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Name :	Reg. No.	Signature :
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DEPARTMENTAL TESTS — SEPTEMBER, 2020

Number of Questions : 100

Time : 2 hours

(Maximum Marks :100)

INSTRUCTIONS TO CANDIDATES

1. The question paper will be given in the form of a Question Booklet. There will be four versions of question booklets with question booklet alpha code viz. A, B, C & D.
2. The Question Booklet Alpha Code will be printed on the top left margin of the facing sheet of the question booklet.
3. The Question Booklet Alpha Code allotted to you will be noted in your seating position in the Examination Hall.
4. If you get a question booklet where the alpha code does not match to the allotted alpha code in the seating position, please draw the attention of the invigilator IMMEDIATELY.
5. The Question Booklet Serial Number is printed on the top right margin of the facing sheet. If your question booklet is un-numbered, please get it replaced by new question booklet with same alpha code.
6. The Question Booklet will be sealed at the middle of the right margin. Candidate should not open the question booklet, until the indication is given to start answering.
7. Immediately after the commencement of the examination, the candidate should check that the question booklet supplied contains all the 100 questions in serial order. The question booklet does not have unprinted or torn or missing pages and if so the fact should be brought to the notice of the Invigilator and get it replaced by a complete booklet with same alpha code. This is most important.
8. A blank sheet of paper is attached to the question booklet. This may be used for rough work.
9. **Please read carefully all the instructions on the reverse of the Answer Sheet before marking your answers.**
10. Each question is provided with four choices (A), (B), (C) and (D) having one correct answer. Choose the correct answer and darken the bubble corresponding to the question number using Blue or Black Ball Point Pen in the OMR Answer Sheet.
11. **Each correct answer carries 1 mark and for each wrong answer 1/3 mark will be deducted. No negative marks for unattended questions.**
12. No candidate will be allowed to leave the examination hall till the end of the session and without handing over the Answer Sheet to the Invigilator. Candidates should ensure that the Invigilator has verified all the entries in the Register Number Coding Sheet and that the Invigilator has affixed his/her signature in the space provided.
13. Strict compliance of instructions is essential. Any malpractice or attempt to commit any kind of malpractice in the Examination will result in the disqualification of the candidate.
14. **If any candidates make a marking of answer in the question paper and exchange with other candidate during the course of the examination, the answer script will be invalidated and the candidates will be debarred for a minimum period of 2 years from appearing the Departmental Tests.**

A

1. The theory of punishment followed from the times of Hammurabi's Code is :
 - (A) Reformative theory
 - (B) Preventive theory
 - (C) Expiative theory
 - (D) Retributive theory
2. Section 34 of the Indian Penal Code imposes liability on the basis of :
 - (A) Common object
 - (B) Similar intention
 - (C) Common motive
 - (D) Common intention
3. A drives a vehicle and not thinking about the probable consequence of his driving causes an accident. Here, his mental element at the time of the driving is :
 - (A) Intention
 - (B) Knowledge
 - (C) Malice
 - (D) Negligence
4. Which of the following is correct in relation to criminal act ?
 - (A) Act means single act only
 - (B) Act means an act or series of acts only
 - (C) Act means act and omissions
 - (D) None of the above
5. A category of incomplete offence is :
 - (A) Murder
 - (B) Attempt
 - (C) Rape
 - (D) Culpable homicide
6. *Mens rea* means :
 - (A) Mental element in crime
 - (B) Physical element in crime
 - (C) Motive and intention
 - (D) Intention only
7. *Doli in capax* means :
 - (A) An accomplice to a crime
 - (B) An idiot
 - (C) A child below seven years of age
 - (D) A victim who gives consent
8. Abetment means :
 - (A) Instigation
 - (B) Conspiracy
 - (C) Aiding
 - (D) All of the above
9. The defence of necessity is found in :
 - (A) Section 81 IPC
 - (B) Section 82 IPC
 - (C) Section 85 IPC
 - (D) Section 76 IPC
10. Which of the following is not true of Indian Penal Code ?
 - (A) IPC is applicable to all offences committed within Indian territory
 - (B) IPC is applicable to offences committed on board a vessel registered in India
 - (C) IPC is applicable through out the whole of India except Jammu and Kashmir
 - (D) It is applicable to any person who commits an offence from abroad targeting a computer resource located in India
11. Which one of the following is false about actus reus ?
 - (A) Actus reus includes prohibited conduct
 - (B) Actus reus includes state of mind of the accused
 - (C) Actus reus includes state of affairs
 - (D) Actus reus includes prohibited circumstances

