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1st National

Moot Court Competition

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**1st NATIONAL MOOT COURT
COMPETITION, 2023**

Date:

12th to 14th February, 2023

Mode:

Google Meet

Organised by:

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➤ Moot Proposition

1. Mr Chhotelal kumar and Kiran kumari marriage was solemnised on 01/01/2020 as per Hindu ceremonies. Chhotelal kumar was an engineer and Kiran kumari was a reputed doctor. Kiran kumari was the daughter of a prominent politician of the country. Since the day of matrimonial ties Chhotelal Kumar and Kiran kumari matrimonial life was in doldrums. Kiran kumari stayed for 20 days in her matrimonial home and returned to her parents' home and told them that her husband is demanding dowry, a luxury car. Her father gave rupees 10 Lakhs and sent her back to matrimonial home.
2. Chhotelal kumar again demanded rupees 50 lakhs for purchasing a plot. On 5th August, 2020 Chhotelal kumar took his wife and left her in her parents' house and told them that Kiran kumari could get back to matrimonial home only upon the payment of Rs. 50 lakhs. After few days Chhotelal kumar had a change of heart and he brought the wife back to his home and also apologised her and promised to keep her happy.
3. On 10th September, 2022 Kiran Kumari went to her father and told him that Chhotelal kumar is asking rupees 60 lakhs. Kiran's father gave her rupees 30 lakhs and promised to give the remaining balance soon and sent back Kiran to her matrimonial home.
4. On 15th October, 2022 at about 9:00 am Kiran kumari died of strangulation due to suicide at her matrimonial home.
5. Father of Kiran kumari lodged a FIR to police that his daughter was murder by Chhotelal Kumar because of dowry. The police registered the fir, held the inquest over the dead body and sent the same for post-mortem.
6. As the dead body was highly decomposed, the Doctors referred the same to the Head of the Department of Forensic Medicine, Medical College. The Head of the Department of Forensic Medicine examined the body and found a ligature mark around the neck and on dissection of the ligature mark he found that ecchy mosis were present, trachea was congested and was containing bloody froth. He also found a contusion over the chin. The Doctor also found several other contusions on the hands, axilla and other parts of the body. He opined that the death was due to strangulation. After completion of the investigation, the charge sheet was filed under Section 304B of the Indian Penal Code, 1860 against Chhotelal kumar. During investigation, police recovered a diary written by Kiran wherein she had narrated how her husband use to make demands for dowry. The plea of the accused was one of denial and he stated that when he returned from his office in the evening and entered the room, he found the deceased hanging from the hook in the ceiling. He got nervous and thus could not intimate the police. He took the plea of alibi and adduced the evidence to show that he was in office during the time of offence
7. The trial court having examined the evidence of the material witnesses held that this is a case of strangulation and therefore the death was unnatural and that there was demand for dowry and there

was cruelty on the part of the accused and accordingly convicted him under Sections 304-B and 498-A I.P.C and awarded sentence of imprisonment for life for the offence punishable under Section 304-B I.P.C. The learned trial court, considered the diary as the dying declaration. The trial court did not go into the plea of alibi. On appeal the Hon'ble High Court agreed with the conclusions reached by the trial court and dismissed the appeal.

8. Chhotelal kumar filed a Special Leave Petition to Supreme Court under Article 136 of the Constitution of India.
9. The Supreme Court decided to hear the petition and framed the following questions for consideration.
 - I. Whether the Special Leave Petition filed by Chhotelal is maintainable?
 - II. Whether the diary written by Kiran kumara can be considered as a piece of dying declaration?
 - III. Whether the judgement of Learned Trial Court and Hon'ble High Court is erroneous?
 - IV. Whether section 304B & Section 498A of IPC, 1860 is unconstitutional?

Apart from the above mentioned issues, the participants are free to include or exclude any other issue that they deem fit.

Note - The laws are pari materia to the laws enforced in India.

➤ **KEY DATES**

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|---|-------------------|
| Commencement of Registration | 05-12-2022 |
| Last date of seeking clarification (if any) | 05-02-2023 |
| Last date of Registration | 03-02-2023 |
| Last date for submission of memorials (online) | 05-02-2023 |
| Inaugural ceremony & Orientation | 12-02-2023 |
| Preliminary Round | 12-02-2023 |
| Quarter-final Round | 13-02-2023 |
| Semi - Final Round | 13-02-2023 |
| Final Round | 14-02-2023 |
| Valedictory ceremony & Prize Distribution | 14-02-2023 |