

**UTTARAKHAND HIGHER JUDICIAL SERVICE DIRECT RECRUITMENT  
EXAMINATION – 2019**

**PAPER-3**

**Maximum Marks:100**

**Time: 2:00 Hours**

**Note: (i) All questions are Compulsory.**

**(ii) Candidate can answer the Questions either in English or in Hindi.**

**INDIAN EVIDENCE ACT, 1872 (30 Marks)**

- Q.1.** Evidence may be given in any suit or proceedings of the existence or non-existence of every fact in issue and relevant facts and of no others. Explain? (10 Marks)
- Q.2.** What is the evidentiary value of the statements made by any person to a Police Officer in the course of an investigation? (5 Marks)
- Q.3.** What is the true role of a Judge? Is he to be a spectator or a participant at the trial. Discuss? (5 Marks)
- Q.4.** Write short notes on any five of the following? (2 x 5= 10 Marks)
- (i) Re-examination of a witness
  - (ii) Admissibility of electronic records
  - (iii) Presumption of guilt
  - (iv) Estoppel
  - (v) Burden of proof
  - (vi) Primary evidence
  - (vii) Public documents

**CODE OF CIVIL PROCEDURE (30 Marks)**

- Q.5.** What are the cases in which temporary injunction may be granted? Discuss and also explain the principles governing the grant of temporary injunctions? (10 Marks)
- Q.6.** What is not liable to attachment or sale in execution of decree? (4 Marks)
- Q.7.** (i) Can a party be questioned by the court before framing of the issues to elucidate the matter in controversy? (3 Marks)
- (ii) What are the circumstances under which a plaint may be rejected? (3 Marks)
- Q.8.** Write short notes on the following: (2 x 5 =10 Marks)

- (i) Decree
- (ii) Representative suit
- (iii) Suit by or against minor
- (iv) Arrest and attachment before judgment
- (v) Filing of additional evidence in appeal

**CODE OF CRIMINAL PROCEDURE (30 MARKS)**

**Q.9.** Taking cognizance of an offence is not the same thing as issuance of process. Discuss and also explain as to what are the bars on taking cognizance in Cr.P.C.

(10 Marks)

**Q.10** Bail a rule and jail an exception. Comment.

(5 Marks)

**Q.11.** Police Officer cannot investigate a non-cognizable case without an order of the Magistrate. Discuss if a Police Officer investigates a non-cognizable case without the order of Magistrate and submits Police report.

(5 Marks)

**Q.12.** Write short notes on the following:

(2 x 5=10 Marks)

- (i) Default bail
- (ii) Withdrawal from prosecution
- (iii) Disposal of property at conclusion of trial
- (iv) Summary procedure for trial for giving false evidence
- (v) Camera trial

**DRAFTING (10 Marks)**

**Q.13.** Draft a “charge” of an offence punishable under Section 420 of Indian Penal Code, 1860.

(10 Marks)

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