

CLAT Legal Reasoning

Sample Paper – 7

Duration: 30 Minutes

Maximum Marks: 30

Instructions

- This paper contains **30** Multiple Choice Questions (Single Correct Answer), modelled on the Legal Reasoning section of **CLAT** (Common Law Admission Test).
- Each correct answer carries **+1 mark**. There is a **negative marking of 0.25 marks** for every incorrect answer; unattempted questions carry no penalty.
- The paper has **five passages**, each stating one or more **legal principles** and followed by **six** questions. Apply **only** the principle(s) given in the passage to the facts; do not rely on any outside knowledge of the law.
- CLAT is an offline pen-and-paper (OMR) test with no sectional time limit; attempt this practice paper in one timed sitting of about **30 minutes**.
- Use of mobile phones, calculators, dictionaries, or electronic gadgets is strictly prohibited.

Passage I

Directions (Q1–Q6): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.

Principle: *Assault* is an act that intentionally causes another person to reasonably apprehend the infliction of *imminent* harmful or offensive contact on his body. Actual contact is not required; that would be the separate wrong of *battery*. The wrong of assault is complete the very moment a reasonable apprehension of imminent contact is created, and there must be an *apparent present ability* to carry out the threat.

A threat of harm in the future, which is not imminent, is not assault. *Mere words* by themselves usually do not amount to assault, but words spoken together with a menacing



gesture, or words that give a gesture its threatening meaning, can. If the person is *not aware* of the threat, and so apprehends nothing, there is no assault.

- Q1.** In a fit of anger, X clenches his fist and rushes straight at Y as though to punch him in the face, stopping only a few inches short. Y sees the whole thing and is badly frightened, but no blow ever lands. Applying the principle, has X committed an assault?
- (A) Not an assault, because X never actually struck Y, and without contact there can be no wrong.
 - (B) Not an assault, because being frightened is not a real injury known to the law.
 - (C) An assault, because X intentionally caused Y to reasonably apprehend imminent harmful contact, and actual contact is not required.
 - (D) An assault, but only because X happened to be angry at the time.
- Q2.** A points a gun at B from close range and shouts that he will shoot him at once. B, who cannot tell that the gun is in fact unloaded, reasonably believes he is about to be shot. Applying the principle, has A committed an assault?
- (A) An assault, because from B's viewpoint there was an apparent present ability to carry out the threat, and B reasonably apprehended imminent harm.
 - (B) Not an assault, because the gun was in truth unloaded and could not possibly have fired.
 - (C) Not an assault, because merely pointing an object at a person is never enough.
 - (D) An assault, but only if the gun is later found to have been loaded after all.
- Q3.** M telephones N, who lives in a distant city, and says, "The next time I ever come to your town, I will thrash you." N feels uneasy after the call. Applying the principle, has M committed an assault?



- (A) An assault, because M plainly threatened to harm N.
- (B) An assault, because N felt afraid once the call was over.
- (C) Not an assault, because a threat spoken over the telephone can never be an assault.
- (D) Not an assault, because the threatened harm was in the future and not imminent, so there was no apprehension of immediate contact.
- Q4.** While P is fast asleep on a bench, Q silently raises a heavy stick above him meaning to strike, but a passer-by seizes Q's arm and stops him before P ever stirs. P sleeps through it all and never learns of the danger. Applying the principle, has Q committed an assault against P?
- (A) An assault, because Q clearly intended to strike P.
- (B) Not an assault, because P was asleep and unaware of the threat, so he apprehended nothing.
- (C) An assault, because raising a stick over a sleeping person is always an assault.
- (D) Not an assault, because Q in the end did not actually hit P.
- Q5.** R shakes his fist in a menacing way at S while saying, "If you were not such an old man, I would break your jaw this very minute." Applying the principle, has R committed an assault?
- (A) Not an assault, because R's own words showed he would not strike S then, so no reasonable apprehension of imminent contact arose.
- (B) An assault, because R shook his fist directly at S.
- (C) An assault, because any mention of breaking a jaw is a serious threat.
- (D) Not an assault, because words can never be spoken alongside a gesture.
- Q6.** T plants himself right in front of U, snarls "I will slap you this instant," and at the same moment draws his open hand back as if to strike. Applying the principle, has T committed an assault?



- (A) Not an assault, because mere words can never amount to an assault.
- (B) Not an assault, because T did not in the end actually slap U.
- (C) An assault, because the menacing words together with the raised hand created a reasonable apprehension of imminent contact.
- (D) An assault, but only because T and U happened to be strangers.

Passage II

Directions (Q7–Q12): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.

Principle: When a contract is broken, the injured party may recover for the loss that *naturally arose*, in the usual course of things, from the breach; this is called general damages. He may also recover any further loss that both parties *knew*, at the time they made the contract, to be a likely result of such a breach; this is called special damages, and it is recoverable only if the special circumstances were *communicated* to the other party.

Loss that neither arises naturally from the breach nor was in the *contemplation of both parties* at the time of contracting is treated as too *remote*, and it cannot be recovered.

