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LOGICAL REASONING PART 1

**LEGAL REASONING**

VMTC2263

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**VIDHIGYA**

## VIDHIGYA

VMTC2263

## Logical Reasoning

## Part - I

## Legal Reasoning

**1. Legal Principle:** An offer can be accepted only after the same has come to the knowledge of the offeree, as per contract law.

**Factual Situation:** Vidhan sent his servant Vidit to trace his missing nephew. Vidhan in the meantime announced a reward for providing information about the missing boy. Vidit, in ignorance of the announcement traced the boy and informed Vidhan. Vidit later on came to know and he claimed it. Is the servant entitled to reward?

- (a) Servant is entitled to such claim.
- (b) Servant is not entitled to claim because he was ignorant of the offer.
- (c) The contract is voidable at the option of the servant.
- (d) The Contract Is not valid as there is neither offer nor acceptance.

**2. Legal Principle:** An agreement between two private parties that creates mutual legal obligations is a contract. The reasonable terms and obligations are implied under a contract.

**Factual Situation:** Vidhi and her husband Vidhan hired a room in an expensive hotel and paid a week's rent in advance. When they went up to occupy the room there was a notice on one of the walls disclaiming the owners liability for damage, loss or theft of articles in the room, however no such condition was mentioned in the agreement. A thief entered the room due to the negligence of the hotel servants. Is the owner of the hotel liable?

- (a) No, he is not liable because it is clearly written on the wall that hotel authorities will not be liable damage, loss or theft.
- (b) Owner of the hotel is liable.
- (c) The decision will be in the hands of client because it is a voidable contract at the option of the suffering part.
- (d) Owner of the hotel it liable as it was their responsibility being a part of the hospitality industry .

**3. Legal Principle:** Cross-offer is a contract law term that refers to an offer made to another in ignorance that the offeree has made the same offer to the offeror.

**Factual Situation:** Vidhan wrote to Vidhi on 13 March 1989, offering to sell 800 tonnes of iron at Rs 6900 per ton. On the same day Vidhi wrote to Vidhan offering to buy 800 tonnes of iron Rs 6900 per ton. The two letters crossed in post and neither of them knew anything about the offer to the other. Vidhi contended that there was a good contract. What is the nature of contract and liabilities of the parties?

- (a) There was no valid contract as there is cross offer.
- (b) It is a voidable contract at the option of Vidhan because Vidhan had offered to sell the product.
- (c) It is a voidable contract at the option of Vidhi because Vidhi had offered to buy the product.
- (d) It is a valid contract.

**4. Legal Principle:** Whoever, being legally bound to furnish information on any subject to any public servant as such furnishes as true, information on the subject which he knows or has reason to believe to be false has committed a punishable offence of furnishing false information.

**Factual Situation:** 'Vidhan', a landholder knowing of the commission of a murder within the limits of his estate, wilfully misinforms the Magistrate of the district that the death has occurred by accident in consequence of the bite of a snake.

**Decide:**

- (a) Vidhan is not guilty of the offence of furnishing false information to the Magistrate
- (b) Vidhan is guilty of the offence of furnishing false information to the Magistrate
- (c) Vidhan is not legally bound to furnish true information to the Magistrate
- (d) Vidhan has the discretion to furnish true information to the Magistrate, as he has legal protection against self-incrimination.

**5. Legal Principle:** The essentials of negligence are – existence of duty of care; failure to exercise reasonable standard of care; proximity between breach of duty and the injury caused; and injury.

**Factual Situation:** 'Vidhi' is a cleaner in a hospital. Whenever she mops the floor, she has been instructed to put the sign board of 'wet floor'. However one fine day post cleaning she forgot to put the signage. One patient who just recovered slipped and fractured his leg. Decide.

- (a) Vidhi cannot be held liable as this is a human error.
- (b) Vidhi is liable for negligent conduct as she owed a duty towards the patient and was instructed to put the sign board.
- (c) Vidhi is liable and the hospital is vicariously liable.
- (d) None of the above.

