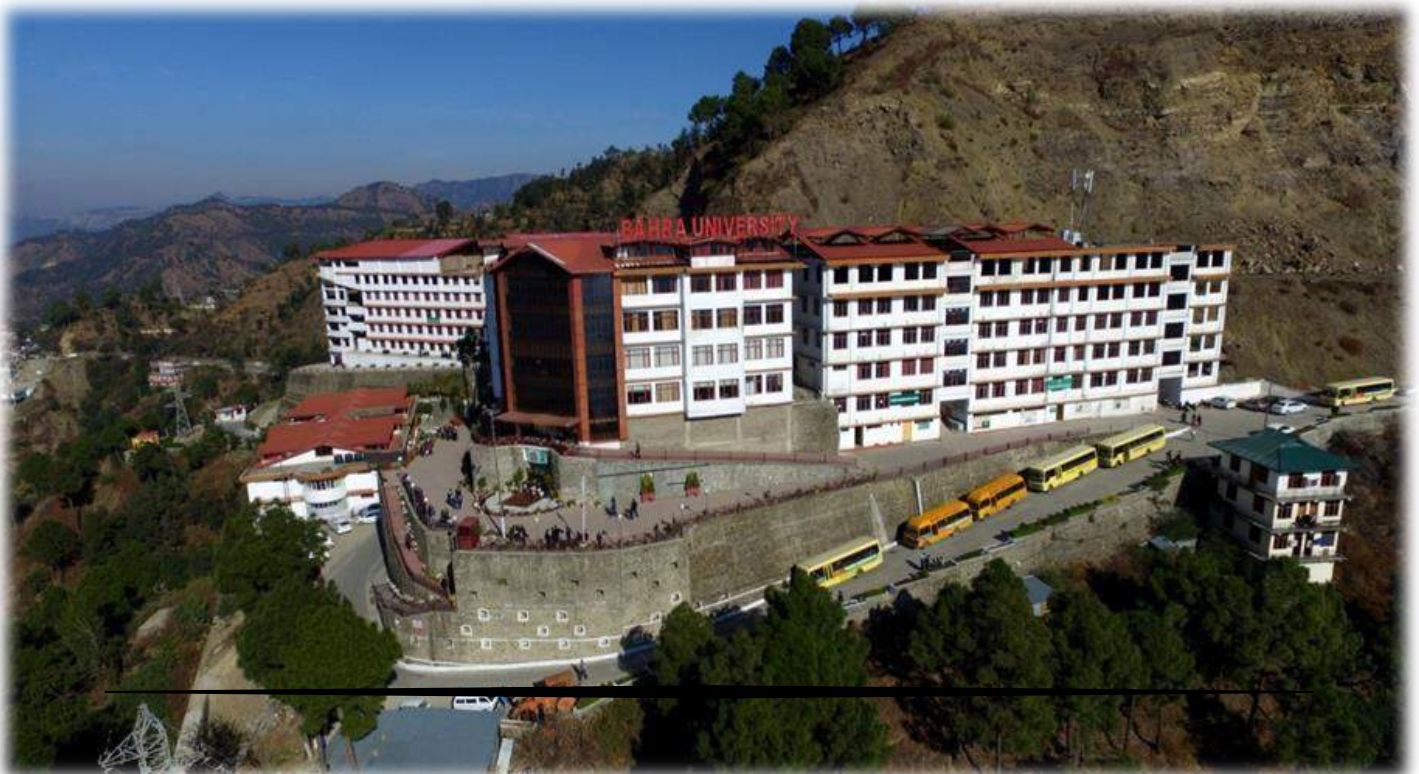




**SCHOOL OF LAW**  
**BAHRA UNIVERSITY, WAKNAGHAT,**  
**SOLAN (H.P)**  
***3<sup>rd</sup> NATIONAL MOOT***  
***COURT COMPETITION,***  
***2023 BAHRA UNIVERSITY***



