

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 8

Total number of printed pages : 6

NOTE : Answer SIX questions including Question No.1 which is compulsory.

1. (a) Preferential treatment to certain persons belonging to backward classes in the form of reservation in education and jobs as provided in Articles 15(4) and 16(4) of the Constitution of India is a mean of ensuring the canon of equality enshrined in the preamble of the Constitution of India. Evaluate the statement.
(8 marks)
- (b) Write a note on 'preventive detention'.
(6 marks)
- (c) What are the fundamental duties imposed on the citizens of India ?
(6 marks)
2. (a) Write short note on 'temporary injunctions' and 'interlocutory orders'.
(4 marks)
- (b) Within what period different kinds of instruments chargeable with stamp duty but executed out of India may be stamped ?
(4 marks)
- (c) Distinguish between the following :
 - (i) 'Summons cases' and 'warrant cases'.
 - (ii) 'Pleader' and 'public prosecutor'.
(4 marks each)

3. (a) Discuss the principle of *estoppel* and state the conditions of its applicability.

(5 marks)

- (b) Explain primary and secondary evidence of documents. When may secondary evidence be given ?

(5 marks)

- (c) Describe the conditions and procedure for the dissolution of a society registered under the Societies Registration Act, 1860.

(6 marks)

4. (a) ABC Ltd. is a pharmaceutical company having its corporate office in Mumbai. XYZ Ltd., another pharmaceutical company, is carrying on pharmaceutical business at Nagpur. XYZ Ltd. published an advertisement at Bangalore constituting infringement of the registered trade mark of ABC Ltd. ABC Ltd. intends to institute a suit for damages against XYZ Ltd. Advise where ABC Ltd. should institute the suit.

(5 marks)

- (b) Sumesh, a sub-inspector of police, comes to know from a secret source that five persons, staying in a house with deadly weapons in Kanpur, are planning to commit murder of Gabbar, a resident of a nearby house. Sumesh apprehends that those five persons will commit the crime at any moment. Sumesh, sub-inspector of police, goes to that house where those five persons were staying and arrests them along with weapons in their possession, without any warrant or order from the magistrate. Is the arrest of all the five persons valid ? Give reasons.

(5 marks)

- (c) Define the following under the Information Technology Act, 2000 :

(i) Computer network.

(ii) Intermediary.

(3 marks each)

5. (a) Discuss the rule of 'reasonable construction' in the interpretation of statutes.

(5 marks)

- (b) "The relief of specific performance of contract is discretionary." Comment.

(5 marks)

- (c) Describe the offence of 'hacking' with computer system as provided under the provisions of the Information Technology Act, 2000. Who is the officer competent to investigate an offence under the Information Technology Act, 2000 ?

(6 marks)

6. (a) A magistrate of the first class passes a sentence of imprisonment for a term of three years with a fine of Rs.5,000 and in lieu of non-payment thereof, an additional imprisonment for another one year. The convict feels aggrieved by the sentence.

(i) Has the convict any right to appeal against this sentence ?

(ii) Will the situation change, if the sentence is passed by the court of a chief judicial magistrate ?

Give reasons in support of your answer.

(5 marks)

- (b) On 31st December, 1997 Suresh took a loan of Rs.10,000 from Umesh. He paid Rs.2,000 to him on 16th June, 2001 towards part-payment. After that, Umesh did not receive any amount from Suresh. Subsequently, Umesh instituted a suit for recovery of the dues from Suresh after the expiry of two years from the date of last part-payment. Decide whether Umesh will succeed in his suit.

(5 marks)

- (c) Madhav moves an application for setting aside the arbitral award on the ground that he was not given a proper notice of the arbitral proceedings and thereby not being able to present his case. He furnishes sufficient proof and pleads before the court that he received the arbitral award just 15 days back. Decide with reasons --

- (i) whether Madhav will succeed in his prayer; and
(ii) whether the law of limitation will not be a bar in his case.

(6 marks)

7. (a) A society is registered under the Societies Registration Act, 1860 for the renovation of Shiva temples and promotion of preachings of Shaiva School of Hindu Religion in a State. One member of the society is sued as stranger because he is in arrears of subscription which he is bound to pay under the rules of the society. He resists the suit on the ground that the plaintiff society is a purely religious institution and not a charitable society established for promotion of science, literature, fine arts, etc., as required by the Societies Registration Act, 1860. Decide with reasons.

(5 marks)

- (b) Sohan, a trustee for Mohan, allows the trust to be executed solely by his co-trustee Rohan. Rohan misappropriates the trust property. Whether Sohan is personally liable for the loss caused to Mohan ?

(5 marks)

- (c) Amit transfers his property worth Rs.50,000 to Rohit and by the same deed asks Rohit to transfer his property worth Rs.25,000 to Sumit. Before Rohit accepts the property, Amit dies. Rohit refuses to accept the property transferred by Amit. Discuss the rights of Sumit.

(6 marks)

8. (a) Ajoy has executed a gift deed in favour of Bijoy. But prior to the registration of gift deed, Ajoy dies. Ajoy has already given the delivery of possession to Bijoy. The heirs of Ajoy wished to register the gift. Bijoy's brother objected on the ground that it being a non-registered gift in the life-time of Ajoy, it cannot be registered after the death of donor. Decide the validity of gift on the ground of non-registration of gift deed.

(5 marks)

- (b) Abhay is a trustee of certain land for Bhanu, Chirag and Dhiraj. He has been authorised to sell the land to Uday for a specified sum as mentioned in the trust deed. Bhanu, Chirag and Dhiraj, being competent to contract, consent that Abhay may sell the land to Uday for lesser sum. Whether Abhay may sell the land on the specified sum as mentioned in the trust deed or for lesser sum ?

(5 marks)

- (c) Which of the following are moveable or immovable properties under the Transfer of Property Act, 1882 :
- (i) a right to way;
 - (ii) a factory;
 - (iii) a right to collect lac from trees;
 - (iv) hereditary offices;
 - (v) growing crops; and
 - (vi) standing timber.

(6 marks)

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