

**Uttarakhand Higher Judicial Service Examination 2008
PAPER- 3**

Time allowed-Two hours

Maximum Marks :100

Note- The question paper is divided in four parts. Each of Part 'A', 'B' and 'C' carries 30 marks. Part 'D' carries 10 marks. All questions are required to be attempted.

Part-A

Indian Evidence Act 1872

1. What do you understand by word 'Court' used in Indian Evidence act 1872? Are the provisions of said Act applicable to affidavits? 15 marks

2. Who may testify before Court? In what manner a court can record 'oral evidence' of a dumb witness? 15 marks

Part-B

The Code of Civil Procedure 1908

3. What is the procedure for directing attachment before judgment? When the same can be removed? 15 marks

4. When a decree can be transferred for execution to another court? What are the powers of court in executing transferred decree? 15 marks

Part-C

Code of Criminal Procedure 1973

5. What irregularities committed by a court do not vitiate trial? Also discuss when it vitiates? 15 marks

6. What are the provisions contained in Code of Criminal Procedure 1973 relating to bar in taking cognizance after lapse of the period of limitation? 15 marks

Part-D

Drafting

7. (a) Draft a charge with one head relating to offence punishable under section 302 of Indian Penal code, 1860. 05 marks

- (b) Frame issues relating to pleas of desertion and cruelty, dealed by opposite party, in a suit for divorce. 05 marks