- Q7.** A garment maker sends cloth to a dyer to be dyed by a fixed date, telling the dyer nothing beyond the date. The dyer delivers the cloth late, and the garment maker loses the ordinary profit he would have made by selling the garments on time. Applying the principle, can he recover that ordinary lost profit?
- (A) Yes, because loss of the ordinary profit that naturally arises from such a delay is recoverable as general damages.
 - (B) No, because the dyer was told nothing at all about the garment maker's business.
 - (C) No, because a loss of profit can never be recovered in a contract claim.
 - (D) Yes, because the dyer must have known that the cloth was valuable to its owner.
- Q8.** The same garment maker had secretly lined up one unusually lucrative special contract, worth a very large sum, but never mentioned it to the



dyer. Because of the delay he loses that exceptional contract. Applying the principle, can he recover the loss of that special contract?

- (A) Yes, because the loss did in fact flow from the dyer's delay.
- (B) Yes, because the dyer ought to have guessed there might be special contracts about.
- (C) Yes, because any loss whatever that is caused by a breach is recoverable.
- (D) No, because the special circumstances were never communicated to the dyer, so this exceptional loss was too remote.

Q9. A factory owner tells a repairer, at the time of making the contract, "This is the only machine in my plant; if you are even a day late, the whole factory stops and I lose Rs 50,000 for each such day." The repairer agrees and then delivers late. Applying the principle, can the owner recover the stoppage losses?

- (A) No, because losses from a factory stoppage are always too remote.
- (B) Yes, because the special circumstances were made known at the time of contracting, so the loss was in the contemplation of both parties.
- (C) No, because the repairer did not himself bring the factory to a halt.
- (D) Yes, but only up to a single day's loss, whatever the length of the delay.

Q10. A customer hands a sealed box to a courier for carriage, saying nothing of its contents, which are in fact a rare diamond. Through the courier's default the box is lost, and the customer claims the exceptional value of the diamond. Applying the principle, is that exceptional value recoverable?

- (A) Yes, because a courier is answerable for whatever he agrees to carry.
- (B) Yes, because the diamond was genuinely inside the box all along.
- (C) No, because the exceptional value was not communicated, so a loss of that magnitude was not in the contemplation of both parties.



(D) No, because couriers can never be made liable for anything they carry.

Q11. A supplier fails to deliver a standard, freely available part on time. To keep his ordinary business running, the buyer at once buys the same part elsewhere at a higher market price and claims the extra cost from the supplier. Applying the principle, can the buyer recover that extra cost?

(A) Yes, because the extra cost of buying a substitute in the market is a loss arising naturally, in the usual course, from such a breach.

(B) No, because the buyer should simply have waited for the supplier to deliver.

(C) No, because the buyer chose of his own accord to spend more money.

(D) Yes, but only if the supplier had promised him the lowest price in the whole market.

Q12. A hires B to build a boundary wall by a fixed date. Nothing special is communicated. B is two weeks late. During those two weeks an unrelated freak flood, which would have occurred in any event, damages A's land, and A claims the flood damage from B. Applying the principle, is that flood loss recoverable?

(A) Yes, because had the wall been finished on time it might have kept the flood water out.

(B) Yes, because B broke his clear promise to finish the wall on time.

(C) No, because the flood loss neither arose naturally from the delay nor was in the contemplation of both parties, so it was too remote.

(D) No, because A never warned B that a flood might one day be possible.

Passage III

Directions (Q13–Q18): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.



Principle: A person *cheats* when, by *deceiving* another, he fraudulently or dishonestly *induces* the person so deceived to deliver any property to any person, or to do or omit to do something which he would not do or omit if he were not so deceived, where that act or omission causes or is likely to cause *damage or harm* to that person in body, mind, reputation or property.

There must be both a deception and a dishonest or fraudulent inducement operating on the victim's mind *at the time*. An intention that was *honest* when the property was delivered, or a deception that did *not induce* the delivery, is not cheating.

- Q13.** A walks into a restaurant, orders and eats a full meal while representing that he will pay, when in truth he intended from the very start never to pay, and afterwards refuses to settle the bill. Applying the principle, has A cheated the restaurant?
- (A) No, because he did after all eat the very food that was placed before him.
- (B) Yes, because he deceived the restaurant with a dishonest intention from the outset, inducing it to deliver food it would not otherwise have parted with.
- (C) No, because leaving a bill unpaid is only a private debt between the parties.
- (D) Yes, but only if the meal happened to be an expensive one.
- Q14.** A borrows money from B, honestly meaning at that time to repay it. Later, because of genuine business losses that he did not foresee, A is unable to pay and defaults. Applying the principle, has A cheated B?
- (A) Yes, because B has lost his money.
- (B) Yes, because A did not repay the loan in the end.
- (C) Yes, because every unpaid loan amounts to cheating.
- (D) No, because A's intention was honest when the money was delivered, so there was no dishonest inducement at that time.
- Q15.** A sells B a plain brass ring, falsely representing it to be solid gold. B, believing this, pays a gold price for it and takes the ring away. Applying the principle, has A cheated B?



- (A) Yes, because A's false representation dishonestly induced B to part with his money, causing him loss.
- (B) No, because B ought to have tested the ring for himself before paying.
- (C) No, because a ring is only a small item of little consequence.
- (D) Yes, but only if A happens to be a professional jeweller by trade.

Q16. While selling his old cycle to B at a fair price, A tells B a lie about his own age. The lie has nothing to do with the cycle, and B buys it for reasons entirely unconnected with A's age. Applying the principle, has A cheated B?

