



Panjab University SSG Regional Centre,
Hoshiarpur



A EQUITAS'24

SALUS POPULI SUPREMA LEX ESTO

MOOT PROPOSITION

LAW AND CULTURAL FEST

15th FEB - 17th FEB

2024



MOOT PROPOSITION

1. Briarwood is a sovereign socialist secular democratic republic. It has 30 states and 9 Union Territories. Constitution of Briarwood provide for federal form of government wherein legislative and financial domain of Union and State governments are spelt out in the Constitution. Briarwood is a multi-lingual, multi religious and multi-cultural polity. The economy of Briarwood is a capitalist one and promotes growth programs sponsored by capitalist and rich people hold a very important and renowned position in the society.
2. Nikhil is a citizen of Briarwood and he lived in a small town named Town Square with his parents during his college years. He belonged to an upper-class capitalist family and from an early age he had keen interest in family affairs and loved his parents dearly. He was quite possessive about them and even had arguments against people who spoke ill of them.
3. To further his interest of learning about the business and develop his abilities, he enrolled in St. Sebastin College when he turned 21. During his course he became fast friends with a girl named Supriya and soon both of them feel in love and they had the intention of pursuing this relationship in future prospects so wanted to marry each other. The same idea was jointly convened by them to their parents and whereas Supriya's parents agreed for the marriage but it was Nikhil's parents who didn't want him to do the same as they thought that marriage at this particular moment was not in his best interests. Nikhil agreed to his parents and even explained this situation to Supriya to which she agreed as even she didn't want to be wedded to a household where the in-laws would not be welcoming of her and hence both of them got separated mutually.
4. Following their break-up, both Nikhil and Supriya mutually decided that they would cease communication and individually focus on their goals and achieve their dreams. Supriya started to focus on her career and began to teach in KDM College of Business Management as a junior teaching assistant where she was also studying side by side, meanwhile Nikhil got involved in a family led property business and he built strong connections with many politicians and thereafter became a well renowned person in his area. Soon he became a person

of infinite resources and connections and now everyone in society started respecting him as a man of power and wealth.

5. Some years down the track, Nikhil's parents proposed the option of marriage to him with a girl they had chosen and being the loving he was he immediately accepted their decision and exactly in year 2017 on the day of 10th August, he married a girl named Anandita. The married life was going smoothly but Nikhil had only one complaint that his wife was not so caring and loving towards his parents. Anandita on several occasions even requested Nikhil that they should live separately and she also wants to focus on her career, but Nikhil was adamant on staying with his parents and this topic every time resulted in a dispute between the couple and sometimes even escalated to a fight which was resolved with the intervention of the either of the parents of the spouse.
6. With exponential increase in business affairs Nikhil on consulting with his wife and parents decided to enrol in the college to pursue MBA, which he thought would enrich his mind with new concepts and help in the betterment of his business. Pursuing the same idea, he got admission in KDM College of Business Management in March, 2019 and started to focus with severe dedicated efforts on his curriculum and studies as he wanted to learn the best, he could for upgrading his business. Nikhil transferred most of the stake of his business in Anandita's name.
7. Life of the couple Nikhil and Anandita was going at a smooth pace and the couple was blessed with a baby boy on 25th October, 2019 and this became a reason for grand celebration. Every one in the family unanimously came to the decision that the little one is to be named "Harshvardhan". He became the source of happiness and things were getting better amongst the family members.
8. Nikhil had a cousin named Dinesh and they both started the expansion of family business together but eventually it was Nikhil who got all the lime light and Dinesh was the one left in the shadows. Even the "hard and reluctant" business deals were dealt by Dinesh with his resourcefulness in the underworld and had contact with many gangsters and petty criminals. This created a rift between them they both stopped operating together. Now Dinesh was just an unemployed guy who was willing to take on any kind of job irrespective of its nature and became a well-connected person in the world of goons and criminals.

