

## M.P. HIGHER JUDICIAL SERVICE MAIN EXAMINATION-2018

अनुक्रमांक/Roll No.

कुल प्रश्नों की संख्या : 4  
Total No. of Questions : 4

मुद्रित पृष्ठों की संख्या : 6  
No. of Printed Pages : 6

### **Second Question Paper** **द्वितीय प्रश्न-पत्र**

#### **WRITING SKILL, COURT PRACTICE, TRANSLATION AND CURRENT LEGAL KNOWLEDGE**

समय – 3:00 घण्टे  
Time – 3:00 Hours

पूर्णांक – 100  
Maximum Marks – 100

**निर्देश :-**

**Instructions :-**

1. All questions are compulsory. Please, adhere to the words limit of answers as specified in question paper and such violation may lead to minus marking.

सभी प्रश्न अनिवार्य हैं। जहाँ प्रश्न के उत्तर की शब्द-सीमा प्रश्न के साथ दी गई है, उसका अवश्य पालन करें। उल्लंघन पर ऋणात्मक मूल्यांकन हो सकता है।

2. Write your Roll No. in the space provided on the first page of Answer-Book or Supplementary Sheet. Writing of his/her own Name or Roll No. or any mark of identification in any form or any Number or Name or Mark, by which the Answer Book of a candidate may be distinguished/identified from others, in any place of the Answer Book not provided for, is strictly prohibited and shall, in addition to other grounds, entail cancellation of his/her candidature.

उत्तर पुस्तिका अथवा अनुपूरक शीट के प्रथम पृष्ठ पर निर्दिष्ट स्थान पर ही अनुक्रमांक अंकित करें। उत्तर पुस्तिका में निर्दिष्ट स्थान के अतिरिक्त किसी स्थान पर अपना नाम या अनुक्रमांक अथवा कोई क्रमांक या पहचान का कोई निशान अंकित करना जिससे कि परीक्षार्थी की उत्तर पुस्तिका को अन्य उत्तर पुस्तिकाओं से अलग पहचाना जा सके, सर्वथा प्रतिषिद्ध है और अन्य आधारों के अतिरिक्त, उसकी अभ्यर्थिता निरस्त किये जाने का आधार होगा।

3. In case there is any mistake either or printing or of a factual nature, out of the Hindi and English versions of the question, the English version will be treated as standard.

यदि किसी प्रश्न में किसी प्रकार की कोई मुद्रण या तथ्यात्मक त्रुटि हो, तो प्रश्न के हिन्दी तथा अंग्रेजी रूपांतरों में से अंग्रेजी रूपांतर मानक माना जायेगा।

4. Writing of all answers must be clear & legible. If the writing of Answer Book written by any candidate is not clear or is illegible in view of Valuer/Valuers then the valuation of such Answer Book may not be considered.

सभी उत्तरों की लिखावट स्पष्ट और पठनीय होना आवश्यक है। किसी परीक्षार्थी के द्वारा लिखी गई उत्तर-पुस्तिका की लिखावट यदि मूल्यांकनकर्ता/मूल्यांकनकर्तागण के मत में अस्पष्ट या अपठनीय होगी तो उसका मूल्यांकन नहीं किया जा सकेगा।

**P.T.O.**

**Q.1- Write an article in Hindi on any one of the following legal topics :**

निम्नलिखित विधिक विषयों में से किसी एक पर हिन्दी में लेख लिखिए : -20

- (i) विचाराधीन बंदियों की दीर्घ न्यायिक अभिरक्षा  
Long judicial custody of undertrials
- (ii) हलाला, तीन तलाक एवं भारतीय मुस्लिम महिला  
Halala, Triple Talaq and Indian Muslim women

**Q.2- Summarize the following legal passage into English (In 200 words)**

निम्नलिखित विधिक गद्यांश का अंग्रेजी में संक्षिप्तीकरण कीजिए (200 शब्दों में):- 20

There was no criminal law in uncivilized society. Every man was liable to be attacked in his person or property at any time by any one. The person attacked either succumbed or over-powered by his opponent. "A tooth for a tooth, an eye for an eye, a life for a life" was the forerunner of criminal justice. As time advanced, the injured person agreed to accept compensation, instead of killing his adversary. Subsequently, a sliding scale came into existence for satisfying ordinary offences such a system gave birth to archaic criminal law. For a long time, the application of these principles remained with the parties themselves, but gradually this function came to be performed by the State.

The concepts of criminal jurisprudence came into existence in India from the time of Manu. In the category of crimes Manu has recognized assault, theft, robbery, false evidence, slander, criminal breach of trust, cheating, adultery and rape. The king protected his subjects and the subjects in return owed him allegiance and paid him revenue. The king administered justice himself, and if busy, the matter was entrusted to a Judge. If a criminal was fined, the fine went to the king's treasury, and was not given as compensation to the injured party.

In Western jurisprudence, the real notion of crime percolated from the Roman law. In modern times, crimes have multiplied in an extraordinary degree. It has revolutionised the concept of criminal law. Various statutes have been enacted imposing different kinds of duties, liabilities, and restriction, on individuals.