- (A) Yes, because A did tell B a lie during the deal.
- (B) Yes, because any lie told during a sale amounts to cheating.
- (C) No, because B suffered no harm to his body.
- (D) No, because A's lie did not induce B to part with anything; the deception did not operate on B's mind at the time of the purchase.

Q17. A falsely poses as a government officer and, by that pretence, dishonestly induces B to hand over his original documents, which B would never have surrendered to a stranger, thereby exposing B to likely harm. Applying the principle, has A cheated B?

- (A) No, because documents are not valuable property in the eyes of the law.
- (B) Yes, because by deceiving B into believing he was an officer, A dishonestly induced B to deliver documents he would not otherwise have parted with, likely causing him harm.
- (C) No, because B handed the documents over with his own hands.
- (D) Yes, but only if A actually went on to make use of the documents.

Q18. A deceives B into believing that B's own valid insurance policy has lapsed, dishonestly inducing B to omit to file a claim he was fully entitled to



make, so that B loses the claim money. Applying the principle, has A cheated B?

- (A) No, because A never physically took anything out of B's hands.
- (B) No, because failing to file a claim was ultimately B's own choice.
- (C) Yes, because A deceived B into dishonestly omitting to do something he otherwise would have done, causing him loss, which is cheating.
- (D) Yes, but only if A himself pocketed the claim money.

Passage IV

Directions (Q19–Q24): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.

Principle: No person shall be *convicted* of any offence except for the violation of a law in force at the time the act was committed, nor be subjected to a *penalty greater* than that which could have been imposed under the law in force at the time the act was done. Further, no person shall be *prosecuted and punished* for the same offence more than once. No person accused of an offence shall be *compelled to be a witness* against himself. These protections are available to *all persons*, and not only to citizens.

Q19. An act done by X was entirely lawful when he did it. The next year a new law is passed making that very act an offence, and the State seeks to convict X for what he did earlier. Applying the principle, can X be convicted?

- (A) X cannot be convicted, because no person may be convicted for an act that was not an offence under a law in force at the time it was committed.
- (B) X can be convicted, because the act is now recognised as an offence.
- (C) X can be convicted, because ignorance of a law, even a future one, is no excuse.
- (D) X cannot be convicted, but only because he happens to be a citizen.

Q20. At the time X committed an offence, the maximum fine that could be imposed was Rs 1,000. A later amendment raises the maximum to Rs



10,000, and the court, trying X for the earlier act, imposes a fine of Rs 10,000. Applying the principle, is this valid?

- (A) Valid, because the law now permits a fine of as much as Rs 10,000.
- (B) Valid, because heavier fines are a better deterrent against crime.
- (C) Invalid, because no person may be subjected to a penalty greater than the one that could have been imposed under the law in force when the act was done.
- (D) Invalid, but only because the amount of Rs 10,000 is a large sum.

Q21. X has already been tried and punished for a particular offence. On the same facts, the State now seeks to prosecute and punish him a second time for that very same offence. Applying the principle, is this permitted?

- (A) Permitted, because the State is always free to try a person afresh.
- (B) Not permitted, because no person may be prosecuted and punished for the same offence more than once.
- (C) Permitted, because a second trial may well reach a sounder result.
- (D) Not permitted, but only where the offence is a serious one.

Q22. The police, wishing to strengthen their case, use force to compel an accused to make a statement confessing his own guilt, intending to use it against him at his trial. Applying the principle, is this permitted?

- (A) Permitted, because the police need the confession to solve the case.
- (B) Permitted, because the accused himself knows the truth of the matter.
- (C) Permitted, because a confession always makes a trial quicker.
- (D) Not permitted, because no person accused of an offence may be compelled to be a witness against himself.

Q23. A foreign national, accused of an offence committed in India, is compelled by force to testify against himself. The State argues that these protections apply only to citizens. Applying the principle, is the foreign national protected?



- (A) He is protected, because these protections in respect of conviction are available to all persons, and not only to citizens.
- (B) He is not protected, because he is not a citizen of the country.
- (C) He is not protected, because foreigners enjoy no rights at all in India.
- (D) He is protected, but only if his own country grants Indians the same right.

Q24. X was earlier prosecuted and acquitted of one offence. The State now prosecutes him for a genuinely different offence, arising out of a different act altogether. Applying the principle, is this second prosecution barred?

- (A) Barred, because X has already stood in court once before.
- (B) Barred, because putting a person through two trials is always unfair.
- (C) Not barred, because the protection against a second trial applies only to the same offence, and this is a different offence.
- (D) Not barred, because an acquittal does not count as a prosecution at all.

Passage V

Directions (Q25–Q30): Read the following passage and answer the questions that follow. In answering the questions, apply the principle stated in the passage even if it differs from the actual law, and do not use any knowledge of law you may otherwise have.

Principle: A person is liable for *malicious prosecution* only when four conditions are all satisfied. First, he *instituted*, or was actively instrumental in prosecuting, proceedings against the plaintiff. Second, the proceedings *terminated in the plaintiff's favour*. Third, he acted *without any reasonable and probable cause*. Fourth, he was actuated by *malice*, that is, by an improper or wrongful motive rather than a genuine desire to bring an offender to justice.

