Section 303 of IPC. ✓
- (iv) Section 326 of IPC prescribes punishment for causing hurt by dangerous weapons or means. ✓
- (v) Offence punishable under Section 304-A of IPC is a compoundable offence. ✓
- (vi) Under the Juvenile Justice (Care & Protection of Children) Act, 2000, a juvenile means a person who has not completed sixteen years of age. ✓
- (vii) Under the Protection of Women from Domestic Violence Act, the Magistrate has power to pass interim as well as ex-parte orders. ✓
- (viii) If her husband is present and has given his consent, it is not necessary to obtain the consent of a pregnant woman before conducting pre-natal diagnostic procedures on her. ✓
- (ix) A court when directing release of an offender on probation under The Probation of Offenders Act, 1958 also has the power to direct him to pay compensation for loss or injury caused to any person by commission of the offence. ✓
- (x) Offence punishable under Section 325 of IPC is cognizable and non-bailable. ✓



9 Answer any two of the following :

10

- (i) How is the term 'Gaming' defined in The Bombay Prevention of Gambling Act, 1887?
- (ii) Are the offences under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 cognizable? Which courts are competent to try such offences?
- (iii) Write short note on duty of probation officers under the Probation of Offenders Act, 1958.
- (iv) How does the Wildlife (Protection) Act, 1972 control hunting of wild animals? What are the penalties prescribed under the said Act for breach of such provisions.

10 Answer any two of the following.

10

- (i) How is the term 'brothel' defined in The Immoral Traffic (Prevention) Act, 1956?
- (ii) Who can constitute Juvenile Justice Board? What are the powers of such Board?
- (iii) State at least three reliefs that the Magistrate can grant by way of residence orders under the Protection of Women from Domestic Violence Act, 2005.
- (iv) What are reserved forests? List some acts which are prohibited in such forests, commission of which are punishable under the Indian Forest Act, 1927.

I.M.P  
 Proved - સાબિત થયું  
 Disproved - સાબિત થયું નથી  
 not Proved - સાબિત ન થયું

90 - યાત્રા સંબંધે ✓  
 100 - યાત્રા સંબંધે ✓  
 222 - સ્ત્રી સંબંધે ✓  
 223A - યાત્રા સંબંધે ✓  
 " B - સ્ત્રી સંબંધે ✓  
 227A - યાત્રા સંબંધે ✓  
 228 - યાત્રા સંબંધે ✓  
 233 - યાત્રા સંબંધે ✓

JC2HCG9]



3 Write short notes on any two of the following :

10

- (i) What is grievous hurt?
- (ii) Right of private defence.
- (iii) Difference between the offence of kidnapping and abduction.
- (iv) Offence of subjecting a woman to cruelty by her husband or relatives of husband punishable under Section 498A of IPC.

4 (A) Paresh threatens Anil that he will keep Anil's child in wrongful confinement unless Anil will sign and deliver to Paresh a promissory note binding Anil to pay certain monies to Paresh. Anil signs and delivers the note. Which offence has Paresh committed? Explain briefly. 5

OR

Rajesh cuts down a tree on Govind's ground with the intention of dishonestly taking the tree out of Govind's possession without his consent. Which offence has Rajesh committed? Explain briefly. 5

(B) Explain in brief difference between the criminal breach of trust and cheating. 5

OR

'A' finds a gold ring, not knowing to whom it belongs. 'A' sells it immediately without attempting to discover the owner. Which offence, if any, 'A' has committed? Explain briefly. 5

5 Write short notes on any two of the following :

10

- (i) What is an admission as per the Indian Evidence Act?
- (ii) Hearsay evidence.
- (iii) Difference between primary and secondary evidence.
- (iv) Expert's opinion - how far relevant.

6 (A) Write short note on :

Facts which need not be proved.

OR

Facts of which court must take judicial notice.

