

011/DD/18

TC - 21/26

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DEPARTMENTAL EXAMINATIONS

TRANSLATION TEST - FIRST PAPER - TRANSLATION OF ENGLISH
PASSAGE BEARING ON COURT JUDGEMENT INTO LANGUAGE

(Without Books)

Maximum Time : 2.30 hours

Maximum Marks : 100

Answer ALL questions.

All questions carry equal marks.

Good handwriting will fetch you more marks.

(4 × 25 = 100)

1. Translate the following Judgement into Tamil :

Criminal Appeal No. 694/1979 is filed by Kannan and special leave petition No : 1839/1981 is filed by Lakshmanan, the 7th and 6th accused respectively in a case tried by learned IV Additional Sessions Judge, Madras. They along with 5 others were convicted by the learned sessions Judge on various courts of conspiracy, murder, robbery, abduction, etc and sentenced to death. Having gone through the records, we find that the evidence fully justified convictions. The only question which requires consideration is that of sentence. The murders were committed for gain and pursuant to plans hatched by some of the fellow accused. The one redeeming feature, so far as these two accused are concerned is that, notwithstanding the fact that they were directly responsible for the murder of one of the victims, they were not the moving spirits of the band of criminals but were really junior partners, if one may use such an expression, in the perpetration of the crimes. Their appearance on the scene was itself at a later stage and from the evidence it would appear that they were instruments in the hands of and under the domination of their fellow accused. In addition,

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there is also the circumstances that more than seven years have elapsed since the imposition of the death penalty on them. Taking into account, all the circumstances, we think that the sentence of imprisonment for life should be substituted for the sentence of death in case of the two accused Kannan and Lakshmanan. Criminal Appeal No. 694/1979 filed by Kannan is allowed to this extent. Special leave Petition No: 1839/1981 is allowed and the appeal to Lakshmanan is also allowed to the extent indicated”.

2. Translate the following into Tamil :

In the High Court of Judicature at Madras

Second Appeal : Suit No. 278/1993

A suit was filed by the minor sons' mother for the division of property in favour of his minor sons. The third respondent, the father of these minor sons sold this property belonging to his minor sons to the first respondent. The contention of the plaintiff was that the third respondent has no right to sell the property owned by the minor sons. In addition to that he did not get prior permission from the court for selling the same. The first respondent in his counter petition argued that, since the third respondent sold the said property to him for the benefit of his minor sons, hence the minor sons were bound by the sale deed. So, he argued in the counter petition that this appeal might be turned down.

On the basis of the ban given by the Hindu Minority and Guardianship Act 1956 Section (2) whether the third respondent has any right to sell the property is the problem to be examined.

Section 8, Subsection (1) of the guardian Act gives power to the natural guardian to do the rightful activities in favour of the minor sons, but it did not bind the minor sons. Thus the sales of the property done by the natural guardian is on his own free will.

According to the above said Act Section 8, Subsection (2), the natural guardian has no power to sell or mortgage or give it as a gift or exchange or lease for more than five year without prior permission from the court.

In the present case it was accepted by the third respondent that he did not get the prior permission to sell his minor sons' property from the court. In addition to this, it was not proved that he sold the property for the benefit of his minor sons. Hence the sales done by the third respondent is invalid. So, this case proceedings made in favour of the minor sons can be legally accepted. Hence this second appeal is dismissed. No compensation for the expenditure incurred.

3. Translate the following into Tamil :

The prosecution has to prove that the accused had driven his vehicle in a rash and negligent manner while another vehicle is coming from the opposite direction. As there is no such evidence, the accused is entitled to the benefit of doubt. If the vehicle is coming from opposite direction with a view to avoid accident, the accused had bent upon his vehicle towards his left side and the prosecution has failed to prove this aspect. Post mortem report is not basic evidence. The doctor had given evidence with reference to the injuries noted in the certificate which was seen in the body of the victim. The prosecution has failed to prove that death was caused due to rash and negligent driving of the accused. Hence, I consider that the accused is entitled to the benefit of doubt.

In conclusion, the accused has not committed any offence as alleged and he is acquitted from the charge. I order that the fine amount should be returned to the accused.

4. Translate the following into Tamil :

It is true that Hindu Law permits the father to execute a gift for pious purpose if it is within reasonable limits. The reasonable limit will have to be taken into consideration not only by the extent of the property gifted, but also from the importance of the property gifted.

On the basis of the written statement filed in the case, I do not think the second defendant can claim any right on the basis of the gift deed. Once the donee has discarded the gift, the second defendant disputes the rights of the plaintiff to execute the gift deed and claims independent title, the question whether the gift was executed for pious purpose loses its importance. The trial court has taken into consideration this fact and held that the second defendant has no antecedent title. Hence the decrees and judgement of trial court are confirmed and the appeal is dismissed.
