

**JAIPUR NATIONAL UNIVERSITY NATIONAL TRIAL ADVOCACY AND
JUDGMENT WRITING COMPETITION, 2023**

ORGANIZED BY

SEEDLING SCHOOL OF LAW AND GOVERNANCE

AND

TRIAL & APPELLATE ADVOCACY SOCIETY (TAAS)

TRIAL PROPOSITION OUTLINE

CRUCIBLE OF VENGEANCE

On August 12, 2018, a truck belonging to one Lavesh Kumar was robbed, and Lavesh Kumar and his girlfriend, Sarah, were allegedly murdered by Billa, Sohan Johar and Raju Sood. Sarah was allegedly gang-raped before being killed. The three accused also allegedly grievously injured Shankar Sharma, and caused hurt to Iskander Majid driver's of Lavesh's Transport Company.

Shankar regains consciousness two months after the crime, but suffers from memory loss, and the CBI had no leads for about two years until Shankar begins to remember some details of the crime bit by bit in July 2022. When he finally recalls the event and helps finalize the sketches of the perpetrator the from one of the duly altered sketches, Lavesh's father recognizes one of the perpetrators to be Lavesh's brother-in-law, Sohan Johar, whose sister had been dumped by Lavesh unceremoniously because of which Sohan Johar hated Lavesh and had reasons to harm him.

Sarah's dead body was discovered a week after her death, but remained unidentified for a few more days. Lavesh's body is found about three weeks after his death. The autopsy on Lavesh's body reveals that he had been killed by blunt force trauma to his head from multiple hits on the back of his head,

leaving major portions of his brain matter missing. The most likely weapon of assault is a longish, hard object. The weapon of assault is not recovered.

The autopsy report of Sarah's body noted that she had sustained a number of injuries all over her body from severe beating prior to death. Her throat had been slit by a sharp object resulting in her death. Before being killed, Sarah was most probably raped. Due to the decomposition of the body, the probability of rape is placed at 87% by the autopsy although no semen is found in the vaginal cavity.

A pistol is recovered from crime scene a few days after the night of the crime with Sarah's fingerprints on it even though no bullet has been fired from the weapon and the safety catch is also found on.

The sketches of the perpetrators prepared on the basis of Iskander's description of them did not help the investigation. Since Sarah is the daughter of a US diplomat, her disappearance became national news. The case was then transferred to the CBI after first fifteen days of Sarah's disappearance because the police failed to make any substantial progress in the matter. Sarah's as well as Lavesh's dead bodies were discovered soon after.

CBI officer SSP J.K. Bhardwaj questions Mitesh Bhatia, the Transport Manager of Lavesh's company, and Bhatia discloses the cocaine transport operations that Lavesh was involved in. Lavesh's transport company had been ferrying large quantities of drugs for the nation's biggest drug lord for domestic as well as international distribution. But Bhatia knows nothing beyond that about the disappearance and killings.

Sohan is arrested, but he does not cooperate with the investigation and maintains his innocence. But his whereabouts on the night of the crime led CBI to Billa, who too doesn't cooperate with the CBI. The CBI keeps looking for Raju Sood, the cleaner on the truck driven by Billa and Sohan on the night of the crime. He is the third suspect.

In January 2023, Raju is arrested from his village, where he seemed to be living well without any clear source of income. When his house is searched, the police find Sarah's blood-smearred clothes and a knife. Later, forensic analysis of Sarah's clothes returns a finding of traces of recently discharged semen as well as older stains of semen belonging to Raju. The knife, however, is found clean of blood or any other biological material. As per the forensic experts, it could neither be confirmed nor ruled out that it was the murder weapon with which Sarah had been slain.

Raju cooperates because he knows there is enough evidence against him. Raju tells that Jamshed Razdan and Sarita Razdan, the husband-wife duo, had helped the trio launder the illegally begotten money. But the CBI has nothing except Raju's statement against them. Raju admits to participating in the crime but says that he was forced into the crime because he was a boy of merely 15 back when the crime was committed and could not have refused to do as the drivers said. He denies hurting anybody in anyway.

Raju says that Billa and Sohan took turns gang-raping Sarah in the back of their moving truck. The only thing Raju admits to doing is masturbate to Sarah's clothes, which he had been asked to burn by Billa and Sohan after they had buried Sarah's body. The clothes had been taken off Sarah before burial so as to prevent easy identification. But Raju says he had retained Sarah's clothes as souvenir. He tells the CBI that one of the old cleaners on the truck that Billa and Sohan drove had helped them sell cocaine they had robbed off the truck for INR 9 crore, out of which they had received about INR 7.5 crore. Raju does not know to whom the cocaine was sold or where Billa and Sohan had met their former cleaner because he had been left with Sarah when the two had gone to meet Mannu, former cleaner.

Mannu is arrested and under intense questioning confirms Raju's story regarding the sale of cocaine and also divulges the name of the drug lord the

cocaine was sold to. However, the drug lord is not caught and cocaine is never recovered.

CBI charged Billa, Sohan and Raju with several offences under the IPC, including murder, attempt to murder, gangrape, robbery, wrongful restraint, kidnapping for ransom and also with offences under the NDPS Act and the PMLA. Further CBI also charges Mannu and Mitesh with offences under the NDPS Act.

The case of the prosecution is that Billa, Sohan and Raju operated jointly to murder, rob, gang-rape, inflict injuries, kidnap for ransom and destroy material evidence. The prosecution further alleges that the three of them engaged in trafficking narcotics and were also guilty of money laundering in association with Jamshed Razdan and Sarita Razdan. Mannu and Mitesh are also charged with drug trafficking under the NDPS Act.

The defence argues that there is insufficient evidence to prove beyond reasonable doubt any of the crimes alleged by the prosecution against any of the accused persons.

Note: Please refer to Trial Proposition to build the case for the Prosecution as well as for the Defence.