If any one of these four conditions is missing — for example, the prosecution *succeeded*, or there was *reasonable and probable cause* — there is no liability for malicious prosecution.

Q25. Out of a purely personal grudge, D falsely accuses P of theft with no evidence whatever and has him prosecuted. P is tried and acquitted, and the case ends wholly in his favour. Applying the principle, is D liable for malicious prosecution?



- (A) Not liable, because D was only reporting a crime that he suspected.
- (B) Liable, because D instituted the prosecution without reasonable and probable cause, acting from malice, and it terminated in P's favour.
- (C) Not liable, because P was in fact arrested and made to stand trial.
- (D) Liable, but only if D happens to be a police officer.

Q26. D prosecutes P for an offence, and at the end of the trial P is convicted, the conviction standing unreversed. Applying the principle, is D liable for malicious prosecution?

- (A) Not liable, because the proceedings did not terminate in P's favour; P was convicted.
- (B) Liable, because D plainly disliked P.
- (C) Liable, because any prosecution at all can be sued upon by the person prosecuted.
- (D) Not liable, because P chose not to appeal against his conviction.

Q27. D, having himself seen P commit the act and honestly believing on solid grounds that P was guilty, reports him to the authorities. P is prosecuted but is later acquitted on a narrow technical point. Applying the principle, is D liable for malicious prosecution?

- (A) Liable, because P was acquitted in the end.
- (B) Liable, because D set the machinery of the law in motion against P.
- (C) Liable, because P was put to the trouble and expense of a trial.
- (D) Not liable, because D had reasonable and probable cause, so one of the four required conditions is missing.

Q28. Driven by spite, and knowing full well that P is innocent, D actively works behind the scenes to have P prosecuted, feeding false information and pressing the case forward. P is acquitted, the case ends in his favour, and D never had any reasonable cause. Applying the principle, is D liable?



- (A) Liable, because all four conditions are met: D was instrumental in the prosecution, it ended in P's favour, there was no reasonable and probable cause, and D acted from malice.
- (B) Not liable, because D did not personally file the complaint in court.
- (C) Not liable, because spite is only a natural human feeling.
- (D) Liable, but only if P actually spent money on lawyers.

Q29. D reports P to the authorities on genuine and reasonable grounds and entirely without ill will, acting only from a sincere wish to see a suspected offender brought to justice. P is later acquitted. Applying the principle, is D liable for malicious prosecution?

- (A) Liable, because the prosecution he set going ultimately failed.
- (B) Liable, because P was caused considerable inconvenience.
- (C) Not liable, because D acted from a genuine desire to bring an offender to justice and not from malice, so the element of malice is absent.
- (D) Not liable, because P was never actually sent to jail.

Q30. D, out of malice and without any reasonable cause, files a complaint that gets P prosecuted. That prosecution is still going on and has not yet been decided one way or the other. P nonetheless sues D at once for malicious prosecution. Applying the principle, is D liable at this stage?

- (A) Liable, because D acted with clear malice against P.
- (B) Not liable, because the proceedings have not yet terminated in P's favour, so that essential condition is not satisfied.
- (C) Liable, because there was no reasonable and probable cause for the complaint.
- (D) Not liable, because malice can never really be proved in any case.



Detailed Solutions

Q1.

Solution

Principle applied: Assault is complete once an act intentionally causes a reasonable apprehension of imminent harmful contact; actual contact is not needed.

Application to the facts: X clenched his fist and rushed at Y as if to punch him, stopping only inches away. This act was intended to make Y expect an immediate blow. Y saw it and was frightened, which is a reasonable apprehension of imminent contact. The wrong of assault was complete at that moment, even though no blow landed.

Why the other options are wrong:

- Option A: The absence of contact defeats a claim of battery, not of assault; assault needs no contact.
- Option B: The apprehension of imminent contact, not the fright as a separate injury, is what the law protects.
- Option D: The wrong turns on the intended apprehension of contact, not merely on X being angry.

Final Answer: Reasonable apprehension of imminent contact, no contact required
⇒ C

Answer: (C) [Go Back to Q1](#)

Q2.

Solution

Principle applied: There must be an apparent present ability to carry out the threat, judged from the victim's reasonable point of view.

Application to the facts: A pointed a gun at B from close range and threatened to shoot at once. B could not tell that the gun was unloaded. From B's viewpoint there was an apparent present ability to shoot him then and there. B therefore reasonably apprehended imminent harm, which is enough for assault.

Why the other options are wrong:

- Option B: The gun being unloaded in fact does not matter; what counts is the apparent present ability as it reasonably appeared to B.
- Option C: Pointing an object can be an assault when it creates a reasonable



apprehension of imminent contact, as here.

- Option D: The wrong is already complete on the apparent ability; it does not wait to see whether the gun was truly loaded.

Final Answer: Apparent present ability and reasonable apprehension ⇒

Answer: (A) [Go Back to Q2](#)

Q3.

Solution

Principle applied: A threat of harm in the future, which is not imminent, is not assault.

Application to the facts: M threatened to thrash N only “the next time” he came to N’s town. That is a threat of harm at some future, uncertain time. There was no threat of any immediate contact upon N. Because the harm was not imminent, no assault was committed.