(B) Explain what is "Burden of proof"

OR

Explain what is "Estoppel"





- 3 Write short notes on any **two** of the following : **10**
- (a) What agreements are contracts ?
  - (b) Who are competent to contract ? *S. 11*
  - (c) Explain the term "free consent" under Section 14 of the Contract Act, 1872. ✓
  - (d) Explain the term "consideration" as defined under Section 2(d) of the Indian Contract Act, 1872.

- 4 Define partnership and discuss requirements of valid partnership. **10**

**OR**

Write short notes on the following :

- (a) Partnership at will.
- (b) Dissolution of firm.

- 5 Write a note on specific performance of contract. **10**

**OR**

Write short notes on the following :

- (a) Contracts which cannot be specifically enforced.
- (b) Damages in lieu of specific performance.

- 6 What are the provisions made in Section 138 of the Negotiable Instruments Act with respect to dishonour of cheque ? **10**

**OR**

Write short notes on the following :

- (a) Who are the persons deemed to be guilty in case the person committing offence under Section 138 of the Negotiable Instruments Act is a Company ?
- (b) Provisions made under Section 142 of the Negotiable Instruments Act for offence of dishonour of cheque.



7 Write an essay on any one of the following in English only. 10

- (1) Role of a Judge in achieving speedy trial.
- (2) Independence of judiciary.
- (3) Legal Aid : importance in Indian Judicial system.
- (4) My idea of an ideal judge.
- (5) Women's empowerment

8 Translate the following paragraph into Gujarati : 10

The law relating to bail is contained in Sections 436 to 450 of chapter XXXIII of the Code of Criminal Procedure, 1973. Section 436 deals with situation, in what kind of cases bail should be granted. Section 439 deals with the special powers of the High Court or the Court of Sessions regarding grant of bail. Under Sections 437 and 439 bail is granted when the accused or the detenu is in jail or under detention.

The provision of anticipatory bail was introduced for the first time in the Code of Criminal Procedure in 1973. The Code of Criminal Procedure, 1898 did not contain any specific provision of anticipatory bail. Under the old Code, there was a sharp difference of opinion amongst the various High Courts on the question as to whether the Courts had an inherent power to pass an order of bail in anticipation of arrest, the majority of view being that it did not have such power.

9 State whether the following statements are true or false : 20

1. Period of limitation for challenging the decree obtained fraudulently is three years from the date of knowledge of the plaintiff.
2. In the event of dishonouring of cheque, notice for recovery shall have to be given before expiry of 15 days period before filing complaint under Section 138 of the Negotiable Instruments Act.
3. Registration of partnership firm is a must for filing the suit by the firm in the Court of law.



4. On compromise between the parties in a Civil Suit, prior to settlement of issues, 2/3<sup>rd</sup> of the total amount of Court fees would be refundable.
5. Temporary injunction is not the relief available under the Specific Relief Act, 1963.
6. Breach of promise to marry a person entitles him to get damages under the law of Contract.
7. Payment of subsistence by the third party to the minor can be recovered from his (minor) assets under the Contract Act.
8. In the event of death of a party, the suit shall abate on non joining of his heirs within 60 days of the date.
9. Once arguments of both sides are concluded, delivery of judgement is a must within 15 days of the date of conclusion under the Code of Civil Procedure.
10. Upon passing an order of civil imprisonment against the defendant, such order cannot be executed till plaintiff pays subsistence allowance.







**CJMWEPI**

**PAPER - I (CIVIL)**

**Seat No:**

Date : 16<sup>th</sup> October, 2011, Sunday

**3997**

Time: 10.00 A.M. to 1.00 P.M.

Total Marks : 100

**Notes :**

*Answer to Short Note should not exceed 250 words.*

*Carefully read the instructions given on first page of Answer Book.*

- 1 Describe different modes of settlement of disputes outside the Court under Section 89 of the Code of Civil Procedure. 10

**OR**

Write a note on principle of Res Judicata under Section 11 of the Code of Civil Procedure.

**OR**

Write a note on territorial jurisdiction under the Code of Civil Procedure.