12. Which of the following provisions of IPC punishes preparation ?
 (A) S. 121 (B) 124 (C) 125 (D) 122
13. To constitute an offence of unlawful assembly under IPC, it should be proved among other things that the number of persons in the assembly was
 (A) Four or more (B) Six or more
 (C) Three or more (D) Five or more
14. Which of the following statements is not true of unlawful assembly ?
 (A) An assembly which was not unlawful can become unlawful subsequently
 (B) It should overawe the central or state legislature or the government
 (C) It should attempt to deprive a person of his corporeal or incorporeal right
 (D) Being a member of an unlawful assembly is punishable with imprisonment upto one year, or with fine, or with both
15. Section 149 of Indian Penal Code punishes every member of an unlawful assembly for the offence committed by any other member of such assembly, if the offence done in prosecution of the :
 (A) Common object of the unlawful assembly or such as they knew to be likely to be committed
 (B) Common intention of the unlawful assembly or such as they knew to be likely to be committed
 (C) Common purpose of the unlawful assembly or such as they knew to be likely to be committed
 (D) Similar intention, object or purpose of the unlawful assembly as they knew to be likely to be committed
16. *Queen v. Dudley and Stephen* (1886) is related to :
 (A) Drunkenness (B) Necessity
 (C) Superior orders (D) Consent
17. Which of the following is not part of actus reus ?
 (A) State of affairs (B) State of mind of the victim
 (C) Motive (D) Possession
18. Which of the following statements is not true ?
 (A) In order to succeed in a defence of insanity, the defence side should prove that the accused was not able to know that his act was wrong
 (B) Legal and medical insanity are not same
 (C) In order to determine unsoundness of mind of the accused, court has to consider his conduct at the time of his act only and not his prior or subsequent conduct
 (D) To succeed in the defence of insanity, the accused should not be able to know that his acts were contrary to law
19. The defence of superior order in relation to mistake of fact was approved in :
 (A) *Delhi Judicial Services Association v. State of Gujarat* (1991)
 (B) *State v. Rangaswami* (1952)
 (C) *Durga Ram alias Ganga v. State of Rajasthan* (2015)
 (D) *State of West Bengal v. Shew Mangal Singh* (1981)

A

20. Which of the following is not defined in the IPC?
 (A) Death (B) Life (C) Night (D) Offence
21. Impossibility test is associated with the offence of :
 (A) Attempt (B) Insanity (C) Dowry death (D) Abetment
22. Barendra Kumar Ghosh v. King Emperor, is related to :
 (A) S. 370 and 37 (B) S. 304 and 34
 (C) S. 302 and 34, IPC (D) S. 376 and 34
23. Anything made for the conveyance by means of water of human beings or of property is called :
 (A) Ship (B) Boat (C) Vessel (D) None of these
24. Where the punishment of a person is altered to punishment of a different kind, it is called :
 (A) Commutation (B) Remission
 (C) Pardon (D) Respite
25. The maximum period of solitary confinement that can be awarded to an offender under IPC is :
 (A) Six months (B) One month
 (C) Four months (D) Three months
26. Queen v. Prince is a case related to :
 (A) Infancy (B) Defence of drunkenness
 (C) Drunkenness (D) Mistake
27. A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in good faith of saving human life or property. Here, if it is found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, he can escape criminal liability based on the defence of :
 (A) Mistake of fact (B) Necessity
 (C) Accident (D) Private defence
28. Nothing is an offence which is done by a child who is under :
 (A) 12 years of age (B) Seven years of age
 (C) Six years of age (D) 18 years of age
29. Section 84 of the Indian Penal Code is based on the principles laid down in :
 (A) Mc' Naughten's case (B) R v. Meade (1903)
 (C) Cooper v. Slade (1857) (D) R v. McPherson (1857)
30. The defence of drunkenness is found in IPC in its :
 (A) Section 87 (B) Section 85
 (C) Section 106 (D) Section 79
31. If a consent for a harm is given by a child, the accused will be liable if the child was under :
 (A) 16 years of age (B) 18 years of age
 (C) 12 years of age (D) None of the above