### About the University:



Bahra University is a world class, multi-disciplinary University located amidst the picturesque surroundings of Shimla hills, aiming to advance knowledge and educate student's that will best serve the nation and the world in the 21st century. It is a prestigious

venture of Rayat & Bahra group - one of India's largest and most reputed educational group. The University seeks "To be on the forefront of knowledge creation and dissemination in the global context'. With its world class teaching standards, outstanding faculty and innovative academic programs, Bahra University intends to sets a new benchmark in the Indian education scenario. The university is set up on 25 acres of land, state-of-the-art residential campus, located amidst the scenic beauty of Shimla Hills, education at Bahra University is holistic, aimed at developing the intellectual and personal strengths of students, nurturing creativity and innovation through challenging project work, participative learning and providing an environment conducive to sparking ideas and imagination. The University integrates teaching, learning, research and extension education into a holistic framework. The University provides access to the high-quality education, cutting-edge research and development of new technologies. As a platform for excellence in teaching, learning & administration, state-of art information technology is extensively used at Bahra University, contributing to the development of well-trained graduates, post graduates and doctoral



## 3rd National Moot Court Competition, 2023

students to meet the future professional manpower needs of the global market. The university prepares future leaders in various walks of life science, Technology, business, basic sciences, social sciences, arts, sports and the community services.

### About School of Law:



School of Law, Bahra University offers B.A.LLB, and LL.M courses covering wide areas of civil laws, criminal laws, international laws and modern scientific forensic and cyber laws etc. Bahra University established the School of Law

in the Year 2013 on its campus to offer 5-year Integrated Law Course. Later on, started three-year LL.B. course, 1-year LL.M And Ph.D course. School of law has completed the ten years with academic excellence. We endeavor to make our students best in whatever they do and polish them into professionals who would make a mark in the legal arena. In order to help the students to achieve their goal in life courses are designed in such a manner so that the capabilities and liking of students are judged and they are helped to achieve their goal with perfection. Legal education is an instrument of social change and lawyers are the social engineers of the society and the role of law, both as an instrument of social change and as a defender of societal values becomes one of

paramount significance. Legal education is an important component of the administration of justice.

In order, to meet the societal needs the University has established School of law. The basic problem of legal education has been the