- 2 Write short notes on any two of the following : 10

- (a) Exclusion of time consumed in the proceedings bona fide in Court without jurisdiction for computing the period of limitation.
- (b) Effect of acknowledgment in writing on limitation.
- (c) Extension of period of limitation under Section 5 of the Limitation Act.
- (d) Adverse possession.

*See S.P.O. 52  
Rec. Rev 93*





**CJMWEPII**

**PAPER - II (CRIMINAL)**

**Seat No:**

Date : 16<sup>th</sup> October, 2011, Sunday

**3997**

Time: 2.30 P.M. to 5.30 P.M.

Total Marks : 100

**Notes :**

*Answer to Short Note should not exceed 250 words.*

*Carefully read the instructions given on first page of Answer Book.*

- 1 / What are the provisions made under Section 125 of the Code of Criminal Procedure for maintenance of wives, children and parents? 10

**OR**

Write short notes on the following :

- (a) Alteration in allowance of monthly maintenance fixed under Section 125 of the Code of Criminal Procedure.
- (b) Enforcement of Order of maintenance under Section 128 of the Code of Criminal Procedure.

- 2 / Write a note on powers of a Magistrate to grant bail under the Code of Criminal Procedure. 10

**OR**

Write short notes on the following :

- (a) Power of Magistrate in granting police remand.
- (b) Provisions made under Section 156 of the Code of Criminal Procedure regarding Police Officer's power to investigate cognizable offence.



- 3 Write short notes on any two of the following : 10
- ✓ (a) Offence of causing death by negligence.
  - ✓ (b) Difference between simple hurt and grievous hurt.
  - (c) Abetment of an offence.
  - ✓ (d) Difference between criminal breach of trust and dishonest misappropriation of property.

- 4 Write a note on right of private defence. 10

OR

Difference between common intention and common object.

- 5 Write a note on presumption under the Evidence Act. 10

OR

Write a note on confessional statement by the accused.

- 6 Write notes on any two of the following with reference to the Indian Evidence Act : 10

- ✓ (a) Facts which need not be proved
- ✓ (b) Expert's opinion
- (c) Primary and Secondary evidence

- 7 Write short notes on any two of the following with reference to the Protection of Women from Domestic Violence Act : 10

- ✓ (a) Powers of the Magistrate to give monetary relief.
- ✓ (b) Powers of the Magistrate to pass custody orders.
- ✓ (c) Duties and functions of the Protection Officers.
- ✓ (d) Penalty for breach of protection order.





8 Write short notes on any two of the following : 10

- (a) Power of the Court to release certain offenders on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958.
- (b) Bail of juvenile under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000.
- (c) When can the Metropolitan Magistrate or a Judicial Magistrate of the First Class take cognizance of offence under Section 28 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 ?
- (d) "Brothel", its definition and penal provision under the Immoral Traffic (Prevention) Act.
- (e) "Gambling", its definition and penal provision under the Gujarat Prevention of Gambling Act.

9 State whether the following statements are true or false : 20

1. Under Section 50-A of the Code of Criminal Procedure, it is optional for the police officer to inform arrested person of his right.
2. Under Section 53-A of the Code of Criminal Procedure, Court can use force as is reasonably necessary for examination of person arrested of charge of rape.
3. Presiding Officer has the right to ask only relevant questions to the witnesses under Section 165 of the Evidence Act.
4. In the event of more than one dying declarations of the deceased, none can be admitted in the evidence during the Court process.
5. Legitimate or illegitimate daughter can ask for maintenance from father even after she becomes major, if she is unable to maintain due to injury.
6. When application for anticipatory bail is made, existence of complaint is a must.
7. Discovery of article at the instance of accused under Section 27 of the Evidence Act is not an incriminating circumstance.



8. Communication of a client to the lawyer is a privileged communication under all circumstances. ✓
9. Punishments prescribed under Section 53 of the Indian Penal Code are ✓
  - (i) death
  - (ii) imprisonment for life
  - (iii) Imprisonment, rigorous and simple
  - (iv) forfeiture of property
  - (v) fine
10. Under Section 65-A of the Indian Evidence Act, the contents of electronic records may be proved in accordance with the provisions of Section 65-B of the said Act.