**6. Legal Principle:** A contract becomes void if the performance of the same becomes impossible under the circumstances.

**Factual Situation:** 'Vidhi' offers to sell her horse of 'Vidhaan' for a price of Rs. 10 lakhs. 'Vidhan', not knowing that the horse is already dead, agrees to the contract. Later the truth about the death of the horse is discovered. Is the contract valid?

- (a) The contract is valid and the money must be paid for the horse.
- (b) The contract is void as the performance of the same is impossible.
- (c) The contract is void as the price of the horse is very high.
- (d) The contract is valid and 'Vidhi' must deliver another horse to 'Vidhan' for the price

**7. Legal Principle:** For imposition of strict liability, the use of land shall be non-natural. It must be some special use bringing with it increased danger to others, and must not merely by the ordinary use of land or such a use as is proper for the general benefit of community.

**Factual Situation:** Vidhi is a lover of exotic plants. She has grown many exotic plants in her garden which yields poisonous fruits too. Vidhan is Vidhi's immediate neighbour. Vidhi's exotic plant branch would flung on Vidhan's garden. One day few poisonous fruits fell in Vidhan's garden which were nibbled by Vidhan's dog, as a result of which the dog died. Decide

- (a) Vidhi will be strictly liable as poisonous plants are unnatural use of land.
- (b) Vidhi is not liable.
- (c) Vidhi is liable for negligence.
- (d) Vidhi will be strictly liable as the fruit has escaped her land.

**8. Legal Principles:**

**I.** Under Indian constitution, everybody shall be equal before the law is a fundamental right. It includes concept of equality amongst equals.

**II.** No fundamental right is absolute and state may impose restriction based on reasonable classification.

**Factual Situation:** The Income Tax Act happens to provide that those whose annual income is up to Rs. 500000/- shall pay 10% of their income as tax; and those whose annual income exceeds Rs. 500000/- shall pay the tax at the rate of 20%. Those citizens whose annual income exceeds Rs. 500000/- challenge the Legislation on the ground that it is a violation of the principle of equality before law. Decide.

- (a) They will succeed, because the law discriminates against the people who earn more than Rs. 500000/- per annum.
- (b) They will not succeed, because the people who earn more than Rs. 500000/- are not equal to the people who earn less than Rs. 500000/-.
- (c) They will not succeed as no fundamental right is absolute, the government can impose reasonable restrictions.
- (d) Both (b) and (c)

**9. Legal Principle:** Whoever, intending to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking is said to commit theft.

**Factual Situation:** 'Vidhan' owns Mango Farm, 2 of the trees produces 'Miyazaki mango'- world's costliest Mango. 'Vidit' have been eyeing on them since a long. One fine Day, He axed one of the tree. Decide.

- (a) Vidit did not commit theft as tree is not a movable property.
- (b) Vidit did not commit theft as the tree is still in possession of 'Vidhan'.
- (c) Vidit committed theft as the tree has been severed from the earth.
- (d) Vidit committed theft as he would in possession of the Costliest Mangoes.

**10. Legal Principle:** Generally, the owner of the property has a duty to maintain his property so as to make it reasonably safe for use. However, the occupier also owes a duty to take such care as is reasonable to see that the visitor is reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be therein.

**Factual Situation:** Vidhaan was a mason who worked from his house. His childhood friend Vidhushi came to visit him. He warned her not to go inside his workshop as one of the stone cutting machines was malfunctioning and it was dangerous to use it. During night she out of curiosity opened the door lock of the workshop went the workshop while Vidhaan was asleep and heavily injured herself. She later sued him for personal injuries as he did not lock the door of the workshop and she injured herself because of that, Will Vidhaan be liable for injuries suffered by Vidhushi?

- (a) Yes, as Vidhushi was his visitor and he should have locked the door of the shop.
- (b) Yes, because he was asleep and did not make sure she did not step inside the workshop.
- (c) No as he warned her about the dangerous machine and also locked the doors as well.
- (d) No as she was his old childhood friends and the bar of care was low.