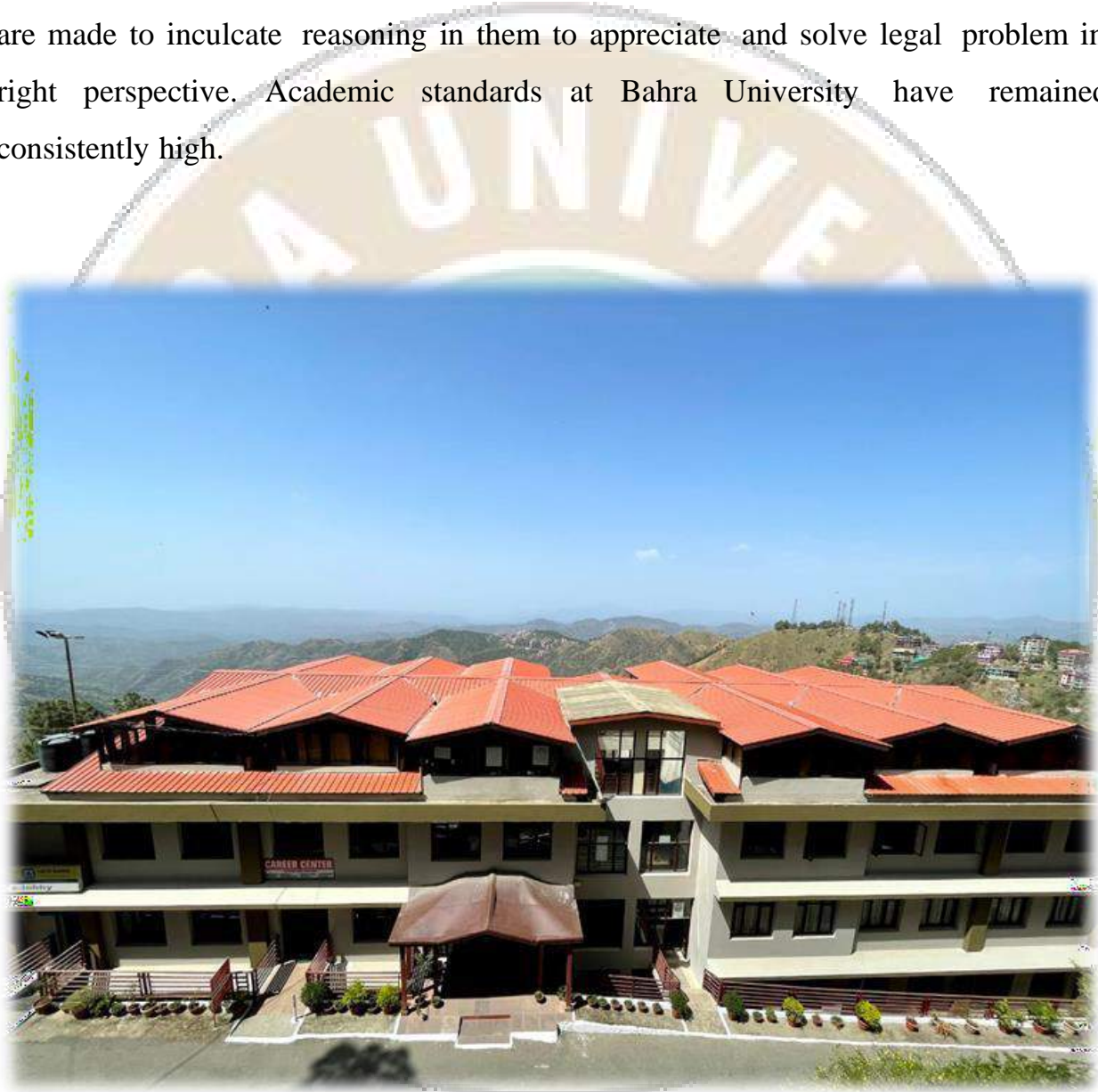




## 3rd National Moot Court Competition, 2023

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existence of big gap between law and its practice. In order to bridge this gap, the university has designed a training scheme from the 1st Semester till the completion of the course/degree. The students are required to work in law offices/law firms in a defined manner. They are not only trained to work with the legal material but efforts are made to inculcate reasoning in them to appreciate and solve legal problem in right perspective. Academic standards at Bahra University have remained consistently high.



### About the Competition:



The Moot Court Committee, School of Law, Bahra University takes great pride in organizing its 3rd National Moot Court Competition, 2023 which is based on Criminal Law. The competition will provide a platform to students across the nation to display their advocacy skills,

practical application of laws, to refine their research capabilities, to build up their confidence and professional ethics.

