

M.P. HIGHER JUDICIAL SERVICE MAIN EXAMINATION-2017

अनुक्रमांक/Roll No.

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

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

Second Question Paper **f}rh; i t u&i =**

WRITING SKILL, COURT PRACTICE, TRANSLATION AND CURRENT LEGAL KNOWLEDGE

समय – 3:00 घण्टे
Time – 3:00 Hours

पूर्णांक – 100
Maximum Marks – 100

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Instructions :-

1. All questions are compulsory. Please, adhere to the words limit of answer where it is given with the question. 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 :
 fuEufyf[kr fof/kd fo"ka; ka ea l sfdl h , d ij fglnh ea ys[k fyf[k, % &20

(i) Legal Right of an Accused

अभियुक्त के कानूनी अधिकार

(ii) Uniform Civil Code

समान सिविल संहिता

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

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 % &20

When we talk of judicial reforms, the role of investigating agencies cannot be underestimated. In fact they need to be thoroughly revamped. Proper administration of justice is not in the hands of the judiciary alone. Proper implementation of laws and maintenance of justice depends upon the character of the personnel of the police, prisons department, political and social leaders and lawyers. In a degenerated society, even thousands of laws cannot ensure proper social justice. Earlier, by punishing the criminals properly and in time, law and order in the society was maintained. As a majority of officials in various departments, leaders of various political parties, religions and castes were conscious of maintaining justice in the society, laws were successful. In those days, these leaders did not try to protect criminals belonging to their party, religion and caste. And this interest in maintaining justice, paved the way for early disposal of cases, conviction of criminals, prevention of crime and reformation of offenders. Today, when people in various walks of life are sheltering criminals on the basis of caste, religion, political affinity etc. there is growing apprehension that justice may not only be delayed but even denied.

During his address on the golden jubilee celebrations of the Supreme Court, Prime Minister Shri Atal Behari Vajpayee spoke thus : "There is an urgent need to curb the strong appetite of our departments and the lawyers representing them for casual litigation and for wasting government money. They routinely file cases or defend cases they know are indefensible and do so only because they

do not want to take responsibility". It is trite law that for delay in examining witnesses and deciding cases certainly results in defeat of Dharma that is "miscarriage of justice". In our system, such a situation has become a rule rather than an exception and this delay can be attributed to ineffective investigation by the police and lack of motivation among public prosecutors who are burdened with a large number of cases. Even in some cases the investigating officer is reported to have submitted the charge-sheet without completing investigations. This weakens the cases which ultimately results in acquittal of the accused.

We have to check the malady in criminal justice delivery system. Needless to add that the Courts alone can do much in solving problem. It is brought to the notice of the Judges that if the role of investigating agency is tainted then the matter should be referred to some impartial agency like C.B.I, which too is blamed for taking long time and undue delay in Investigation. Very often real culprit goes unpunished on account of either evidence not forthcoming or the prosecution witnesses being threatened by the accused, with the result that the Judges express helplessness in the matter with no option except to order large scale acquittals. The sensational case is of "Priyadarshan Mattoo" rape cum murder case which is a glaring example of tainted investigation resulting in acquittal of accused Santosh Singh by Shri G.P. Thareja, Additional Sessions Judge, New Delhi who in his judgment of 449 pages said, "Accused is a criminal but I cannot convict him for lack of evidence" : The trial Judge also said, "the manner in which the CBI investigated puts question mark on its credibility as a premier investigating agency". However, the onus was on the State to negate probability of defence which the trial Judge observed, the State failed to discharge. There was no medical evidence adduced by the investigating agency to suggest that she was raped. Notwithstanding the autopsy report of the deceased regarding the injuries on her person, yet the accused was let off because of procedural lacunas created by role of the investigating agency.

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 -

fuEufyf[kr ekeyka ea mPpre U; k; ky; }kjk ifrikfnr fof/k ds fl) kUrka ; k ekxh'kd fl) kUrka dk I fki ea o.ku dhft, A fn; s x; s nks fodYi ka ea I s vki , d ppu I drrs g&

3(a)	Abhiram Singh Vs. C.D. Commachen (Dead) By Lrs. & Ors., AIR 2017 SC 401	OR	Arjun Gopal and Ors. Vs. Union of India & Ors., AIR 2017 SC 173	5
3(b)	Vijay Kumar Mishra and Another Vs. High Court of Judicature at Patna and Others , AIR 2016 SC 3698	OR	Syscon Consultants Private Limited Vs. Primella Sanitary Products Private Limited and Another (2016) 10 SCC 353	5
3(c)	L.C. Hanumanthappa Vs. H.B. Shivkumar (2016) 1 SCC 332	OR	HDFC Bank Ltd. Vs. Kumari Reshma and ors. AIR 2015 SC 290	5
3(d)	Sukh Ram Vs. State of Himachal Pradesh, AIR 2016 SC 3548	OR	Dharmpal Vs. State of Haryana and others 2016 SCW 618	5
3(e)	Laxmi Vs. Union of India and Other AIR 2015 SC 3662	OR	Subramanian Swamy Vs. Union of India, Ministry of Law and others. AIR 2016 SC 2728	5
3(f)	Kunapareddy alias Nookala Shanka Balaji Vs. Kunapareddy Swarna Kumari and another. AIR 2016 SC 2519	OR	Balveer Singh and Another Vs. State of Rajasthan and Another (2016) 6 SCC 680	5