**11. Legal Principle:** If any person puts another person in fear of death or grievous hurt and extorts money or valuable security from him, he shall be punished for imprisonment up to ten years and shall also be liable for fine. It is a cognizable and non-bailable offence.

**Factual Situation:** Vidit refused to register the marriage of Vidhan and Vidhi. Vidit refused to enter their marriage in the register unless he was paid Rs 500. Vidhi paid the money. What offence, if any, has been committed?

- (a) Vidit has committed criminal misappropriation.
- (b) Vidit is liable for red-tapism.
- (c) Vidit cannot be convicted for extortion, as there is no 'fear of injury'.
- (d) Vidit can be convicted for extortion.

**12. Legal Principle:** Sexual intercourse with a woman with or without her consent when she is below 18 years of age amounts to rape.

**Factual Situation:** Ms. Anonymous, a 15-year-old girl, having been rebuked by her mother leaves her house. At railway station she met the accused who takes her to his house. He provides her clothes, money and ornaments at his house and has sexual intercourse with the girl with her consent. What offence, if any, has been committed?

- (a) The mother is accused of maltreatment.
- (b) The accused is guilty of rape.
- (c) The accused is not guilty of any offence.
- (d) The accused is not guilty of rape.

**13. Legal Principle:** Preparation to commit an offence is not an offence. After making the preparation any act done towards committing the offence with intention to commit it is an attempt to commit the offence, which is by itself an offence.

**Factual Situation:** Vidhi envies Vidhan due to his immense success in business venture. She buys a gun and cartridges for committing murder of Vidhan. She keeps a track on the movements of Vidhan and on one fine evening, Vidhi loads the gun and takes aim at him and pull the trigger. However, the gun did not fire.

- (a) Vidhi is guilty of attempt to murder Vidhan since the time she kept a track on his whereabouts.
- (b) Vidhi is guilty of attempt to murder from the time she pulls the trigger.
- (c) Vidhi is guilty of attempt to murder from the time she takes aim at Vidhan.
- (d) Vidhi is not guilty of any offence.

**14. Legal Principle:** Law does not take notice of trifles.

**Factual Situation:** Vidhan proposes to his neighbour Vidhi that they both should go together for a morning walk. Vidhi agrees to the proposals and it is decided that both of them would meet at a particular point 6 A.M. from where they would set off for the morning walk. In spite of the agreement Vidhan does not turn up, Vidhi waits for him at 6 a.m. every day for a continuous period of seven days. There after she files a suit against Vidhan claiming damages for the agony and mental torture suffered by her.

- (a) Vidhan is guilty of breach of contract and is liable to pay damages.
- (b) Here is no intention to enter into legal relations.
- (c) The matter is too small and the court will refuse to go into it.
- (d) None of the above.

**15. Legal Principle:** What considerations and objects are lawful and what not. The consideration or object of an agreement is lawful, unless- It is forbidden by law; or is of such a nature that, if permitted, it would defeat the provisions of any law; or is fraudulent; or involves or implies injury to the person or property of another; or the Court regards it as immoral, or opposed to public policy. In each of these cases, the consideration or object of an agreement said to be unlawful. Every agreement of which the object or consideration is unlawful is void.

**Factual Situation:** Vidhan borrows Rs 50,000 from Vidhi for the purpose of smuggling goods. Vidhi knows of the purpose of the loan. Is this agreement valid?

- (a) The agreement is invalid.
- (b) The agreement between Vidhi and Vidhan is valid as Indian constitution provides freedom of trade and profession.
- (c) Nothing conclusive can be said
- (d) None of the above

**16. Legal Principle:** An agreement between two private parties that creates mutual legal obligations. A contract can be either oral or written.

**Factual Situation:** Joe and Biden were best friends. One day while eating at a restaurant Joe said he wants to go around the country. Biden says he would love to accompany him. Next day Joe was waiting at the airport for Biden to show up but he never did. Joe sued Biden for breach of contract. Decide.