The fundamental reason for having a system of criminal law is to provide a framework for the state to punish the wrongdoers, and thereby

to preserve an acceptable degree of social order. Without criminal laws and their enforcement each individual's person, property and family would be substantially less safe from deliberate violation by others. The specific purpose of the criminal law is to provide for the conviction and punishment of those who culpably breach the more serious duties. Typically the criminal law will declare which form of conduct and omission constitute such a serious breach of duty that they call for prosecution, conviction, and sentence under a special criminal procedure, and separately from private dispute among citizens. Attached to that declaration will be a system of enforcement and sentencing which operated by and large to influence people not to violate these laws. Even those who adopt a retributivist or rights based approach to criminal liability and punishment surely cannot maintain a general indifference towards the frequency with which these more serious rights and duties are breached. A major part of the reason for having a system of criminal law and punishment is surely to reduce the frequency of those violations.

During the Muslim period, Islamic law of *Shara* was followed by all the Sultans and Mughal Emperors. The *Shara* is based on the principles enunciated by Quran. Under the Muslim Criminal law, which was mostly based on their religion, any violation of public rights was an offence against the State. Islam provides that the State belongs to God; therefore, it was the primary duty of any Muslim ruler to punish the criminals and maintain law and order. Offences against individuals were also punishable as they infringed private rights. It was equally applicable to Muslims and non-Muslims. The State was under a duty to prosecute all those persons who were guilty. No compensation was granted under it.

The Muslim law considered "Treason (*Ghadr*) as a crime against God and religion and, therefore, against the State. Persons held responsible for treason by the Court were mostly punished with death. No consideration was shown for their rank, religion and cast. Only the ruler was empowered to consider a mercy petition.

### KNOWLEDGE OF CURRENT LEADING CASES

**Q.3- Briefly state the principles of law or guidelines laid down by the Supreme Court in following cases. Out of given two options, you may choose one :-**

निम्नलिखित मामलों में उच्चतम न्यायालय द्वारा प्रतिपादित विधि के सिद्धान्तों या मार्गदर्शक सिद्धान्तों का संक्षेप में वर्णन कीजिए। दिये गये दो विकल्पों में से आप एक चुन सकते हैं :-

3(a)	Justice K.S. Puttaswamy (Retd.) Vs. Union of India <i>AIR 2017 SC 4161</i>	OR	Vinod Kumar Vs. State of Punjab. <i>(2015) 3 SCC 220</i>	5
3(b)	Pawan Kumar Vs. State of HP. <i>AIR 2017 SC 2459</i>	OR	S.R. Sukumar Vs. S. Sunaad Raghuram. <i>AIR 2015 SC 2757</i>	5
3(c)	M/s. Meters And Instruments Vs. Kanchan Mehta. <i>AIR 2017 SC 4594</i>	OR	Bachhulal Sharma & Others Vs. State of M.P. <i>2014(4) MPJR 148</i>	5
3(d)	National Insurance Company Ltd. Vs. Pranay Sethi and others <i>AIR 2017 SC 5117</i>	OR	State of Bihar & ors Vs. Anil Kumar & ors. <i>2017 (3) Crimes 211</i>	5
3(e)	Abhiram Singh Vs. C.D. Commachen through L.Rs. And others <i>(2017) 2 SCC 629</i>	OR	Manik Taneja & anr. Vs. State of Karnataka & anr. <i>2015 (1) Crimes 221 (SC)</i>	5
3(f)	Samelly Satyanarayana Rao Vs. Indian Renewable Energy Development Agency Limited. <i>2016 SCC (SC) 956</i>	OR	Sujoy Mitra Vs. State of West Bengal. <i>2016(1) Crimes 15 (SC)</i>	5

**Q.4(a)- Translate the following 15 Sentences into English :-**

निम्नलिखित 15 वाक्यों का अंग्रेजी में अनुवाद कीजिए :-

-15

- 1- पुलिस मौके पर पहुंची और एक पुरुष के बुरी तरह से क्षत-विक्षत मृत शरीर को पाया, जिसकी हत्या किया जाना प्रतीत होता था और उसका शरीर लगभग क्षतिग्रस्त हो चुका था।
- 2- सहअभियुक्त का पुलिस को दिया गया अपराध स्वीकृति का कथन किसी अन्य आलिप्तकारी साक्ष्य के अभाव में याचिकाकर्ताओं के खिलाफ कानूनी साक्ष्य के रूप में स्वीकार नहीं किया जा सकता है।
- 3- अगली सुबह, जब रामलाल ने घर का दरवाजा खोला और घर में प्रवेश किया तो वह यह देखकर चकित हो गया कि उसकी बहन छत में लगी खूंटी में लगी रस्सी से लटकी हुई थी, जिसका एक सिरा दीवार में लगी कील के साथ बंधा हुआ था।
- 4- अपीलार्थी द्वारा पेश किया गया चिकित्सा प्रमाणपत्र संदेहास्पद था, बीमा कम्पनी का यह कर्तव्य था कि वह जांच करे तथा इस संबंध में पर्याप्त साक्ष्य पेश करे।

