SIKKIM JUDICIAL SERVICE EXAMINATION-2025
HIGH COURT OF SIKKIM

INSTRUCTIONS TO THE CANDIDATES:

Read the question paper carefully.

Candidates shall not write his/her name or roll number on the answer sheet except at places specifically mentioned. Candidates shall not put any sign or write anything on the answer sheets which can or have the tendency to disclose or even indicate his or her identification. Candidates using additional answer sheets shall also adhere to the instructions immediately provided hereinbefore. Violation of the instructions will entail expulsion from the examination hall and also disqualification. Please ensure there are pages 1-3 in your booklet.

Time: 3 hours **FM: 200**
PM: 80 (40%)

PAPER-I Procedural Laws, Local Laws and Language Test

PART- I

(Answer any five questions) **(5 x 10 = 50)**

Q1. Write short notes on:

(a) Final Report
(b) Cognizance
(c) Report of a Police Officer
(d) Remand
(e) *Interest reipublicae ut sit finis litium*

Q2. Explain the procedure relating to search of a closed space. What change has been brought by Bharatiya Nagarik Suraksha Sanhita, 2023 in the procedure for search under Chapter VII.

Q3. Can the Civil Court exercise its inherent powers under Section 151 of the Code of Civil Procedure, 1908 (CPC) to grant injunctions when the strict conditions of Order XXXIX are not met? Explain the key principles that govern the exercise of inherent powers under Section 151 CPC?

Q4. What are the prerequisites for disposing the suit at the first hearing? What can be the circumstances when no such disposal can be effected?

Q5. (a) Can a confessional statement made by an accused be proved against him? Give reasons.

(b) A is on trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said- "A and I murdered C". Can the statement of B be considered in a trial against A? Give reasons.

Q6. Explain in detail the extent of scope of Section 168 *(previously Section 165 of Indian Evidence Act, 1872)* of The Bharatiya Sakshya Adhiniyam, 2023?

PART- II

(Answer any four questions) **(4 x 20 = 80)**

Q7. The defendant in a civil suit was served with summons on 4th February 2025. He appeared before the court on the date fixed but did not file his written statement within 30 days. On the 100th day from the date of service of summons, the defendant files an application seeking permission to file his written statement, stating that the delay occurred because he was collecting necessary documents and evidence for preparing the defence. The plaintiff objected, arguing that the court cannot allow the written statement to be filed beyond the period of 90 days prescribed under Order VIII Rule 1 of the Code of Civil Procedure, 1908.

Discuss with the help of decided cases whether the Court has the discretion to accept the written statement beyond the first 30-day time period and the final outer limit of 90 days, in your answer, refer to:

- The purpose and object of the 2002 amendment to Order VIII Rule 1,
- The nature of the provision (mandatory or directory),
- The determination of sufficient cause in the issue,
- If the discretion is exercised to reject the written statement as time barred, what should guide the exercise of such discretionary power.

Q8. Discuss the essential contents of pleadings. Distinguish between "material facts" and "particulars", how does the consequences differ when there is an omission to state material facts and omission to give full particulars in the pleadings?

Q9. Can police officers obtain voice sample from the accused for the purpose of investigation? Discuss briefly the development of law in this regard and also highlight the evidentiary value of such sample?

Q10. What are the essential considerations for exercise of power under Section 358 (*previously Section 319 of the Code of Criminal Procedure, 1973*) of Bharatiya Nagarik Suraksha Sanhita, 2023? Is the word "evidence" used in Section 358 (1) only mean evidence tested by cross-examination or of the statement made in the examination-in-chief of the witness concerned, Give reasons?

Q11. Is there a difference between "opinion" and "evidence" as contained in The Bharatiya Sakshya Adhiniyam, 2023. Explain the law relating to acceptance, corroboration and evaluation of expert's opinion as evidence?

Q12. What are modes of proving public documents in a suit or a trial? How are digital signatures verified under Section 73 of the Bharatiya Sakshya Adhiniyam, 2023?

PART- III

(Answer all questions briefly) **(5 x 10 = 50)**

Q13. What constitutes vexatious entry, search, seizure or arrest under Section 31 of Sikkim Anti-Drugs Act, 2006?