- (a) Biden is liable as he agreed orally.
- (b) Biden is not liable as he has no money to go on a trip
- (c) Biden broke the trust of his friend
- (d) Biden is not liable as there was no legal obligation.

**17. Legal Principle:** Act of inciting another to do something, especially to commit a crime. Something (such as words or actions) that affects a person's reason and self-control, especially causing the person to commit a crime impulsively is a defence for Murder.

**Factual Situation:** In the past, there used be quarrel between the accused Vidhan and his deceased uncle Vidit. On the date of occurrence Vidit approached Vidhan drunk and abused him in filthy language. Further he abused his father and kicked his ailing father in stomach. Vidhan reacted immediately with a stick that was in his hand and killed Vidit. Whether Vidhan is guilty of murder?

- (a) The reaction will be covered under the defence of sudden provocation.
- (b) Case is not covered under Sudden and grave provocation, So the accused is guilty of murder.
- (c) It is neither murder nor culpable homicide.
- (d) Vidhan is liable of Murder

**18. Legal Principles:**

**I.** Section 304A IPC: Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**II.** An accident is an unfortunate incident that happens all at once and unintentionally, typically ensuing in damage or injury.

**Factual Situation:** Vidhan, bus driver, seeing the green signal at a road crossing, raised the speed of his bus to clear the crossing before the lights turned red. However, the lights turned red before Vidhan could reach the crossing and due to his failure to stop the bus in time, he collided with an autorickshaw coming on green lights from right direction. As a result the autorickshaw driver died on the spot and 2 passengers in it got seriously injured. What offence, if any, is committed by Vidhan?

- (a) Vidhan can be convicted under Section 304-A for rash and negligent driving.
- (b) Vidhan cannot be committed for rash and negligent driving.
- (c) It's a case of normal accident.
- (d) Vidhan is liable for culpable homicide not amounting to murder.

**19. Legal Principle:** Whoever intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion"

**Factual Situation:** Vidhan threatens Vidit that he will keep Vidit's child in wrongful confinement unless Vidit agrees to leave the village permanently and sell his entire property. Vidit in order to avoid evil consequences of the threat agrees to do so. What offence, if any, has been committed?

- (a) There is no extortion, as there is no delivery of property by Vidit in this case.

- (b) Vidhan is guilty of extortion.
- (c) Vidhan is guilty of criminal intimidation.
- (d) No offence has been committed.

**20. Principles:**

**I. Injuria sine damno:** If there is infringement of a legal right of a person, he can sue under torts for compensation, even if he has not suffered any harm or loss of a single penny.

**II. Damnum sine injuria:** When there is no violation of legal rights, no action can lie in a court of law.

**Factual Situation:** A group of transporters joined hands and formed a consortium to offer reduced rates of transportation and announced a lucky draw in order to induce customers to transport goods only through them. Consequently, SLOW-Transport Company, which was not a part of the consortium, suffered huge losses. SLOW- Transport Company files a case of damages alleging that by a deliberate act of the defendant, it has suffered losses. Decide

- (a) SLOW- Transport Company has remedy in the law of torts.
- (b) SLOW- Transport Company is eligible for compensation since a consortium cannot be formed without including all interested parties.
- (c) There is no remedy because there has been no violation of a legal right.
- (d) None of the above.

**21. Legal Principle:** The Parliament had the power to amend any part of the Constitution subject to basic structure Doctrine. Secular character of the Constitution is the basic structure.

**Factual Situation:** The Supreme Court in one of its Judgment stated that Hinduism is not a religion but a 'Way of life'. The political party called "Hoomans of Hindu" in huge majority in the parliament took advantage of this Judgment and passed a bill to Include the Word "Hindu Rastra" alongside sovereign, socialist, secular, Democratic and Republic in The Preamble to the Constitution. The question before the Supreme Court was whether such an Amendment is Constitutional or not. Decide

- (a) The Amendment is unconstitutional as Preamble is not a part of the Constitution.
- (b) The Amendment is contrary to the basic structure of the constitution.
- (c) The Amendment doesn't destroy the basic structure as the word 'Secular' has not been removed.
- (d) The Amendment is in line with the Judgment of the Supreme Court, hence constitutional.