*Under Section 65-A of the Indian Evidence Act,  
the contents of electronic records may be  
proved in accordance with the provisions of  
Section 65-B of the said Act.*

*Next-sonic and survey*





**CJMWEPII**

**PAPER - II (Civil)**

Date : 22<sup>nd</sup> July, 2012, Sunday

Time: 2.30 p.m. to 5.30 p.m.

Total Marks : 100

- NOTE :** (1) Answer to Short Note should not exceed 250 words.  
(2) Answer to each question must be written in separate particular answer book.  
(3) Please hand over all the answer-books before leaving Examination-room.

1. Write an **essay** on any **One** of the following, in **English** Language only. 10  
(1) Importance of cordial relationship between Bar and Bench.  
(2) Speedy Trial.  
(3) Legal Aid.  
(4) Vicarious Liability.

2. What is meant by a Decree and what is deemed to be included and excluded in it ? 10

**OR**

Write **short notes** on any **Two** of the following:

- (1) Doctrine of Res Judicata.  
(2) Indigent Person.  
(3) Effect of Acknowledgment in writing under Section 18 of the Limitation Act.  
(4) Temporary and Perpetual Injunction.

3. 'The Executing Court cannot go behind the decree. However, it does not mean that the Court has no duty to find out the true effect of the decree.' - Offer your remarks. 10

**OR**

Answer any **Two** of the following :

- (1) Distinction between Set-off and Counter-claim.  
(2) Rights and duties of a partner under the Indian Partnership Act.  
(3) Inquiry by Court about valuation of suits under the Gujarat Court Fees Act.  
(4) Cancellation of a written document under the Specific Relief Act.

4. How an agent is appointed ? What are his powers and duties under the Indian Contract Act ? 10

**OR**

- (1) What is difference between void agreement and voidable contract ?  
(2) "The liability of a surety is co-extensive with that of the principal debtor". Discuss in brief.

5. Write **short notes** on any **Two** of the following: 10

- (1) Inter-pleader suit.  
(2) Doctrine of Restitution.  
(3) Novation of a contract.  
(4) Sub-Agency.





6. What are the consequences of breach of a contract and what are the remedies available in such cases under the Indian Contract Act ? 10

OR

Which are certain relations resembling like those created by contract under the Indian Contract Act ?

7. Can a minor be admitted as a partner of a partnership firm ? If so, can he subsequently ratify or revoke such partnership ? Describe the rights and liabilities of such partner. 10

OR

- ✓ What are the consequences of non-registration of a partnership firm under Section 69 of the Indian Partnership Act ? Can an unregistered firm file a suit ? Can its registration after filing of the suit cure the defect ?

8. ✓ Translate the following paragraph into **Gujarati** language. 10  
Translation in any **other language** will not be considered.

"The concept of institutionalized legal and judicial education, even in the developed countries of the world is not too old. Training in a judicial field was first initiated and accepted in France, as late as, in the year 1958. It was followed by United States in 1963 by way of establishing National Judicial College. United Kingdom followed the system in the year 1979 by establishing Judicial Studies Board. However, formal training process to the Judicial Officers began in the year 1987 after a long debate. The Canadian Judicial Council conducted its first training session in 1972, but its Judicial Training Institute came into operation only in 1988. Australia also had an identical scheme of Judicial Training 1975. Coming home it might be noted that State level Training Institutes had been functioning since before in some of the States, the first National level Center for Judicial Training and Education in India came up only in the year 2005, which has been named as National Judicial Academy, presently located at Bhopal, Madhya Pradesh. Thus, the concept of continued judicial education for the Judicial Officers through induction training and in-service training is of recent origin in our country".

