

## ADVOCATE-ON-RECORD EXAMINATION (June 2024)

### Paper 1: Practice and Procedure

(Please answer the Questions pointwise)

**Total Marks: 100**

### PART I: 50 Marks

Answer any 5 out of the 6 given questions

1. When can the Original Jurisdiction of the Supreme Court be invoked? Give three examples which would fall under it. (10 Marks)
2. You have been engaged in a matter this evening on behalf of the respondent. You are aware that the Hon'ble Bench will not adjourn the matter the following day. The counter affidavit of the respondent is not on record. What steps will you take to prepare and present your case the next day in court, without having to request for an adjournment? (10 Marks)
3. Outline any four principles governing the exercise of jurisdiction by the Supreme Court under Article 142 of the Constitution of India. Cite two examples of cases decided. (10 Marks)
4. What are the criteria for transferring a civil case under Section 25 of the Code of Civil Procedure, 1908, as opposed to the transfer of a criminal case under Section 406 of the CrPC? (10 Marks)
5. Your client shouted objectionable slogans before a Division Bench of the High Court which was hearing his Writ Petition and was dictating an order averse to your client's interest. Despite various warnings being issued to your client he continued to shout and berate the judges of the Court, and thus on the orders of the High Court, he is taken into custody on the same day before the rising of the court.  
You are required to move the Supreme Court against the custody order. What is the appropriate proceedings that you would file in the Supreme Court? Give reasons to support the remedy that you would choose. (10 Marks)
6. Your client's son who was taken into illegal custody of the police, and he was found dead on the railway tracks close to the concerned police station. Your client is not only aggrieved by the custodial death of her son caused by the agency of the State, but also wants the courts to take to task the police by granting appropriate relief to her for the tragic death of her son. What would be the appropriate proceedings before the Supreme Court in this case, and what reliefs would you claim on behalf of your client. Give reasons illustrated by applicable case law on basis of which the Supreme Court would grant the reliefs prayed for by your client. (10 Marks)

## PART II: 50 Marks

Answer any 10 out of the 12 given questions

7. Tabulate the essential differences between an application for impleadment and application for intervention. (5 Marks)
  8. Explain and differentiate between writ of *mandamus* and writ of *prohibition*. (5 Marks)
  9. Give any three situations wherein a matter would require to be referred to a larger bench? (5 Marks)
  10. Many times, the Supreme Court uses the expression '*moulding the relief*' in its judgment. Give three instances. (5 Marks)
  11. Section 35 of the Advocates Act of 1961 includes 'professional misconduct' and 'other misconduct' for advocates. Provide three instances of each of these situations. (5 Marks)
  12. Explain the following in brief: -
    - i. Ratio decidendi
    - ii. Stare decisis
    - iii. Sub silentio
 (5 Marks)
  13. Please provide three occasions in which the Hon'ble Judge may recuse himself/herself from the proceedings. (5 Marks)
  14. If a person who is not a party to the lis is affected by the order of the Supreme Court, what remedy is available to him for seeking a modification of that Order? (5 Marks)
  15. When does an appeal lie under the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act 1970? (5 Marks)
  16. Review Petition in the High Court has been dismissed in one case and allowed in another case (both cases are unrelated). Bring out how SLP in both these situations would be different. Point out the differences. (5 Marks)
  17. What is the nature of cases listed in Chambers, and under which provisions are they listed? Give five instances. (5 Marks)
  18. Explain in brief what is the procedure of filing a public interest litigation under the Supreme Court Rules, 2013? (5 Marks)
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