**22. Principles:**

**I. Judiciary** comes under the definition of "State" as per Article 12 of the constitution, when it comes to non-Judicial functions of the judiciary and writ is maintainable against state only.

**II. Non Judicial functions** of the judiciary include registering the case, giving certified cases of judges, maintaining records, allotting the peons to court rooms, taking court fees, keeping the properties seized in proper condition in criminal cases, looking at the maintenance of court buildings, conducting exams writing reports in this regard.

**Factual Situation:** Vidhi , NLIU Bhopal Graduate , appeared for MPPCS-J exam which was conducted by the High Court of Jabalpur for appointment of Civil Judges in Lower Judiciary. The papers were leaked and when finally the result was announced Vidhi was not convinced with her score and as per the rules, she demanded re evaluation of her answer sheet. On re evaluation it was found that she had scored higher and should be in the merit list. When they refused to make any changes in already published list, she approached the High court under Article 226, the writ jurisdiction. The High court did not entertain her plea stating that Judiciary is not a state. Decide

- (a) Vidhi can challenge the high court order under article 12 because conducting examination is a non-Judicial function.
- (b) Vidhi can't challenge the judgement of High Court under article 32 because it was judicial function but she can file an appeal.
- (c) Vidhi's fundamental right was not violated.
- (d) Vidhi can only file a writ in High court, not Supreme Court in this case.

**23. Legal Principle:** Negligence occurs when a person uses less than reasonable care to protect others from harm. It includes act as well as omission.

**Factual Situation:** Vidhan was waiting for a bus at a busy station in Delhi. Since he was getting late for his office, Vidhan signalled to the bus driver, whose bus was approaching the stand, to stop the vehicle. When the driver did not stop as bus was already overcrowded, he attempted to board the moving bus. While doing so, he fell down and injured himself. The driver and conductor were sued by Vidhan for negligence and for his injuries. Decide :

- (a) Vidhan will lose as he was not the neighbour of the bus driver .
- (b) Vidhan will succeed as it was the driver's duty to stop at that station in which he failed.

- (c) He will lose as the bus driver has discretion to decide his destinations.  
(d) Vidhan will lose as the bus driver was not negligent in his conduct.

**24. Principles:**

**I.** An agreement is a contract when there is an intention to create a legal relationship

**II.** A person not a party to a contract cannot invoke rights or obligations outlined in the contract

**Factual Situation:** Vidhi, Vidhani, Vidushi and Vidya were best of friends and they all were very fond of shopping. Vidhi, who was also a fashion designer created a whatsapp group named " Shopping freakzz" and added the other three wherein she shared the best deals available on all the online fashion websites. Vidhi shared the picture of a Saree that was on sale, which was quite unique but astronomically expensive even after the discount. Vidhani and Vidushi both showed interest but Vidhi informed that only one piece is available in Stock. Vidhani and Vidushi decided in that group chat, to split the bill and wear it in rotation. They placed the order at Vidhi's residence who made the full payment intending to recover equally from Vidhani and Vidushi. Vidhani somehow managed to arrange her part but Vidushi backed out and said that she can't afford even the half so she won't pay and Vidhani can keep it exclusively. Vidhani didn't want to pay full either so she asked Vidya to share the bill. Vidya agreed unwillingly but sued Vidushi for breach of contract. Decide if there was any breach of contract?

- (a) There was no breach of contract as they were friends and they never intended to create a legal relationship.  
(b) There was an intention to create a legal relationship  
(c) Vidya Cannot Sue Vidushi  
(d) Both B & C

**25. Legal Principle:** The communication of a proposal is complete when it comes to the knowledge of the person to whom it is made.

**Factual Situation:** 'X' sent a letter making a proposal to 'Y' to purchase the Almirah of 'Y'. However, the letter was received by Y's wife. **Decide:**

- (a) The communication of proposal is complete when 'Y' reads the letter.  
(b) The communication of proposal is complete when X sent the letter.  
(c) The communication of proposal is complete when Y's wife received it.  
(d) The communication of proposal is complete when Y's wife handed over the letter to Y.

