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**nd DR. PATANGRAO
KADAM MEMORIAL
NATIONAL MOOT
COURT
COMPETITION, 2024**

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MOOT PROPOSITION

FACTS OF CASES:

1.Uday Shetty, a 25-year-old urban explorer, is fascinated by abandoned places and often document his explorations on social media. One evening, Uday Shetty along with his driver Sagar Bhai decided to explore an abandoned school located in the outskirts of a small town. He researched about the school more and found one such school in village Bundeli. The school had been abandoned for over 20 years, with locals claiming that it was haunted by the spirit of 10 former students who died under mysterious circumstances. Both of decided to visit this school and they started their journey to village and reached village at around 6pm and tried to locate the said school. Upon entering the school, both of them felt an eerie presence and heard strange noises. While exploring the building, Uday saw a shadowy figure in the hallway, which he believed was the ghost.

2.Large amount of school furniture, fans, and other necessary material of school was still lying inside the school premises and large quantity of valuable scrap is collected. The owners of school left two Chowkidars namely, Bikram and Vijay with a view to prevent pilferage by unauthorized persons.

3.The school area is surrounded by many tribal villages which are inhabited mostly by deli tribes, which is an uneducated and orthodox tribe. The tribes have a very strong belief in existence of ghosts and the abandoned school earned notoriety in that area as being infested with ghosts.

4.After encountering unnatural vibes in the school, they did not go further inside and came out of the school. Uday and his driver were not feeling well after visiting school and long journey. Thereby they decided to stay at night in nearby homestay owned by Rajiv, along with his son Lucky. Uday and Sagar decided to have dinner with Rajiv and Lucky. On the dinner table they discussed about the abandoned school. Rajiv and Lucky told them that the legend of the school's haunting has been deeply ingrained in the local community. In addition to the ghostly figure, the villagers believe that two witches, Ms. Kimie and Ms. Genie, reside within the abandoned school. According to local lore, these witches are malevolent spirits who control the ghost of the young students and guard the school against intruders. The witches are said to appear as shadows or figures cloaked in darkness, often seen only out of the corner of one's eye. It is believed that these witches were responsible for the mysterious death of the students and that they have since cursed the building, trapping the student's spirit inside. Villagers recount numerous incidents of unexplained phenomena around the premises. Some claim to have seen a ghostly figure, often described as a young girl, wandering the school's halls late at night. Others speak of strange sounds, like whispers and footsteps, that can be heard even when the building is deserted. Several villagers have reported feeling an inexplicable chill or being overwhelmed by a sense of dread when near the school.

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5. These stories have been passed down through generations, creating a pervasive belief that the school is indeed haunted. In fact, many locals avoid the area altogether after dark, fearing an encounter with the supernatural. Despite the absence of any concrete evidence, the tales of the school's ghostly presence have become a significant part of the town's folklore.

6. On knowing that Uday and Sagar document the abandoned places, both Rajiv and Lucky assure them that they can help them make ghost videos and take pictures of the school for their social media likes and followers. Uday Shetty and Sagar got excited and decided to go to school again with Rajiv and Lucky. Uday Shetty showed his anxiousness and excitement to see ghosts, then Rajiv told that there is a deep-rooted belief in a phenomenon known as "Moon Night." Occurring once a year, Moot Night is considered the most potent time for supernatural activity. According to local lore, it is a night when the veil between the living and the spirit world is at its thinnest, allowing ghosts and spirits to freely roam the earth. The villagers, who have passed down these beliefs for generations, claim that the spirits of the departed return to the places they once knew, seeking to communicate with the living or to resolve unfinished business. The air on Moot Night is said to be thick with an eerie energy, with strange winds rustling through the trees and a sense of foreboding hanging over the village. It's a night when even the bravest souls refuse to venture outside, and the village streets are deserted. Families huddle inside their homes, lighting candles and reciting prayers to ward off any malevolent spirits.

7. Relying on the statements of Rajiv, Uday Shetty and Sagar agreed to travel with him at night back to the school so that they could make ghost videos. All four of them thereafter initiated their on foot journey with torchlight in their hands to the abandoned school through a foot-path across the village and school. Lucky suggested everyone to keep lathis or sticks in their hand for their protection in case some ghost attacks them. Everyone agreed with Lucky.

8. Aryan, a 16 year old boy living in a house next to Rajiv homestay overheard all of them talking and going to school premises. Aryan Mehta, a 16-year-old boy, used to live in a remote village in Uttarakhand, known for its deep-rooted belief in supernatural entities. Raised in a family that strongly believed in the existence of ghosts and spirits, Aryan was often told stories of hauntings by his grandmother, who claimed that their ancestral home was inhabited by the spirit of a wronged woman.

