

UNIVERSITY INSTITUTE OF LAW AND MANAGEMENT STUDIES

1ST NATIONAL MOOT COURT COMPETITION, 2018

MOOT PROBLEM

1. Ashok , is a R/o village Khirki, Gurugram. He had a family of four including Shyam Kumar (father), Kunti Devi (mother), Suresh Kumar (eldest brother), and Rishabh Kumar (elder brother). On 2/04/2011, Ashok left his house to meet his sister Anita who was admitted in a hospital in Rohini, New Delhi and before leaving the house he informed the same to Suresh Kumar.
2. On 3/04/2011, when Ashok did not return to his house, Suresh enquired about it from his sister to which she said that Ashok had already left for Gurugram late last night. Later that day, Suresh received a call from Police Station, Sec-52, Gurugram and was asked to come to the Police Station immediately as two dead bodies were found in an empty plot in sector 52, early that day. Both the bodies were identified as Ashok & Ajay (a resident of Gwalior) through their identity card confiscated by police from the crime spot. On enquiry, Suresh told the police that his brother Ashok was a history sheeter and has been charged for offences such as robbery, theft and was out on bail currently. Suresh even added that his brother had no enmity with anyone except one named Nitin Yadav resident of village Firozpur, Gurugram.
3. Police took the statement of Suresh Kumar and a FIR was lodged against Nitin Yadav and investigation was started on initial level. During investigation police arrested two people namely Amit R/O Rewari Haryana and a dairy owner by profession and Ranjeet R/O Jind , Haryana & a farmer by profession in a raid conducted at the residence of Nitin Yadav. According to the statement of police on seeing them both of them ran towards the backdoor of the farm house in order to escape. Police also stated that Ranjit threw an object wrapped in piece of cloth into the river that was flowing in the backyard of the farmhouse. When police arrested them they recovered a .32 bore pistol from possession

of Amit and even noticed a fresh wound on his right arm which was even corroborated by his medical report.

4. Police after a lot of efforts recovered the object which was thrown into the river and it turned out to be a .315 bore country made pistol thus both were arrested u/s 25/54/59 of Arms Act. Both the pistols were sent to ballistic department of forensic lab.
5. According to the autopsy report of deceased persons prepared by Dr. Anuj Lal,
 - a. Both Ashok as well as Ajay have been shot in their mouth and fore head from a .315 bore pistol.
 - b. Both victims were heavily intoxicated at the time of incident
 - c. Signs of violence can be see as there were scars on chest of Ashok and in the neck region of Ajay.
6. Moreover, during the investigation the police also got to know about a complaint made by Shri Rajat Pandey (PW-1) and Shri Ravinder Jain (PW-2) on 3/04/2011 at about 3:30 AM to the PCR under police station, Sector 40, Gurugram that at about 3:00 AM, when they both were standing outside the building in Sector 40, they saw two unidentified persons standing at a distance of about 50 yards when suddenly a white Maruti van bearing number HR 26 B 1234, stopped near the two people. Two unidentified persons came out of the car and starting having a conversation with the other two people and after this both PW-1 and PW-2 went inside the building. Within 15 to 20 minutes they heard four shots being fired. By the time they ran outside the building they saw the Maruti van zooming away and there were blood stains on the road.
7. They informed police control room about this and within 20 minutes PCR from sector 40 police station came to the spot. Over there police found blood stains as well as four bullet shells on road which were recoverd from the spot i.e Shyam Building near sector 40, Gurugram.
8. The report of ballistic department confirmed that the blood stains matched with the blood samples of Ashok Kumar (deceased herein). Moreover, it also proved that bullet shells have been fired from a .315 bore country made pistol which have been recovered from river.

9. The police during the investigation got to know that the Maruti van mentioned in the statement of PW-1 and PW-2 belonged to a person named Vasu Bhardwaj R/O Krishna Colony, Gurugram who has already filed a theft complaint of his car one week before the incident took place.
10. In the mean while Nitin applied for anticipatory bail in the Court of Sessions in Gurugram district court which was rejected by the court. Further he filed an application for Anticipatory bail in Punjab and Haryana High Court, which was granted on the condition that he will join the investigation.
11. On the other hand police was deeply investigating call records of three accused which indicated three calls made between Amit and Nitin at about 8:45 PM on 02/04/2011 and since then Nitin Yadav's cell phone was switched off.
12. On the basis of this a charge sheet was filed by the police under Sec. 302, 120B of the Indian Penal Code, 1860 against Nitin Yadav and U/S 302, 201, 120B of Indian Penal Code, 1860 and Sec. 25/54/59 of Arms Act against Amit and Ranjit.

PUNISHMENT

13. The Session court sentenced Nitin Yadav with the imprisonment for life for charges U/S 302, 120B of the Indian Penal Code, 1860 and Amit and Ranjit with imprisonment for life under charges Sec. 302, 201, 120B of IPC and with a fine of Rs. 25,000 along with imprisonment of 6 years under Sec. 25/54/59 of Arms Act.
14. Aggrieved by the decision of the Session Court, the three accused went to the High Court in appeal. The High Court acquitted Nitin Yadav for charges under Sec. 302, 120B of IPC due to lack of evidence and due to benefit of doubt. Whereas Amit and Ranjit were awarded life imprisonment for charges u/s 302, 201, 120 B and 6 years of rigorous imprisonment along with fine of Rs. 25,000 for charges u/s 25/54/59 of Arms act.
15. Accordingly state went into an appeal against Nitin Yadav and moreover being aggrieved by the decision of the High Court Ranjit and Amit went for an appeal in the Supreme Court of India. Supreme Court called both the matters together and now the matter is pending for adjudication.