9. Dinesh used to blackmail Nikhil and his family on the notion of having in possession of certain sensitive information which would ruin Nikhil's married life and deal a severe blow to his reputation and on inquiring about the information, he only used to state that Nikhil is doing his MBA really well. On 1st April, 2020, there happened a heated argument between Nikhil and Dinesh on the same matter and this was witnessed by society members who were the neighbours of Nikhil.
10. In order to get a change of environment, Nikhil thought of a plan to live at his in-laws (Anandita's maternal house) for a couple of days and he communicated the same to his wife. She was excited with the idea of visiting her parents after so long and happily agreed for the same. They decided on the coming weekend that is 11th April, 2020 to execute this plan. On the day of travel, the baby suffered from ill health and even on continuous instance of Supriya to cancel or postpone the plan, Nikhil was adamant on going and he ensured that his parents would take care of Harshvardhan and that they will be back after a couple of days. This created some suspicion in the mind of Anandita that why was Nikhil in such a hurry to leave, she communicated the same to her father and even he found it strange. Soon they left for Anandita's maternal house and Nikhil decided to take the empty road on the outskirts of the city to avoid being stuck in traffic. A little while after Nikhil parked the car on the roadside and got down to refresh himself a bit and it was Anandita alone who was sitting inside. Nikhil suddenly heard a few gunshots and ran towards his car and saw 2 people removing his wife's earrings and necklace. He tried to chase them down but they quickly rode away in the bike. This all happened around 4:00 p.m. Nikhil immediately rushed his wife to the hospital and on reaching there the doctors told him that she had already passed away when they got there.
11. The entire family of the couple rushed to the hospital and they saw Nikhil sitting emotionless while doctors were informing the police about the incident. The entire family was grief stricken and Nikhil broke down completely. The police officials recorded the incident and FIR was filed on the same date and further to it, the police started its investigation.
12. The body was sent for post mortem on 12th of April 2020 and the cause of death were the five gunshots, 2 straight into the head and 3 at random areas. The post mortem report indicated that the victim died on spot after experiencing

5 gun shot wounds as the 2 aimed at the head were fired with the intention of causing immediate death. It appeared very strange that for a minor case of robbery, 5 bullets were fired when the robbers could have easily scared the victim by just showing the gun and looted whatever they wanted. And even the concept that Nikhil suffered no injuries whereas on the other hand his wife was succumbed to death by mercilessly firing 5-gun shots at her. The identity of the killers remained uncovered and the police didn't find anything against anyone else so they closed the investigation and considered it a case of regular robbery in which Anandita became a victim.

13. Anandita's father was not satisfied as he found it very hard to believe that the robbers only killed his daughter and did not cause even a slight injury to Nikhil, his son-in-law so he wanted the police to continue with the investigation. Moreover, he even informed the I.O about the phone call from his daughter during the day of the incident and how he found the behaviour of Nikhil strange to leave his son and come to Anandita's maternal home and as to why did he take the outer road.

14. Nikhil was a powerful personality and it was difficult for Anandita's father to get the investigation started against him. He (Anandita's father) took the media's help to create pressure over the authorities so that his daughter could get justice and soon under the immense pressure from the media, the government ordered a special investigation probe to uncover any facts that were left behind in the preliminary investigation. It was through the media that the cause got maximum support and the police were forced down to restart the investigation to find the original criminal and it was on 23rd October 2020 that the investigation restarted. The Police tried searching from a different angle this time and starting inquiring about the married life of the couple.

15. On inquiring about the family affairs of the couple, the police found no signs of cheating or foreign influence and people spoke well of the couple individually as well as together. The only negative point that the police could uncover was the disputes that they had when Anandita wanted to live separately from the parents of Nikhil. There were no signs of cheating as the police went through their call records and nothing suspicious was found.

16. On further inspecting the phone records of Nikhil, the police became aware of the fact that he had contacted Dinesh after the incident that occurred at his

house on 5th April, 2020. The call duration was approximately 5 mins and apart from this everything in his call record was clear. On asking Nikhil about this call, he replied that it was related to some old business that they had done together and refused to provide further details as he deemed it completely unrelated to the present ongoing investigation.

17. Dinesh was a clever man and had a criminal record and eventually the police got to know it from the neighbours that he was not seen by them for the past 3 months. And the neighbours also informed that before disappearing he had people visiting him daily carrying different bags which appeared to be suspicious. When Anandita's father was told about Dinesh and shown his photo, he recognised him from an incident in which he had seen Dinesh with the personal assistant of Nikhil (Mr. Raj) at a Paan Shop and he was handing over Dinesh a bag which appeared to be full and heavy and Dinesh was quite happy while receiving it.
18. Police went to Nikhil's college for further inquiry where they found from the attendance register that he only attended 45% of his classes and was absent the rest of the time. On further inquiring from the watchmen and mess staff, they came to know that he used to visit the college daily but very rarely attended the classes. Most of the time he was either in the library or hanging around with a female faculty.
19. The police also went to his old lover Supriya's house hoping that she might know anything but they came to know that she was pregnant and further told them that both of them never contacted each other after they got separated. She further refused to answer any questions as she stated that it is stressing her out and that is not good for her condition, so the police limited their questioning to her as nothing new was found. Supriya was 8 months pregnant and was unmarried while she was carrying her baby.
20. Meanwhile Dinesh was spotted near his house and was immediately captured by police and was questioned about his absence and his call with Nikhil. He was hesitant at first but after some questioning by the police, he complied to their request and started answering their questions. He stated that the reason for his absence was that he could not afford living in the city and had to move to someplace cheap until he was able to secure a source of living. When asked questions about the call with Nikhil, he stated that it was Nikhil who called him

and said that never to come near his house again or the consequences would not be desirable. He also stated that he asked Nikhil for some money but he blatantly refused saying that he didn't owe him anything. Upon inquiring into the finances of Dinesh, it was discovered by the police that Dinesh's account was active and a huge amount of rupees 1 lakh was transferred to him 2 months back from an anonymous account Id.