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9. Over time, Aryan became deeply influenced by these stories. He often heard strange noises at night, which he attributed to the ghost, and his school performance started to deteriorate due to his constant fear and anxiety. Despite his parents' reassurances, Aryan remained convinced that the ghost was real and meant to harm his family. With a hope, that Aryan's performance will improve, his family shifted to village Bundeli but Aryan's fear continued. In Bundeli, Aryan's belief in the ghost was reinforced by his friend, Lucky, a 17-year-old who shared similar beliefs. Lucky often told Aryan that he had seen the ghost himself and warned him to be vigilant. He even suggested that Aryan should keep an iron rod by his bedside, as iron was believed to ward off evil spirits. Lucky's repeated warnings and stories further heightened Aryan's fear.

10. On that evening, Aryan was home alone while his parents had gone to attend a village gathering. It is at this time when Aryan decided to go to school premises along with all four of them to teach ghosts a lesson. Remembering Lucky's warnings and convinced that its the time to end the ghost, Aryan grabbed the iron rod that Lucky had advised him to keep nearby.

11. All five of them thereafter initiated their on foot journey with torchlight in their hands to Bundeli village through a foot-path across school area. While passing through the premises they noticed a flickering light at distance of about 400 meters from path-way. Strong wind was blowing and the movement of the light in that breeze created in them an impression that it was not an ordinary light but some strange power and image. They also found some apparitions moving around the flickering light. They thought that some ghosts were dancing around the light and coming to attack five of them.

12. As they were moving forward, Uday Shetty and Aryan got too scared. Uday Shetty directed Sagar to attack the ghost and save him else Sagar will be fired from the job. Sagar then reached first with his 'khukhri' in hand and Aryan with iron rod and began to attack ghosts indiscriminately. Lucky arrived there some time later, and started shouting that these are not ghost but ladies of the village only however Sagar did not notice Lucky nor could hear him shouting and strike one of his Khukuri blows to Mr. Lucky causing severe injury. In pain Lucky screamed loudly that Sagar had injured him. In the mean time other injured persons also raised a cry of distress and only after hearing so many cries Sagar stopped attacking the people.

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It was subsequently discovered by all of them that the apparitions that Sagar attacked were actually some female of the Bundeli village known to Mr. Rajiv, who were there for some ceremony under the pepal tree at night with lantern, which ladies perform after visiting Kali Mata temple for fulfilling a local tribal ceremony, which was a common practice and was done on every full moon night by the ladies of Deli tribe.

13. In consequence of indiscriminate attack with his 'Khukhri' one Ritu was killed, and three other females namely Renu, Geru and Peru were grievously injured.

14. FIR was registered against the accused persons and Sagar was charged under Sec. 302 I.P.C. for murder, under Sec. 326 I.P.C. for having caused grievous hurt to persons injured and under Sec. 324 I.P.C. for having caused hurt to Lucky. They were additionally charged for conspiracy and abetment.

15. The police arrested Aryan and charged him with murder under Section 302 of the IPC. Additionally, Lucky was charged with abetment to murder under Section 109 IPC, as the police investigation revealed that Lucky had played a significant role in influencing Aryan's belief and indirectly instigating the fatal act. Lucky's defense argued that he never intended Aryan to harm anyone and that his actions were based on their shared cultural beliefs.

16. The learned Sessions Judge held Sagar, Aryan, Lucky guilty on the ground that they did not act with 'due care and attention'. Court held Uday Shetty guilty of vicarious liability, further explaining the master servant relationship.

17. The accused went on appeal before the Hon'ble High Court of Vindhya Pradesh

a) The appellant stated that when he attacked his victims, he thought he was attacking ghosts and not human beings. But it was urged by the prosecution that he did not act with 'due care and attention'.

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b) The Court further called into question the credibility of evidence given by Uday Shetty, the court held that regardless of the fact that the accused is servant of Uday Shetty and he might have sympathy for his servant, but Uday Shetty's evidence have been consistent throughout and therefore reliable.

c) It was also argued before the court that based on the testimony of two guards it was clear that the appellant had a torch in his hand.

d) After deciding on the testimony, High Court decided on the application of general defence. The court decided that the benefit of general defence is available to person who by reason of mistake of fact in good faith believes himself to be justified by law in doing an act. And it was clear from the statement of Uday Shetty that the accused was a firm believer of ghost and thought beyond shadow of a doubt that he was attacking ghosts. Therefore the court held that the accused persons are entitled to the protection of general defence. Further Aryan and Lucky too were acquitted and held that they are juveniles.

Now the State has, as a result of the aforementioned Hon'ble High Court of Vindhya Pradesh judgment, filed an appeal/Petition before the Hon'ble Supreme Court Hindia.

**The Laws of Union of India are applicable in the Vindhya Pradesh and Hindia.

NOTE:

This moot problem is solely drafted for the moot competition and any resemblance to the real life incidents are merely coincidence and nothing more than that.

CONTACT US

All questions, queries and clarifications regarding MOOT PROPOSITION & RULES are to be mailed at mcslaw.bvimr@bharativedyapeeth.edu

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