Why the other options are wrong:

- Option A: A threat alone is not assault unless it raises an apprehension of imminent contact.
- Option B: N’s later unease is not the same as apprehending immediate harm.
- Option C: The flaw is not that the threat was on the telephone but that it was of future, not imminent, harm.

Final Answer: Future, non-imminent threat is not assault ⇒

Answer: (D) [Go Back to Q3](#)

Q4.

Solution

Principle applied: If the person is not aware of the threat, and so apprehends nothing, there is no assault.

Application to the facts: Q raised a stick over P intending to strike, but P was fast asleep. A passer-by stopped Q before P ever stirred. P slept through the whole thing and never became aware of the danger. Since P apprehended nothing, no assault was committed against him.

Why the other options are wrong:



- Option A: Q's intention alone does not make an assault when the victim apprehended nothing.
- Option C: Raising a stick is not always an assault; it is not one where the victim is unaware.
- Option D: The absence of a blow goes to battery; the real reason here is the absence of any apprehension.

Final Answer: P was unaware and apprehended nothing ⇒

[Go Back to Q4](#)

Q5.

Solution

Principle applied: Words can give a gesture its meaning; where the words themselves show that no immediate contact will follow, no reasonable apprehension of imminent contact arises.

Application to the facts: R shook his fist at S, a menacing gesture on its own. But his words —“if you were not such an old man, I would break your jaw”—made clear that he would not in fact strike S then. Those words drained the gesture of any threat of immediate contact. So S had no reasonable apprehension of imminent contact, and there was no assault.

Why the other options are wrong:

- Option B: The fist shake is qualified by R's own words, which show no immediate blow was coming.
- Option C: It is not the mention of a jaw but the accompanying words that decide the matter, and they negate the threat.
- Option D: Words certainly may accompany a gesture; here they remove, rather than add, the threat.

Final Answer: The words negate any imminent contact ⇒

[Go Back to Q5](#)



Q6.

Solution

Principle applied: Words together with a menacing gesture can amount to assault when they create a reasonable apprehension of imminent contact.

Application to the facts: T stood right in front of U and threatened to slap him “this instant”. At the same moment he drew his open hand back as if to strike. The threatening words and the raised hand together pointed to an immediate blow. This created a reasonable apprehension of imminent contact, which is assault.

Why the other options are wrong:

- Option A: Words alone may not be assault, but words joined to a menacing gesture, as here, can be.
- Option B: The absence of an actual slap defeats battery, not assault.
- Option D: Whether the parties were strangers is irrelevant; the apprehension of imminent contact is what matters.

Final Answer: Menacing words plus a raised hand create imminent apprehension ⇒ C

Answer: (C) [Go Back to Q6](#)

Q7.

Solution

Principle applied: Loss that arises naturally, in the usual course of things, from the breach is recoverable as general damages.

Application to the facts: The dyer delivered the dyed cloth late. Losing the ordinary profit on a timely sale is exactly the kind of loss that flows in the usual course from a delay in dyeing goods for sale. Such ordinary lost profit arises naturally from the breach. It is therefore recoverable as general damages, even though nothing special was communicated.

Why the other options are wrong:

- Option B: General damages for naturally arising loss do not depend on any special communication.
- Option C: Lost profit is not barred as a class; ordinary profit lost naturally can be recovered.
- Option D: The recovery rests on the loss arising naturally, not on a guess that the cloth was valuable.



Final Answer: Ordinary lost profit arises naturally ⇒

[Go Back to Q7](#)

Q8.

Solution

Principle applied: Special damages for an exceptional loss are recoverable only if the special circumstances were communicated at the time of contracting.

Application to the facts: The garment maker had a single unusually lucrative special contract. He never mentioned it to the dyer at any time. The special circumstances were therefore not in the contemplation of both parties when they contracted. The loss of that exceptional contract is too remote and cannot be recovered.

Why the other options are wrong:

- Option A: The mere fact that the loss flowed from the delay is not enough for an exceptional loss that was never communicated.
- Option B: The dyer was not required to guess at hidden special contracts; the circumstances had to be told to him.
- Option C: Not every loss caused by a breach is recoverable; an uncommunicated exceptional loss is too remote.

Final Answer: Special circumstances uncommunicated, so too remote ⇒

[Go Back to Q8](#)

Q9.

Solution

Principle applied: A loss is recoverable as special damages where the special circumstances were made known at the time of contracting, bringing it within the contemplation of both parties.

Application to the facts: The owner told the repairer at the time of the contract that this was the only machine and that a day's delay would stop the whole factory and cost Rs 50,000 a day. The special circumstances were thus communicated when they contracted. The stoppage loss was in the contemplation of both parties. It is therefore recoverable when the repairer delivered late.

Why the other options are wrong:



- Option A: Factory stoppage losses are not always too remote; here they were communicated and so contemplated.
- Option C: It is enough that the delay caused the stoppage; the repairer need not have personally halted the machine.
- Option D: The recovery follows the actual loss contemplated, not an arbitrary cap of a single day.

Final Answer: Special circumstances communicated, so contemplated ⇒

Answer: (B) [Go Back to Q9](#)

Q10.

Solution

Principle applied: An exceptional loss that was not communicated, and so not in the contemplation of both parties, is too remote.

Application to the facts: The customer said nothing of the box's contents. The courier had no way of knowing it held a rare diamond. The exceptional value was therefore not in the contemplation of both parties when they contracted. A loss of that magnitude is too remote and cannot be recovered.