9. ✓ State whether following statements are **True** or **False**: 20

- (1) When a contract is caused by fraud, the contract is void ab initio.
- (2) Under the provisions of Code of Civil Procedure, plea of adverse possession is a defence available to both plaintiff and defendant.
- (3) Subsistence allowance in respect of a person detained in civil prison has to be paid by the State Government.
- (4) The liability of bailee as regards the goods is equivalent to that of a common carrier.
- (5) In a partnership at will, a partner of a firm can dissolve the firm at any time by giving a notice of his intention to dissolve the firm, to his co-partner.
- (6) A dissolution of a firm can be inferred from closure of its business.
- (7) Non-registration of a partnership firm under Section 69 of the Indian Partnership Act, is not a bar for the firm in respect of criminal proceedings.
- (8) A suit for foreclosure by a mortgagee can be filed within the period of limitation of 30 years.
- (9) A person aggrieved by a judgment of a Civil Court can seek review of the judgment only on an error of law or fact apparent on the face of the record.
- (10) In the event of death of a party, the suit shall abate on non-joining of his heirs within 60 days of the date of death.





**CJMWEPI**

**PAPER - I (Criminal)**

Date : 22<sup>nd</sup> July, 2012, Sunday

Time: 10.00 a.m. to 1.00 p.m.

Total Marks : 100

- NOTE :**
- (1) Answer to Short Note should not exceed 250 words.
  - (2) Answer to each question must be written in separate particular answer book.
  - (3) Please hand over all the answer-books before leaving Examination-room.

1. Write a **note** on the right of private defence. 10

**OR**

Write a **note** on abetment of an offence.

2. Write **short notes** on any **Two** of the following : 10

(1) Voluntarily causing grievous hurt.

(2) Dowry death.

(3) Public nuisance.

(4) Causing death by negligence.

3. Write a **note** on Magistrate's power of granting bail. 10

**OR**

Explain briefly the procedure of trial of warrant cases by Magistrate.

4. Write **short notes** on any **Two** of the following : 10

(1) Powers of a Magistrate to grant maintenance under Section 125 of the Code of Criminal Procedure.

(2) Under what circumstances maintenance fixed by the Magistrate under Section 125 of the Code of Criminal Procedure be altered?

(3) Summary trial.

(4) Explain the difference between cognizable and non-cognizable offences.

5. Write a **note** on - confession by an accused - how far relevant. 10

**OR**

Write a **note** on expert evidence.



6. Write **short notes** on any **Two** of the following : 10
- (1) Hostile witness.
  - (2) Leading questions.
  - (3) Presumption as to abetment of suicide by a married woman.
  - (4) Facts of which Court should take judicial notice.
7. Write **short notes** on the following: 10
- (1) Offence of dishonour of cheque.
- OR**
- (1) Offence of dishonour of cheque by a Company.
  - (2) Domestic violence.
- OR**
- (2) Power of a Magistrate to pass custody orders under the Protection of Women from Domestic Violence Act.
8. Write **short notes** on any **Two** of the following: 10
- (1) Duties of a Probation Officer under the Probation of Offenders Act, 1958.
  - (2) Prohibition of determination of sex of a foetus.
  - (3) Juvenile Justice Board and its powers.
  - (4) Explain the terms "Juvenile" and "Juvenile in conflict with law".
9. State whether the following statements are **True** or **False**. 20
- (1) Section 304A of the Indian Penal Code prescribes punishment for offence of culpable homicide not amounting to murder.
  - (2) Offence of causing grievous hurt is cognizable and bailable.
  - (3) Offence punishable under Section 498A of the Indian Penal Code is exclusively triable by Court of Sessions.
  - (4) Offence of criminal breach of trust by public servant, by banker etc. punishable under Section 409 of the Indian Penal Code is triable by a Magistrate of First Class.
  - (5) Power to grant anticipatory bail is only with the High Court.
  - (6) Offence of cheating punishable under Section 420 of the Indian Penal Code is cognizable and warrant triable offence.
  - (7) Confession made by an accused to a police officer in presence of a Magistrate is admissible in evidence.
  - (8) Dying declaration is admissible in evidence, only if it is made before a Magistrate.
  - (9) Extra judicial confession of an accused, under no circumstances is admissible in evidence.
  - (10) Under the Protection of Women From Domestic Violence Act, 2005 a Magistrate has no power to grant ex parte ad-interim order.