**The First Edition of the Competition was won by RGNUL, Patiala and Kurukshetra University were the Runner-Ups.**

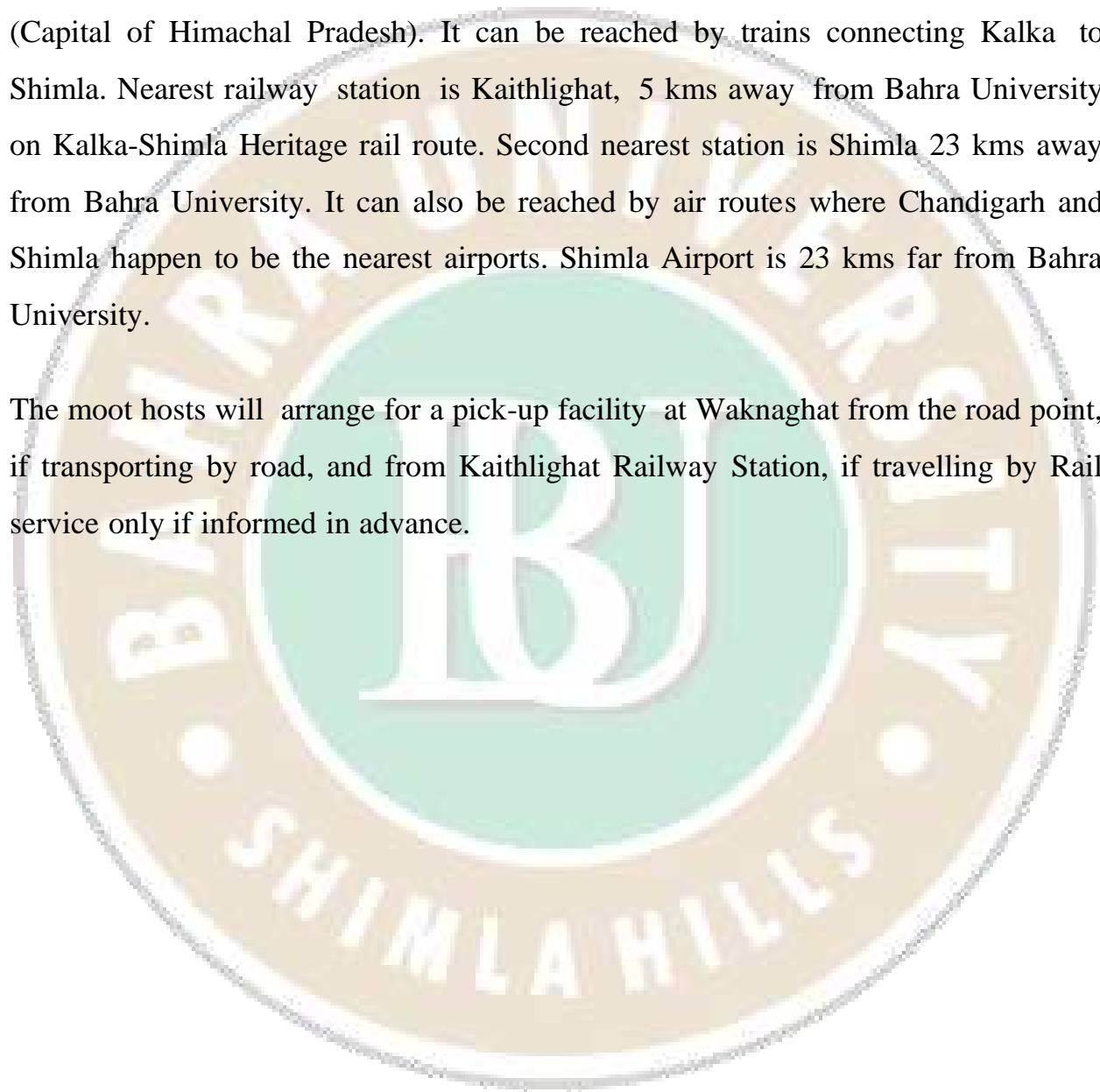
**The Second Edition of the Competition was won by NLUJA, Assam and RGNUL, Patiala being the Runner-Ups this time.**

**Now, this year, we welcome participation from the Best Law Schools of the Country, in the expectation to chisel out the proficient lawyers and judges of the future.**

### **How to Reach Bahra University?**

Bahra University is surrounded with lush green flora and fauna in the hills of District Solan, Himachal Pradesh. Bahra University is situated on Chandigarh-Shimla Highway (NH-22), just 90 kms from Chandigarh (north) and 23 kms from Shimla (Capital of Himachal Pradesh). It can be reached by trains connecting Kalka to Shimla. Nearest railway station is Kaithlight, 5 kms away from Bahra University on Kalka-Shimla Heritage rail route. Second nearest station is Shimla 23 kms away from Bahra University. It can also be reached by air routes where Chandigarh and Shimla happen to be the nearest airports. Shimla Airport is 23 kms far from Bahra University.

The moot hosts will arrange for a pick-up facility at Waknaghat from the road point, if transporting by road, and from Kaithlight Railway Station, if travelling by Rail service only if informed in advance.



# 3rd National Moot Court Competition, 2023

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## *INVITATION*

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To  
The Director/ Vice-Chancellor/ Dean/ Head/ Principal,

Ref: Invitation to 3<sup>RD</sup> National Moot Court Competition organized by School of Law, Bahra University.