Why the other options are wrong:

- Option A: A courier answers for a foreseeable loss, not for an exceptional value kept secret from him.
- Option B: That the diamond was really inside does not help when its value was never communicated.
- Option D: Couriers are not wholly immune; the point is only that this exceptional loss was too remote.

Final Answer: Exceptional value uncommunicated, so too remote ⇒

Answer: (C) [Go Back to Q10](#)

Q11.

Solution

Principle applied: A loss arising naturally, in the usual course of things, from the breach is recoverable as general damages.

Application to the facts: The supplier failed to deliver a standard, freely available part. The buyer bought the same part elsewhere at the higher market price to keep



his business running. The extra cost of a market substitute is exactly the loss that arises naturally from a failure to deliver. It is therefore recoverable as general damages.

Why the other options are wrong:

- Option B: The buyer was entitled to cover his need at once rather than simply waiting.
- Option C: Buying a substitute is a reasonable, natural response to the breach, not a voluntary extra expense.
- Option D: Recovery rests on the loss arising naturally, not on any promise of the lowest market price.

Final Answer: Extra cost of a substitute arises naturally ⇒

[Go Back to Q11](#)

Q12.

Solution

Principle applied: Loss that neither arises naturally from the breach nor was in the contemplation of both parties is too remote.

Application to the facts: B was late in building the wall, but nothing special was communicated. An unrelated freak flood, which would have happened in any event, damaged A's land. Such flood damage does not arise naturally from a delay in building a wall, nor was it in the contemplation of both parties. It is therefore too remote and cannot be recovered.

Why the other options are wrong:

- Option A: The speculation that the wall "might" have kept the water out does not make the flood a natural or contemplated result of the delay.
- Option B: A breach of the promise to finish on time does not make every later misfortune recoverable.
- Option D: A freak flood is not a special circumstance A was required to warn about; the true reason is remoteness.

Final Answer: Flood loss neither natural nor contemplated ⇒

[Go Back to Q12](#)



Q13.

Solution

Principle applied: Cheating requires a deception and a dishonest inducement operating on the victim's mind at the time the property is delivered.

Application to the facts: A represented that he would pay, while intending from the very start never to pay. That dishonest intention existed at the moment the restaurant served him. The restaurant, so deceived, delivered food it would not otherwise have parted with. There was thus a deception and a dishonest inducement at the time, which is cheating.

Why the other options are wrong:

- Option A: That he ate the food is not the point; the dishonest intention at the time of delivery is.
- Option C: This is not a mere unpaid debt; there was a deception operating from the outset.
- Option D: Cheating does not depend on the meal being expensive.

Final Answer: Dishonest intention from the outset induced delivery ⇒ **B**

Answer: (B) [Go Back to Q13](#)

Q14.

Solution

Principle applied: An intention that was honest when the property was delivered is not cheating, even if a default follows later.

Application to the facts: When A borrowed the money, he honestly meant to repay it. There was no dishonest inducement operating at the time the money was delivered. His later inability to pay came from genuine, unforeseen business losses. A subsequent default on an honestly taken loan is not cheating.

Why the other options are wrong:

- Option A: B's loss does not by itself show cheating without a dishonest intention at the time.
- Option B: Failing to repay in the end does not convert an honest borrowing into cheating.
- Option C: Not every unpaid loan is cheating; the intention at the time of delivery must be dishonest.

Final Answer: Honest intention when the money was delivered ⇒ **D**



Answer: (D) [Go Back to Q14](#)

Q15.

Solution

Principle applied: Cheating is made out where a deception dishonestly induces the victim to deliver property, causing him loss.

Application to the facts: A falsely represented a brass ring to be solid gold. B, believing this deception, paid a gold price and took the ring. The false representation dishonestly induced B to part with his money. B suffered loss to his property, so this is cheating.

Why the other options are wrong:

- Option B: The victim's failure to test the ring does not excuse A's dishonest deception.
- Option C: The small size of the ring is irrelevant; the induced loss is what counts.
- Option D: Cheating does not depend on A being a professional jeweller.

Final Answer: False representation induced delivery and caused loss ⇒ **A**

Answer: (A) [Go Back to Q15](#)

Q16.

Solution

Principle applied: A deception that did not induce the delivery is not cheating; the deception must operate on the victim's mind at the time.

Application to the facts: A lied about his own age, but the lie had nothing to do with the cycle. B bought the cycle at a fair price for reasons unconnected with A's age. The lie did not induce B to part with anything. Since the deception did not operate on B's mind at the time of the purchase, there was no cheating.

Why the other options are wrong:

- Option A: A bare lie is not cheating unless it induces the delivery of property.
- Option B: Not every lie during a sale is cheating; the lie must induce the transaction.
- Option C: Harm for cheating may be to property, not only to the body; the real flaw is that the lie induced nothing.



Final Answer: The lie did not induce the purchase \Rightarrow

Answer: [Go Back to Q16](#)

Q17.

Solution

Principle applied: Cheating is made out where a deception dishonestly induces the victim to deliver property he would not otherwise have parted with, likely causing him harm.

Application to the facts: A deceived B by falsely posing as a government officer. Believing that pretence, B handed over original documents he would never have given a stranger. A thus dishonestly induced the delivery of the documents. This exposed B to likely harm to his property, which is cheating.