- 5- भारतीय दण्ड संहिता की धारा 147, 148 एवं 149 के तहत उत्तरदायी ठहराने के लिए ऐसे व्यक्तियों की सक्रिय भागीदारी या आपराधिक आशय से प्रत्यक्ष कृत्य किया जाना या उसके द्वारा अन्य के साथ सामान्य उद्देश्य निर्मित करते हुए विधिविरुद्ध जमाव का गठन किया जाना आवश्यक है।
- 6- आरोपीगण कोई घातक हथियार नहीं ले जा रहे थे, अतः केवल छोटी डण्डियों के आधिपत्य में होने से ही घातक उपहति कारित करने के षडयंत्र या सामान्य उद्देश्य का गठन नहीं होता है।
- 7- मृतक का मृत्युकालीन कथन आरोपी की दोषसिद्धि का आधार हो सकता है यदि यह दर्शित किया जाता है कि वह मस्तिष्क की स्वस्थ अवस्था में स्वेच्छापूर्वक निजी ज्ञान के आधार पर बिना किसी प्रभाव के दिया गया है।
- 8- न्यायालय को यह निर्णीत करना चाहिए कि क्या संविदा का नवीयन एकतरफा कार्य द्वारा किया जा सकता है।
- 9- वह पैसे से जरूर गरीब थे, लेकिन मानवीय भावना तथा दयालुता से सराबोर थे। वे गरीबों के प्रवक्ता थे।
- 10- वादी की मौखिक साक्ष्य के अलावा ऐसा कुछ नहीं है, जिससे यह माना जा सके या उपधारित किया जा सके कि वादी का प्रतिवादीगण से कोई संबंध था।
- 11- अभिलेख पर ऐसा कुछ नहीं है, जो यह कारण स्पष्ट कर सके कि नारायण और वादी इतने लम्बे अवधि तक क्यों चुप्पी साधे रहे।
- 12- इस प्रकार दस्तावेजी और मौखिक साक्ष्य यह दर्शाती है कि वादी न तो मनमोहन या बृजकिशोर का वंशज है और न ही वह वादग्रस्त भूमि के स्वत्व अथवा कब्जा में रहा है।
- 13- जब किसी अपराधी को जुर्माने का दण्डादेश दिया गया है, तब दण्डादेश देने वाला न्यायालय अपराधी की किसी जंगम संपत्ति की कुर्की और विक्रय द्वारा रकम को उद्ग्रहीत करने के लिए वारंट जारी कर सकता है।
- 14- जब कोई आपराधिक कार्य कई व्यक्तियों द्वारा अपने सब के सामान्य आशय को अग्रसर करने में किया जाता है, तब ऐसे व्यक्तियों में से हर व्यक्ति उस कार्य के लिए उसी प्रकार दायित्व के अधीन है, मानो वह कार्य अकेले उसी ने किया हो।
- 15- किसी लघुवाद न्यायालय से इस धारा के अधीन अन्तरित या प्रत्याहृत किसी वाद का विचारण करने वाला न्यायालय ऐसे वाद के प्रयोजनों के लिए लघुवाद न्यायालय समझा जाएगा।

**Q.4(b)- Translate the following 15 Sentences into Hindi :-**

निम्नलिखित 15 वाक्यों का हिन्दी में अनुवाद कीजिए :

—15

- 1- The Muslim marriage is a permanent and unconditional civil contract made between two person of opposite sex with a view to mutual enjoyment and procreation and legalizing of children.
- 2- Apart from giving an opportunity to the public prosecutor to oppose bail application as provided u/s. 37(1) (b) (i), the other twin conditions set out in section 37 (1) (b) (ii) have to be satisfied, which are cumulative but not alternative.

- 3- Where a woman knowingly enter into a relationship with married male and cohabiting with him for a long time, the presumption of marriage in such situation already stands destroyed due to prior knowledge of the woman about the marital status of man.
- 4- The appellant has not produced any such evidence, therefore, medical certificate can not be disbelieved and disability assessed may be treated as correct.
- 5- Defendant has no unfettered right to file counter claim after filing of written statement and subsequently it may be preferred by way of amendment application.
- 6- It was observed and held that jurisprudential concepts of negligence differs in civil and criminal law, a concept may be negligence in civil law may not necessarily be negligence in criminal law.
- 7- The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence.
- 8- The site map is not attached to the plaint, only four limits have been depicted in the plaint which is insufficient in defining and understanding the exact shape of the location.
- 9- Therefore, in this way the plaintiff has put forward requirement based on goodwill which has not been affirmed by any evidence.
- 10- It tells of the successes and setbacks of the scientific establishment in modern India.
- 11- Legislature while enacting provisions has complete knowledge of existing provision.
- 12- For the purpose of appeal by a convicted person, the aggregate of the consecutive sentences passed against him under this section shall be deemed to be a single sentence.
- 13- Wrongful gain means, a gain by unlawful means of property to which the person gaining is not legally entitled.
- 14- Magistrates must carefully scrutinize whether the allegations made in the complaint meet the basic ingredients of the offence.
- 15- In computing the period of limitation for an application to set aside an award, the time requisite for obtaining a copy of the award shall be excluded.

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