21. In the ballistics report it was found that the gunshots were fired from an imported gun and is foreign made which is very rarely available in India. Such a gun is not locally available and is ordered on special demand and normal robbers do not use such a gun as it is expensive and out of reach of common folk.
22. No murder weapons were found on the crime scene, further no fingerprints except that of Nikhil were found on Anandita's body during the Post Mortem report. Apart from this scratch marks were found on the neck of the victim as to something was pulled off from her neck forcefully which caused abrasion of her neck's skin.

The issues to be decided upon

1. Whether Nikhil be accused of murdering Anandita?
2. Whether Nikhil and Dinesh had a common intention of killing Anandita?
3. Whether Nikhil was involved in adultery against his wife Anandita?

The case went down to the Sessions Court and the Session's Court acquitted Nikhil on the base of lack of evidences.

An appeal was made in the High Court for a just decision. Now the case is in Town Square High Court.

Note: Briorwood laws are in convergance with Indian laws

EXHIBIT – I

FIRST INFORMATION REPORT (U/S. 154 of CrPC)

District: Town Square PS: Town Square; Year: 2020

1. FIR No: 172/2020
2. Date of occurrence: 11/04/2020
3. Acts: Robbery u/s 392 and Murder u/s 302 of Briarwood Penal Code
4. Occurrence of Offence: Day: Wednesday Time: 4:00 PM.
5. Information recorded at Hospital: Date- 11 April, 2020; Time: 4:50 PM
6. General Diary Reference Entry No. 364773
7. Information recorded by: Station House Officer,
8. Type of information: Personal Written/Oral: Oral
9. Place of occurrence: bypass road on outskirts of city
10. Details of Known/ Unknown/ Suspected/ Accused with particulars: unknown

2 in number on a motor bike BPOJ 4555

Suspected

Nikhil

11. FIR Contents – On 11/04/2020, a female aged 23 was murdered by two unknown persons for the purpose of robbery and she was carried to the hospital by her husband where she was declared dead. Post mortem report 12/04/2020 revealed 5 bullets were fired on her.
12. FIR read to the informant, admitted to be correctly recorded and a copy given to the Informant free of cost.

Signature/thumb impression of Complainant/ Informant:

Nikhil (victims' husband)

Police Station: Sd/- Pankaj (Station House Officer)

Note: The Magistrate Court after preliminary inquiry into the case decided to commit the case to Sessions Court and all the copies of FIR shall henceforth be accompanied and it also ordered for Submission of the Charge sheet before the Sessions Court.

EXHIBIT- II

POST MORTEM REPORT

Post Mortem Report No. 1727.

Date and Hour of Receipt of Inquest Paper and Dead Body: 12 April, 2020 at 9.15 AM.

Date and Hour of Starting Autopsy: 12 April 2020, 10:00 AM.

Date and Hour of Concluding Autopsy: 12 April 2020, 4:00 PM

Body Brought by: Inspector R.D. Rathore of Supriya

SCHEDULE OF OBSERVATION.

A- GENERAL

1. Name: Anandita
2. Age: Approximately 23 years. Sex: female
3. Address: Hno 246/C south Block, Town Square
4. Height: 154cm Weight: Unknown Physique: Normal.
5. Injuries: 2 bullet wounds in head, 1 on left shoulder, 1 on neck and the other on chest

B-EXTERNAL EXAMINATION

The body is that of an adult female measuring 154cm and weight, not possible to determine. The body is normally developed and consistent with the given age of approx. 23years. Only bullet wounds on the head, neck, shoulder and chest

C-INTERNAL EXAMINATION

Visible injury to the skull as the bullet went through the skull , visible injury on neck as the bullet was still inside also the neck was bruised and on chest as two upper ribs on the left side were broken.

Cardiovascular System: No injury

Respiratory System: No injury

Digestive System and Liver: No injury

Genitourinary System: No injury

D- SPECIMEN COLLECTED FOR TOXICOLOGICAL ANALYSIS: None

E-TIME SINCE DEATH: Taking into consideration the level of decomposition and the surrounding in which the body was placed in, approximately 24 hours have passed since the death of the victim.

F- OPINION

Even though multiple gunshots were fired but the main cause were those fired in the head.

On 12 April 2020 at Government Hospital, Town Square.

Signature:

Name and Designation:

Dr. Radhika Mukheja

Dr. Garvish Anand.