**26. Legal Principle:** An employer is liable for the acts of his employees in the course of employment.

**Factual Situation:** Vidhan owns a restaurant in Indore, owing to COVID most of the people prefer home delivery. Vidhan employed two people for handling the delivery of food orders. One day, en route the delivery of order one of the delivery boys ate one of the food parcels. The customer sued Vidhan. **Decide**

- (a) Vidhan is not responsible for the delivery boy's act.  
(b) Vidhan is responsible for the manner in which the act was carried out.  
(c) Vidhan is not responsible as the effective control test does not apply here, since the employer cannot be expected to control every aspect of the delivery boys activities.  
(d) Vidhan is responsible, since the act happened during the course of employment of the delivery boy.

**27. Legal Principle:** The offence of injuring a person's character, fame, or reputation by false and malicious statements. If the statement made is written and is published, then it is "libel". If the defamatory statement is spoken, then it is a slander.

**Factual Situation:** 'X', aware that 'Y' is illiterate, sent her a letter accusing her to be a woman with a loose character. 'Y' could not read it and took it to her neighbour who reads it to Ms. 'Y'.

**Decide:**

- (a) It do not amount to defamation as 'Y' couldn't comprehend it.  
(b) It amounts to defamation as there is a intentional false communication and publication.  
(c) It do not amount to defamation as 'Y' couldn't read it there is no intentional false communication.  
(d) It amounts to Defamation as 'X' commented on 'Y's character.

**28. Legal Principles:**

**I.** Negligence is the breach of a legal duty of care by the plaintiff which results in undesired damage to the plaintiff.

**II.** "Res Ipsa Loquitor i.e. things speak for themselves."

**Factual Situation:** Vidhi got herself operated for the removal of her uterus in the defendant's hospital, as there a cyst was diagnosed in one of her ovaries. Due to the negligence of the Defendant surgeon who performed the operation, abdominal pack was left in her abdomen. The same was removed by a second surgery. **Decide:**

- (a) Surgeon cannot be held liable as it is merely a human error.
- (b) Surgeon can be held liable but Riya will have to prove in the court of law that the surgeon was grossly negligent.
- (c) Surgeon will be responsible and Vidhi does not need to prove surgeon's negligence because presence of abdominal pack in her abdomen is sufficient proof.
- (d) All of the above.

**29. Legal Principle:**

**I.** A proposal made by one party and its acceptance by another, with the intention of establishing legal relations, is an agreement.

**II.** An invitation to offer is an action inviting other parties to make an offer to form a contract.

**Factual Situation:** Vidhi visited a café where she ordered cheese sandwich as it featured in their menu. The waiter denied the same owing to no stock. She sued the café for breach of an agreement.

**Decide :**

- (a) There is no breach of agreement as there is no consideration involved.
- (b) There is a breach of agreement because the café had made an offer by enlisting the dishes in menu card and the same was accepted by customers.
- (c) There is breach of an agreement as café agreed for it.
- (d) There is no breach of agreement as by enlisting in the menu the restaurant just gave an invitation of the offer.

**30. Legal Principles:**

**I.** Whoever intended to take dishonestly any movable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

**II.** Whoever, intentionally puts any person in fear on any injury to that person, or to any other, and thereby dishonestly induces the person so put an fear to deliver to any person any property of valuable security, or anything signed or sealed which may be converted into a valuable security, commits 'extortion'.

**Factual Situation:** A finds a ring belonging to Z on a table in the latter's house and puts the same under the carpet there with the intention of taking it afterwards. The ring still lies in the house of Z undetected. Later A, by a change of mind, decides not to take the ring. Has he committed any crime? What offence, if any, has been committed?

- (a) A is not guilty of theft as he had changed his mind.
- (b) It is a case of criminal misappropriation.
- (c) A at time of first moving the ring commits the theft, it does not matter that he later changes his mind
- (d) None of these.