32. Contention to invoke the exception of trifles under S. 95, IPC was rejected by the Supreme Court of India in :
- (A) Kishori Mohan v. State of Bihar (1974)
 - (B) Jagdish v. State of Rajasthan (1989)
 - (C) Veeda Menezes v. Yusuf Khan (1966)
 - (D) Rupan Deol Bajaj v. Kanwar Pal Singh Gill (1996)
33. Find out from the following the statement which is not correct on private defence :
- (A) Private defence is available against attack by insane persons
 - (B) It is available against attack by drunken persons
 - (C) It is available against act that creates apprehension of harm to person or property
 - (D) It is available against a public servant but not at all available against a private person who is acting under the direction of such public servant
34. In which of the following cases did the Supreme Court lay down the principles to be observed when a plea of self defence is raised by the accused ?
- (A) Jagdish v. State of Rajasthan (1989)
 - (B) Ashiruddin v. The King (1949)
 - (C) Umesh Singh v. State of Bihar (2000)
 - (D) Bhola Bhagat v. State of Bihar (1998)
35. Amongst the following cases, the one that is not related to the right of private defence is :
- (A) Arjun v. State of Maharashtra (2012)
 - (B) Deo Narain v. State of UP (1973)
 - (C) Viswanath v. State of UP (1960)
 - (D) Mobarak Ali v. State of Bombay (1957)
36. Where an assault doesnot fall within the categories enumerated in S. 100, IPC, the right of private defence extends to causing ?
- (A) Hurt
 - (B) Death
 - (C) Grievous hurt
 - (D) Any harm other than death
37. Which of the following statements is not true in respect of the right of private defence ?
- (A) Burden of proving the defence is on the accused
 - (B) A person defending himself against an assault which causes reasonable apprehension of death cannot run the risk of causing harm to an innocent person
 - (C) The plea is not available if there is sufficient time to have recourse to the protection of public authorities
 - (D) The right of private defence of body commences as soon as the reasonable apprehension of danger to the body arises.
38. A case of attempt to commit murder u/S. 307 IPC by illegal omissions is :
- (A) K.M Nanavati v. State of Bombay (1962)
 - (B) Reg v. Govinda (1876)
 - (C) Om Prakash v. State of Punjab (1961)
 - (D) Kripal Singh v. State of UP (1954)

A

39. A instigates B to murder C. B refuses. Here, A is :
- (A) Is not guilty of any offence as B has refused and the act instigated was not committed
 - (B) Is guilty of murder
 - (C) Is guilty of abetment to commit murder
 - (D) None of the above
40. A instigates B to trespass into C's house and kill C. B enters into C's house but couldn't find C. But while he was in C's house he finds C's sister whom B rapes. Here :
- (A) Both A and B are guilty of the offence of trespass and rape
 - (B) A is liable for abetting trespass alone and B is liable for trespass and rape
 - (C) Both are not liable for any offence as C was not murdered
 - (D) None of the above
41. Which of the following is not correct ?
- (A) The person abetted need not be capable of doing the act abetted
 - (B) The abettor is deemed to have committed the offence if he was present at the time of committing the act
 - (C) Abetment of abetment is an offence
 - (D) In case of abetment by conspiracy, the abettor has liability only if it is proved that he concerted with the person who commits the act
42. The difference between abetment by conspiracy u/S. 107 (2) and S. 120A of IPC is :
- (A) In both an illegal act or omission should be committed in pursuance to the conspiracy to punish the offender
 - (B) An offender is punishable if a mere agreement to commit an offence is proved in both
 - (C) U/S. 107 an illegal act or omission should be proved but u/S. 120 a mere agreement to commit an offence is needed to be proved
 - (D) None of the above
43. A, intending that a theft may be committed, instigates B to take property belonging to Z. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. Here in this problem
- (A) Both A and B are liable for punishment for theft
 - (B) A is only liable for punishment for theft as if he had committed theft
 - (C) B is not liable for theft as he had not taken the property dishonestly
 - (D) None of the above
44. A instigates B to kill C. B refuses and reveals the plan to police and A is arrested and prosecuted. Here, A is punishable for the offence with :
- (A) Imprisonment which may extend to seven years and fine
 - (B) Life imprisonment
 - (C) Imprisonment which may extend to five years and fine
 - (D) None of the above