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

fuEufyf[kr 15 okD; ka dk vaxth ea vupkn dhft, % &15

- 1 अँगुलियों की छाप एवं फोटो का सत्यापन परीक्षा कक्ष में प्रवेश के समय, परामर्श के दौरान और दाखिला के समय किया जाये।
- 2 तहसीलदार द्वारा अधिवक्ता को न्यायालय से जाने के लिये कहना न्यायालय की अवमानना की कोटि में नहीं आता है।
- 3 वह कार्य में उपेक्षावान था, वह समयनिष्ठ नहीं था एवं बारम्बार चेतावनी के बावजूद उसमें कोई सुधार नहीं हुआ।
- 4 केवल अपराध संबंधी हथियार बरामद न होना अभियोजन के मामले के लिए घातक नहीं होता है।
- 5 द्वितीयक साक्ष्य को ग्राह्य बनाने के लिये, मूल दस्तावेज की खोज का पर्याप्त सबूत होना चाहिए।
- 6 परिवादी के लिये यह आवश्यक नहीं है कि वह परिवाद में माँग सूचना पत्र का अभियुक्त पर तामीली होना अभिवचन करे।
- 7 वादार्थ संरक्षक वाद के निराकरण के पूर्व कभी भी न्यायालय में व्यय तथा उसके द्वारा प्राप्त धनराशियों का सही ब्यौरा प्रस्तुत करेगा।
- 8 अनेक मामलों में यह निर्धारित किया गया है कि एक व्यक्ति जो संविदा का पक्षकार नहीं है संविदा से संबंधित हितों का लाभ नहीं ले सकता।
- 9 क्या दण्डिक प्रकरण में दोषमुक्ति एक पुलिस अधिकारी को विभागीय जाँच में दण्डित न करने का एक आधार है।
- 10 लेकिन सरकार के संसदात्मक स्वरूप में राष्ट्रपति नाममात्र का ही प्रधान होता है और मंत्रिपरिषद ही वास्तविक कार्यपालिका होती है।
- 11 विधि का उल्लंघन किये बिना कोई क्षति कारित होती है इसे "विधिक अधिकार के अतिलंघन बिना क्षति कारित" कहा गया है।
- 12 वाद का सही निराकरण अधिकतर विवादग्रस्त बिन्दुओं के सही निर्धारण पर निर्भर है।
- 13 यह प्रथा आपत्तिजनक है कि निर्णय घोषित किये जाने की तिथि निर्धारित किये बिना निर्णय हेतु वाद सुरक्षित रखा जावे।
- 14 यदि जाँचकर्ता अधिकारी किसी वाद को किसी कारण वापसी या अस्वीकृत योग्य समझता है तो उसे वह आदेश हेतु न्यायाधीश के पास भेज देगा।
- 15 आदेशिका शुल्क के साथ पक्षकार न्यायालय में निर्धारित यात्रा भत्ता, भोजन व्यय तथा अन्य व्यय भी जमा करेगा।

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

fuEufyf[kr 15 okD; ka dk fgljnh ea vupkn dhft, % &15

1. Power of the High Court in a review is very much limited and the errors have to be apparent on the face of record.
2. When from the averment of the plaint it is clear that the suit is barred by any law, then plaint can be rejected.
3. A person holding unregistered general power of attorney can appear and act on behalf of a party to the proceeding in a Court.
4. Issue of limitation is a mixed question of fact and law which can be decided only after framing issues and recording of evidence.
5. Any court may alter or add any charge at any time before judgment is pronounced.
6. If the court can compel parliament to make laws then the parliamentary democracy could soon be reduce to an oligarchy of Judges.
7. It was also a question before our framers of the constitution whether to give place to the fundamental rights in the constitution or not.
8. Ossification test is not the sole criteria for determination of the age of the prosecutrix.
9. It is a sacrosanct duty of the husband to maintain his wife.
10. Presence of all the five accused at the place of occurrence is duly proved by the prosecution.
11. Whether Compact disc is covered under the definition of document as per section 3 of the Evidence Act.
12. A witness may be questioned in cross-examination for testing his credibility, memory, means of knowledge, or his accuracy.
13. The Court while exercising the discretion in the exception clause has to record "exceptional reasons" for resorting to the proviso.
14. Deciding the case in such a casual manner reduces the criminal justice delivery system to mockery.
15. Cogent, reliable, convincing and trustworthy evidence has to be accepted.