Why the other options are wrong:

- Option A: Documents are property, and their loss is capable of causing harm.
- Option C: That B handed them over himself is precisely the induced delivery the principle covers.
- Option D: Cheating is complete on the induced delivery and likely harm; it does not require A to have used the documents.

Final Answer: False pretence induced delivery of documents \Rightarrow

Answer: [Go Back to Q17](#)

Q18.

Solution

Principle applied: Cheating includes deceiving a person into an omission he would not otherwise make, where that omission causes him harm.

Application to the facts: A deceived B into believing his valid policy had lapsed. Believing this, B omitted to file a claim he was entitled to make. That omission was dishonestly induced by A's deception. B thereby lost the claim money, a harm to his property, so this is cheating.

Why the other options are wrong:

- Option A: Cheating covers an induced omission, not only the physical taking of property.
- Option B: B's "choice" not to claim was itself produced by A's deception, so



it is an induced omission.

- Option D: Cheating does not require that A himself pocketed the money; the induced omission causing B loss is enough.

Final Answer: Deception induced a harmful omission ⇒

Answer: (C) [Go Back to Q18](#)

Q19.

Solution

Principle applied: No person may be convicted for an act that was not an offence under a law in force at the time it was committed.

Application to the facts: X's act was entirely lawful when he did it. The law making it an offence was passed only the next year. Applying a later law backwards to convict him for the earlier act is exactly what the principle forbids. So X cannot be convicted.

Why the other options are wrong:

- Option B: That the act is now an offence cannot reach back to the time when it was lawful.
- Option C: There was no law to be ignorant of at the time; the offence did not yet exist.
- Option D: The protection is available to all persons, so it does not turn on X being a citizen.

Final Answer: No conviction under a later, retrospective law ⇒

Answer: (A) [Go Back to Q19](#)

Q20.

Solution

Principle applied: No person may be subjected to a penalty greater than the one that could have been imposed under the law in force when the act was done.

Application to the facts: When X committed the offence, the maximum fine was Rs 1,000. The higher maximum of Rs 10,000 came only by a later amendment. Imposing Rs 10,000 for the earlier act subjects X to a greater penalty than was possible at the time. That is invalid to the extent it exceeds the earlier maximum.

Why the other options are wrong:



- Option A: The new maximum cannot be applied to an act done before it existed.
- Option B: The deterrent value of larger fines cannot override the bar on a heavier retrospective penalty.
- Option D: The vice is not the size of the sum but that it exceeds the penalty available at the time of the act.

Final Answer: No penalty greater than that available at the time ⇒

Answer: (C) [Go Back to Q20](#)

Q21.

Solution

Principle applied: No person may be prosecuted and punished for the same offence more than once.

Application to the facts: X was already tried and punished for the offence. The State now seeks, on the same facts, to prosecute and punish him again for that same offence. This is a second prosecution and punishment for the same offence. The principle forbids it, so it is not permitted.

Why the other options are wrong:

- Option A: The State is not always free to retry; the bar applies once there has been prosecution and punishment for the same offence.
- Option C: The hope of a better result does not justify a second punishment for the same offence.
- Option D: The protection is not confined to serious offences; it covers the same offence generally.

Final Answer: No second prosecution and punishment for the same offence ⇒

Answer: (B) [Go Back to Q21](#)

Q22.

Solution

Principle applied: No person accused of an offence may be compelled to be a witness against himself.

Application to the facts: The accused was made, by force, to confess his own guilt. That confession was intended to be used against him at his trial. Compelling



an accused to give evidence against himself is exactly what the principle bars. So the compulsion is not permitted.

Why the other options are wrong:

- Option A: The needs of the investigation cannot override the protection against self-incrimination.
- Option B: That the accused knows the truth does not entitle the police to compel him to state it against himself.
- Option C: Speeding up a trial is no justification for a compelled confession.

Final Answer: No compulsion to be a witness against oneself ⇒

[Go Back to Q22](#)

Q23.

Solution

Principle applied: These protections in respect of conviction are available to all persons, and not only to citizens.

Application to the facts: The person is a foreign national accused of an offence in India. He was compelled by force to testify against himself. The protection against self-incrimination is available to all persons. Being a foreign national therefore does not deny him the protection.

Why the other options are wrong:

- Option B: The protection is not limited to citizens, so his non-citizenship does not remove it.
- Option C: It is not true that foreigners have no rights; this protection extends to all persons.
- Option D: The protection does not depend on reciprocity from the foreigner's own country.

Final Answer: Protections extend to all persons ⇒

[Go Back to Q23](#)



Q24.

Solution

Principle applied: The bar on a second trial applies only to the same offence; a prosecution for a different offence is not barred.

Application to the facts: X was earlier prosecuted and acquitted of one offence. The new prosecution is for a genuinely different offence, arising from a different act. Since it is not the same offence, the double-jeopardy bar does not apply. So the second prosecution is not barred.

Why the other options are wrong:

- Option A: Having been in court once does not bar a prosecution for a different offence.
- Option B: The protection is not a general rule against two trials; it is confined to the same offence.
- Option D: An acquittal is the outcome of a prosecution; the real reason the bar fails is that this is a different offence.