45. The case on the conspiracy to kill former Prime Minister Sri. Rajiv Gandhi was involved in :
- (A) Sanichar Sahani v. State of Bihar (2010)
 - (B) Ram Narain Poply v. CBI (2003)
 - (C) Topandas v. State of Bombay (1956)
 - (D) State (CBI/SIT) v. Nalini (1999)
46. Which of the following is not true of a conspiracy to commit an offence and a conspiracy for a civil action under S. 120A ?
- (A) An act pursuant to the agreement is necessary to punish a conspiracy for a civil action
 - (B) An agreement alone is sufficient to punish a criminal conspiracy
 - (C) In both an overt act besides the agreement needs to be proved
 - (D) None of the above
47. The unprovoked attack on and killing of three army men was held to amount to waging of war against the Govt. of India in :
- (A) Mohd. Arif v. State (NCT of Delhi) (2011)
 - (B) Mohd. Ajmal Amir Kasab v. State of Maharashtra (2012)
 - (C) State (NCT of Delhi) v. Navjodh Sandhu (2005)
 - (D) Nazir Khan v. State of Delhi (2003)
48. In which of the following cases was it held that working for the idea that capitalism and private ownership are dangerous to the advancement of society and to achieve these objects by all peaceful means, ceaselessly to fighting public opinion that might be against them and opposing those who desired the continuance of the existing order of the society and change the present government would not amount to waging war against the State ?
- (A) Emperor v. Surya Kumar Sen (1934)
 - (B) Vasu Nair v. Travancore -Cochin State (1955)
 - (C) Ramanand v. State (1950)
 - (D) Nazir Khan v. State of Delhi (2003)
49. Which of the following cases is known as the Meerut conspiracy case ?
- (A) S. H. Jhabwala v. Emperor (1933)
 - (B) Magan Lal v. Emperor (1946)
 - (C) Emperor v. G. D. Savarkar (1909)
 - (D) None of these
50. The offence of sedition is contained in :
- (A) S. 124A, IPC
 - (B) 153A, IPC
 - (C) S. 295A, IPC
 - (D) S. 120A, IPC
51. The constitutional validity of S. 124A was upheld by the Supreme Court in :
- (A) Kamlesh Vaswani v. Union of India (2014)
 - (B) Kedar Nath v. State of Bihar (1962)
 - (C) Ajay Goswami v. Union of India (2007)
 - (D) Ratilal Param Chand Gandhi v. State of Bombay (1954)

