

Uttarakhand Higher Judicial Service Examination 2011

Paper 3

Time allotted: Two hours

Max. Marks 100

Note: The question paper is divided in four parts. Each of parts A, B, and C carries equal marks. Part D carries 10 marks. All questions are required to be attempted.

PART A

Indian Evidence Act 1872

1. When a Government can claim privilege relating to affairs of State? What are the limitations? Give examples of the documents held by the courts as one relating to affairs of the State, and those not relating to the affairs of State.
15 marks
2. What do you understand by principle of 'falsus in uno falsus in omnibus'? Whether this principle is applicable in India?
15 marks

PART B

Code of Civil Procedure 1908

3. What do you understand by a 'foreign judgment'? How a decree can be obtained for executing the same in India based on a foreign judgment?
15 marks
4. What are the principles to be kept in mind in the matters of the appointment of receiver of any property? Whether a receiver can be appointed after the decree is passed?
15 marks

PART C

Code of Criminal Procedure 1973

5. When an accomplice can be tendered pardon? Can such person be arrested? If he does not disclose whole truth in what manner he can be tried and by whom?
15 marks
6. Who can maintain an appeal against an order of acquittal? Discuss in the light of the amended provisions.
15 marks

PART D

Drafting

7. Draft a judgment in a small cause suit, keeping in mind provisions contained in Rule 4 of order XX of Code of Civil Procedure 1908.
10 marks