Q14. Which class of Magistrate has the power to issue warrant for arrest of any person or search of a place under Sikkim Anti-Drugs Act, 2006. What are the essential conditions for a Magistrate to consider before issuing such warrant?

Q15. Is the restriction on sale of land belonging to Bhutia and Lepcha in Sikkim absolute? What are the other forms of transfer which is prohibited under the law in this regard? Explain.

Q16. Explain Notification No 385/G and 2947/G of the General Department, State of Sikkim. Which particular type of document is exempt from penalty for non-registration?

Q17. What is the object of Sikkim Cultivators' Protection Act, 1985? What consequences arise when the cultivator cultivating the land dies?

PART- IV

(Answer the given question) **(1x 20 = 20)**

Q18. Draft a statement under Section 180 (*previously 161 statements of Code of Criminal Procedure, 1973*) of the Bharatiya Nagarik Suraksha Sanhita, in the Nepali language, of approximately 200 words, from the perspective of an eye-witness who observed a theft taking place inside a building at night. You can create the details of the incident as needed.

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PAPER-II- Substantive Laws

PART- I

(Answer any four questions) **(4 x 15 = 60)**

Q1. Write short notes on:

(a) Offer and Acceptance with illustrations.
(b) Abetment of offence with illustrations.
(c) Karta in Hindu Undivided Family.

Q2. With the help of illustrations explain the provisions relating to the Performances of Contract.

Q3. In how many ways a Partnership firm can be dissolved? Explain the legal provision relating to the dissolution of a firm by the Court.

Q4. What are the legal provisions under the Specific Relief Act, 1963 governing the rectification and cancellation of instruments and what conditions must be satisfied for the Court to exercise the powers under such provision?

Q5. Discuss the rights of daughters as coparceners under the Hindu Succession Act 1956, as amended by Hindu Succession (Amendment) Act, 2005. How did this amendment change the law relating to coparcenary property?

PART- II

(Answer any two questions) **(2 x 25 = 50)**

Q6. The Supreme Court of India maintained a balance between religious practices and State interferences by propounding the doctrine of 'Essential Religious Practices'. With the help of case laws, explain how the doctrine maintains balance between Right to Religious Freedom and State control.

Q7. Explain Doctrine of Part Performance and also its applicability as provided in Section 53 A of Transfer of Property Act, 1882. How are subsequent transferees protected under this provision?

Q8. Enumerate various offences of hurt under Bharatiya Nyaya Sanhita, 2023. Highlight the gravity of such offences when committed against a public servant intending to deter such public servant from performance of his duty.

Q9. Explain and distinguish the provisions of Criminal misappropriation, Criminal Breach of Trust, Theft and Cheating.

Q10. Write short notes with reference to General Clauses Act, 1897 on the following topics given below: -

(a) The purpose and scope of the law.
(b) Principle of "Retrospective Operation".
(c) Rules of interpretation regarding Gender and Number.
(d) Provision relating to the power to amend, repeal or revoke notifications and orders.
(e) "Immovable Property".

PART- III

(Answer all questions briefly) **(9 x 10 = 90)**

Q11. How does the Specific Relief Act 1963, differentiate between preventive relief through injunctions and compensatory relief through damages? Are both the reliefs mutually exclusive?

Q12. Enumerate the General Exceptions to criminal liability under Bharatiya Nyaya Sanhita, 2023.

Q13. Explain rash and negligent act constituting criminal liability under Bharatiya Nyaya Sanhita, 2023. What is meant by *causa causans* in this context?

Q14. With reference to the provisions of law, distinguish between common intention and common object with more than one illustration depicting their applicability.

Q15. Explain the ingredients for offence of robbery with illustration. Name and distinguish robbery from its aggravated form of offence. Give example.

Q16. Define Goods under Sale of Goods Act, 1930. Distinguish between sale and agreement to sale.

Q17. Explain the rights and duties of an Agent with the help of provisions of Indian Contract Act, 1872.

Q18. "Fundamental Rights are inalienable rights". Determine the statement with the help of case laws.

Q19. What is an actionable claim as provided in Transfer of Property Act, 1882? Illustrate with examples.