62. The maximum punishment of imprisonment that can be awarded in case of fabricating false evidence u/S. 193 is :
- (A) Five years (B) Three years (C) Two years (D) Seven years
63. Who among the following defined crime as “an act committed or omitted in violation of public law forbidding or commanding it” ?
- (A) Sergeant Stephen (B) William Blackstone
(C) John Austin (D) Prof. Kenny
64. A conceals B, who committed a murder, to protect him from legal punishment. Here A commits the offence of.
- (A) Giving false information (B) Perjury
(C) Harboursing an offender (D) None of these
65. Which of the following provisions provides for death punishment ?
- (A) S. 305, IPC (B) S. 304, IPC
(C) S. 306, IPC (D) None of the above
66. The accused persons, who formed a group and obstructed the police from preventing the observance of Sati by a widow were held liable for abetment of suicide in :
- (A) Tej Singh v. State (1958)
(B) Nikhil Sony v. State of Rajasthan (2015)
(C) Aruna Ramachandra Shanbaugh v. Uol (2011)
(D) Common Cause (A Registered Society) v. Union of India (2014)
67. A, who is a citizen of India, commits a rape in Britain. He can be tried and punished in :
- (A) In any country wherein he is found
(B) In Britain only, as he committed the offence only there
(C) Britain, the actual place of commission, or, India the offender being and Indian citizen
(D) None of the above
68. The Law Commission that prepared the Indian Penal Code consisted of :
- (A) Three members (B) Four members
(C) Five members (D) None of the above
69. Match the following :
- | List I | List II |
|--------------------------|----------------------------|
| (i) Murder | (1) Legal incapacity |
| (ii) Unlawful assembly | (2) Inchoate offence |
| (iii) Conspiracy | (3) Intention or Knowledge |
| (iv) Child below 7 years | (4) Common object |
- (A) (i) and 3, (ii) and 1, (iii) and 4, (iv) and 2
(B) (i) and 2, (ii) and 1, (iii) and 3, (iv) and 1
(C) (i) and 3, (ii) and 4, (iii) and 1, (iv) and 2
(D) (i) and 3, (ii) and 4, (iii) and 2, (iv) and 1

A

70. Which of the following is the correct statement about abetment ?
 (A) An abettor's liability depends only on instigation made by him/her
 (B) Abettor is liable even if the principal is not liable
 (C) Abettor's liability depends on that of the principal
 (D) Abettor should have same intention or knowledge in order to fix criminal liability
71. The maxim *de-minimis non curat lex* is associated with :
 (A) S. 105, IPC (B) S. 85, IPC (C) S. 86, IPC (D) S. 95, IPC
72. Who among the following can be made liable for a murder ?
 (A) A boy of 10 years (B) A person of unsound mind
 (C) Visiting head of a foreign State (D) None of the above
73. Example for an 'accessory after the fact' is :
 (A) A person who harbours an offender (B) An instigator of crime
 (C) A person who commits a crime (D) None of these
74. Which of the following cases is not related to Sedition ?
 (A) Naurang Singh v. UT, Chandigarh (1985)
 (B) Bal Gangadhar Tilak v. Emperor (1916)
 (C) Raghbir Singh v. State of Bihar (1986)
 (D) Mithu v. State of Punjab (1983)
75. Under S. 100 of IPC, the right of private defence is not available against an assault which causes an apprehension of :
 (A) Unnatural lust (B) Hurt (C) Rape (D) Acid attack
76. A simple conspiracy to commit murder is :
 (A) An offence (B) Not an offence
 (C) Abetment (D) None of the above
77. Minimum number of accused in an offence of criminal conspiracy is :
 (A) 1 (B) 4 (C) 2 (D) 5
78. A makes an attempt to pick B's pocket by thrusting his hands into B's but finds no money and fails in the attempt. Here, A is :
 (A) Liable for attempt
 (B) Not liable for any offence as B's pocket was empty
 (C) Liable for theft
 (D) None of the above
79. S. 75 provides for enhanced punishment in respect repeated offences related to :
 (A) Chapter XII and XVII (B) Chapter XII and XVI
 (C) Chapter XVI and XII (D) Chapter XII and XIII

80. The provision for enhanced punishment in S. 75 is applicable where the accused was previously convicted for an offence with a minimum imprisonment for a term of :
(A) Five years (B) Three years (C) Two years (D) None of the above
81. In exercise of the right of private defence, death or any other harm to the offender can be caused as per :
(A) S. 100, 101 and 103 (B) S. 100, 103, 105
(C) S. 100, 103 and 106 (D) S. 100, 103, and 104
82. Which of the following statement is not true of the offence of affray ?
(A) Affray is punishable with imprisonment up to one month
(B) It should involve fight by two or more persons
(C) It can be committed by the accused in their house
(D) It should involve disturbance of public peace
83. The theory of punishment which concentrates on the offender and seeks to prevent him from re-offending is called :
(A) Deterrent theory (B) Preventive theory
(C) Reformatory theory (D) Expiative theory
84. The term of the punishment of life imprisonment is :
(A) Remaining portion of the term of life of the convict
(B) Twenty years
(C) Fourteen years
(D) Twenty five years
85. A stabs V and V remains there for a long time unattended. When he was taken to hospital he is declared dead and the doctors who examined him opined that if he was brought half an hour early, his life could have been saved. A is tried for the murder of V and A argues that he is not liable for murder as the death of the victim occurred due to delay in getting medical aid. Here, A is :
(A) Not liable for culpable as the death could be prevented by providing prompt medical treatment
(B) Is liable for culpable homicide
(C) Is liable for hurt only
(D) None of the above
86. A shoots B, with intent to kill, but the bullet misses the target and hits C, and C dies. Here, A is :
(A) Not liable for culpable homicide
(B) Liable for attempt to kill B only as he did not intend to kill C
(C) Liable for culpable homicide by transferred malice
(D) None of the above