Final Answer: Different offence, so no double-jeopardy bar ⇒ C

Answer: (C) [Go Back to Q24](#)

Q25.

Solution

Principle applied: Liability for malicious prosecution arises where all four conditions — instituting the prosecution, termination in the plaintiff's favour, absence of reasonable and probable cause, and malice — are satisfied.

Application to the facts: D falsely accused P of theft and had him prosecuted, so D instituted the proceedings. P was acquitted, so the case terminated in his favour. D had no evidence at all, so there was no reasonable and probable cause. D acted out of a personal grudge, which is malice; all four conditions are met.

Why the other options are wrong:

- Option A: D was not merely reporting a genuine suspicion; he acted falsely, without cause and from malice.
- Option C: That P was arrested and tried does not excuse D; it is part of the very harm complained of.
- Option D: Liability does not depend on D being a police officer; any instigator who meets the conditions is liable.



Final Answer: All four conditions satisfied \Rightarrow **B**

Answer: (B) [Go Back to Q25](#)

Q26.

Solution

Principle applied: There is no liability if any one condition is missing; in particular the proceedings must have terminated in the plaintiff's favour.

Application to the facts: D prosecuted P, and P was convicted. The conviction stood unreversed. The proceedings therefore did not terminate in P's favour. Because that essential condition is missing, D is not liable.

Why the other options are wrong:

- Option B: D's dislike of P cannot create liability when the case ended against P.
- Option C: Not every prosecution can be sued upon; the four conditions, including a favourable termination, must be met.
- Option D: Whether P appealed is beside the point; on this conviction the termination was not in his favour.

Final Answer: Prosecution succeeded, so no favourable termination \Rightarrow **A**

Answer: (A) [Go Back to Q26](#)

Q27.

Solution

Principle applied: There is no liability where the prosecutor had reasonable and probable cause, even if the case ended in the plaintiff's favour.

Application to the facts: D had himself seen P commit the act and honestly believed on solid grounds that P was guilty. That is reasonable and probable cause for the prosecution. P's later acquittal was on a narrow technical point. Since one required condition —absence of reasonable and probable cause— is missing, D is not liable.

Why the other options are wrong:

- Option A: An acquittal alone does not create liability when there was reasonable and probable cause.
- Option B: Setting the law in motion is not wrongful where there was proper



cause to do so.

- Option C: The trouble of a trial does not make D liable when he acted on reasonable and probable cause.

Final Answer: Reasonable and probable cause present ⇒ D

Answer: (D) [Go Back to Q27](#)

Q28.

Solution

Principle applied: A person actively instrumental in a prosecution is liable where the other three conditions — favourable termination, absence of reasonable cause, and malice — are also met.

Application to the facts: D worked behind the scenes to have P prosecuted, feeding false information and pressing the case, so he was actively instrumental in it. P was acquitted, so the case ended in his favour. D knew P was innocent and had no reasonable cause, and he acted from spite, which is malice. All four conditions are satisfied, so D is liable.

Why the other options are wrong:

- Option B: One who is actively instrumental in a prosecution need not have personally filed the complaint.
- Option C: Spite is precisely the improper motive that amounts to malice; it does not excuse D.
- Option D: Liability does not turn on whether P spent money on lawyers; the four conditions are already met.

Final Answer: Actively instrumental with all four conditions met ⇒ A

Answer: (A) [Go Back to Q28](#)

Q29.

Solution

Principle applied: There is no liability where malice is absent, that is, where the prosecutor acted from a genuine desire to bring an offender to justice rather than an improper motive.

Application to the facts: D reported P on genuine and reasonable grounds and entirely without ill will. He acted only from a sincere wish to see a suspected



offender brought to justice. That is the very opposite of malice. Because the element of malice is missing, D is not liable even though P was acquitted.

Why the other options are wrong:

- Option A: The failure of the prosecution does not create liability where there was no malice.
- Option B: The inconvenience to P does not make D liable absent an improper motive.
- Option D: Whether P was jailed is irrelevant; the decisive point is the absence of malice.

Final Answer: No malice, genuine desire to seek justice \Rightarrow

Answer: (C) [Go Back to Q29](#)

Q30.

Solution

Principle applied: All four conditions must be satisfied, including that the proceedings have terminated in the plaintiff's favour.

Application to the facts: D acted with malice and without reasonable cause, but the prosecution he set going is still pending. It has not yet been decided one way or the other. The condition that the proceedings terminate in P's favour is therefore not yet satisfied. So D is not liable at this stage.

Why the other options are wrong:

- Option A: Malice alone is not enough; a favourable termination is still required.
- Option C: The absence of reasonable cause is not enough by itself while the case remains undecided.
- Option D: The claim fails not because malice can never be proved but because the proceedings have not yet terminated in P's favour.

Final Answer: Proceedings not yet terminated in P's favour \Rightarrow

Answer: (B) [Go Back to Q30](#)



Answer Key

Q	Ans	Q	Ans	Q	Ans	Q	Ans	Q	Ans
1	C	2	A	3	D	4	B	5	A
6	C	7	A	8	D	9	B	10	C
11	A	12	C	13	B	14	D	15	A
16	D	17	B	18	C	19	A	20	C
21	B	22	D	23	A	24	C	25	B
26	A	27	D	28	A	29	C	30	B