**31. Legal Principles:**

**I.** According to Section 494 of the Indian Penal Code, whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine

**II.** Hindu law, as contained in the Hindu Marriage Act, enforces monogamy. Polygamy is permitted under the Muslim law.

**Factual Situation:** Vidhan , a Hindu, was married to Vidhi , also a Hindu. Vidhan and Vidhani, another Hindu girl, converted to Islam and got married. In such a case, is Vidhan guilty of the offence under Section 494 of the Indian Penal Code?

- (a) No, because Vidhan converted to Islam which permits more than one wife.
- (b) No, because Vidhan and Vidhani converted to Islam and married, with mutual consent.
- (c) Yes, because Vidhan had a wife living. He married again. The said marriage was void by reason of its taking place during the life of the first wife, in terms of Section 494, IPC.
- (d) Both (a) and (b)

**32. Legal Principles:**

**I.** Nothing is an offence which is done in the exercise of the right of private defence. Every person has a right to defend his property against any act of theft, robbery, mischief or criminal trespass. This right of private defence of property extends to causing of death of the wrongdoer, if the person exercising the right apprehends that death or grievous hurt shall be the consequence if such right of private defence is not exercised.

**II.** However, it should be proportionate to the harm apprehended.

**Factual Situation:** 'Vidhan's cattle was being regularly stolen and 'Vidhan' was unable to apprehend the thief. One night, 'Vidhan' finally manages to catch 'Vidhi' untying his cow from the cowshed under the cover of darkness. 'Vidhan' slowly



crept up to 'Vidit' and slashed his neck with a sickle leading to the death of 'Vidit'. Can Vidhan plead Private Defence?

- (a) Yes he was only exercising his right of private defence of property.
- (b) Yes, Vidit's continued stealing of his cattle would have rendered his business inoperable.
- (c) No, as Vidhan exceeded the force required. It was not proportionate to the danger apprehended.
- (d) 'Vidhan' should have first challenged 'Vidit' to surrender before taking any steps to cause 'Vidit's' death.

**33. Legal Principle:** A person is liable for the harm caused by his activity only to the extent he could have foreseen the damage.

**Factual Situation:** Vidhi was in hurry to catch her train on a busy platform. She accidentally pushed Vidhan who was passenger, carrying load on his head. Vidhan fell down and sharp instruments, contained in his head load fell out and injured several others. Decide:

- (a) Vidhi is not liable as she didn't intend to push Vidhan.
- (b) Vidhi is not liable as she could not have foreseen such a grave consequence.
- (c) Vidhi is liable, as she ought to have foreseen the passengers, carrying various kinds of luggage.
- (d) None of these.

#### 34. Principles

**I.** Any person who interferes with the discharge of duties by a public servant is liable for punishment.

**II.** Nothing is an offence if the person who committed it was unable to appreciate the consequences of his act, due to intoxication, provided such intoxication was administered against his will and without his consent.

**Factual Situation:** Vidhan got drunk of his own volition and on his way back home he assaulted a policeman. He is prosecuted for intimidating a public servant. Is Mr. Vidhan liable for punishment"?

- (a) Yes, Vidhan is liable for punishment as he assaulted a policeman and the defence of intoxication is available.
- (b) No, Vidhan is not liable for punishment as he was drunk.
- (c) Yes, Vidhan is liable for punishment as he got drunk of his own volition
- (d) None of the above.

**35. Legal Principle:** Minor's agreement is void from the very beginning. It can never be validated. It cannot be enforced in the court of law.

**Factual Situation:** Vidhan a boy of 16 years of age, agrees to buy a camera from Vidhi who is a girl of 21 years of age.

**Decide:**

- (a) There arises a contract between Vidhan and Vidhi to sell/buy the camera in question
- (b) There arises an enforceable agreement between Vidhan and Vidhi to sell/buy the camera in question
- (c) There does not arise any contract between Vidhan and Vidhi to sell/buy the camera in question
- (d) There arises a voidable contract between Vidhan and Vidhi to sell/buy the camera in question.

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