A

87. The contention that *mens rea* has to be read into the interpretation of a statute was rejected in :
- (A) Kamta Tiwari v. State of MP (1996)
 (B) Kumudi Lal v. State of UP (1999)
 (C) Reg v. Govinda (1876)
 (D) State of Maharashtra v. Mayer Hans George (1965)
88. The offence of culpable homicide in Indian law is comparable to in Common Law.
- (A) Justifiable homicide (B) Lawful homicide
 (C) Manslaughter (D) Unlawful homicide
89. Which of the following clauses of S. 300 contemplates doing of an imminently dangerous act resulting in death as murder ?
- (A) Clause secondly (B) Clause thirdly
 (C) Clause firstly (D) Clause fourthly
90. Theft is an offence against :
- (A) Possession (B) Title
 (C) Ownership (D) Subrogation
91. Dowry death is punishable under :
- (A) S. 304A, IPC (B) S. 498A, IPC
 (C) S. 304, IPC (D) S. 304B, IPC
92. Under S. 319, IPC, whoever causes bodily pain, disease or infirmity to a person is said to cause :
- (A) Simple hurt (B) Grievous hurt (C) Assault (D) Hurt
93. Identify which of the following statements is wrong as to the offence of extortion ?
- (A) Extortion may involve consent of the owner, though wrongfully obtained
 (B) Property is obtained by putting a person in fear of injury
 (C) Extortion can be committed only in relation to movable property
 (D) There is delivery of property in extortion
94. A finds a valuable ring, not knowing to whom it actually belongs. A immediately sells it without attempting to discover the owner. A is guilty of :
- (A) Theft (B) Criminal breach of trust
 (C) Cheating (D) Criminal misappropriation

95. A and B were caught while they were having sexual intercourse with mutual consent inside A's house. Here they are guilty of :
- (A) Rape (B) Unnatural offence
(C) No offence (D) None of the above
96. Which of the following is not a grievous hurt ?
- (A) Privation of any member or joint
(B) Emasculation
(C) Any hurt which endangers life or which causes the sufferer to be, during the space of eighteen days, in severe bodily pain, or unable to follow his ordinary pursuits is a grievous hurt
(D) Permanent disfiguration of the head or face
97. In which of the following cases did the Supreme Court of India approved the film Bandit Queen as not obscene ?
- (A) Ranjith D Udeshi v. State of Maharashtra (1965)
(B) Ajay Goswami v. Union of India (1996)
(C) Aveek Sarkar v. State of West Bengal (2014)
(D) Bobby Art International v. Om Pal Singh Hoon (1996)
98. Which of the following is an offence against rights of guardian ?
- (A) Abduction (B) Kidnapping
(C) Dowry death (D) Stalking
99. *Umayyathantagath Puthen Veetil Kunhi Kadir, Re* is related to :
- (A) Waging war against the state (B) Riot
(C) Defence of mistake of law (D) Defence of consent
100. Which of the following jurists made the statement: "Criminal law stands to passion of revenge in much the same relation as marriage to sexual appetite" ?
- (A) Sir James Stephen (B) Holdsworth
(C) Austin (D) Maitland
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A

SPACE FOR ROUGH WORK

SPACE FOR ROUGH WORK

*** The Booklet with alpha code 'A' starts with Qn. No. 1 of the Original question paper.
(1 - 100)**