Dear Madam/Sir,  
Greetings of the Day!

In the 10<sup>th</sup> year of its inception, School of Law, Bahra University is pleased to announce the 3<sup>RD</sup> National Moot Court Competition, 2023 from 14<sup>th</sup> April 2023 – 16<sup>th</sup> April 2023. The Moot Court Society on behalf of School of Law would accept the honour and privilege to invite and host the budding lawyers to grace the event.

On behalf of the University, we would like to invite your esteemed institution to participate in this enriching experience. School of Law after the resplendent success of its previous two editions of National Criminal Law Moot Court Competition has now initiated 3<sup>rd</sup> version of Competition in Moot Court.

As a leading institution of this country, we endeavor to provide the budding lawyers, the best possible exposure in terms of practical experience, and we believe that by organizing such academics events, we strive to achieve that aim.

It gives us immense pleasure to extend our heartfelt invite your esteemed institution to participate and make this event a grand success. This event incites to provide a platform to the students and faculty of law to sharpen their minds and showcase their legal knowledge.

We expect your response and look forward to an opportunity to welcome your team at Bahra University.

Warm regards,

The Moot Court Society  
*BAHRA UNIVERSITY*

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***PARTICIPANTS OF THE II<sup>ND</sup> ED.***

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1. ALIGARH MUSLIM UNIVERSITY
  2. **ALLIANCE UNIVERSITY (BEST RESEARCHER)**
  3. BANARAS HINDU UNIVERSITY
  4. CHAUDHARY CHARAN SINGH UNIVERSITY
  5. CHRIST UNIVERSITY
  6. DELHI METROPOLITAN EDUCATION COLLEGE
  7. DEPARTMENT OF LAWS, PANJAB UNIVERSITY
  8. DOGRA LAW COLLEGE, JAMMU
  9. DR. H.S. GOUR CENTRAL UNIVERSITY, MADHYA PRADESH
  10. **G.D. GOENKA UNIVERSITY (BEST MEMORIAL)**
  11. GALGOTIAS UNIVERSITY
  12. GOVERNMENT LAW COLLEGE, INDORE
  13. HIMACHAL PRADESH NATIONAL LAW UNIVERSITY
  14. **ICFAI, DEHRADUN (BEST MOOTER FEMALE)**
  15. ICFAI, HYDERABAD
  16. IMS UNISON, DEHRADUN
  17. JAMIA MILLIA ISLAMIA
  18. **KARNATAKA STATE LAW UNIVERSITY'S LAW SCHOOL (BEST MOOTER MALE)**
  19. KLE SOCIETY'S LAW COLLEGE, BENGALURU
  20. LAW CENTER-1, DELHI UNIVERSITY
  21. LAW COLLEGE DEHRADUN, UTTRANCHAL UNIVERSITY
  22. **NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM (WINNERS)**
  23. **RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PATIALA (RUNNER-UPS)**
  24. S.S. JAIN SUBODH LAW COLLEGE, JAIPUR
  25. SHARDA UNIVERSITY, GREATER NOIDA
  26. SINDGAD LAW COLLEGE, PUNE
  27. THAKUR RAMNARAYAN COLLEGE, MUMBAI
  28. THE LAW SCHOOL UNIVERSITY OF JAMMU
  29. THE NORTHCAP UNIVERSITY, GURUGRAM
  30. UILS, PANJAB UNIVERSITY, CHANDIGARH
  31. UPES, DEHRADUN
  32. VPM'S TMC LAW COLLEGE, THANE, MAHARASHTRA
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# 3rd National Moot Court Competition, 2023

## *MEMORIES OF 2<sup>nd</sup> NATIONAL MOOT COURT COMPETITION*



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## 3rd National Moot Court Competition, 2023

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### **Chief Patron:**

**Shri. Gurvinder Singh Bahra**  
**Hon'ble Chancellor,**  
Bahra University, Wagnaghat

### **Patron:**

**Prof. (Dr.) Vijay kumar  
sharma**  
**Vice- Chancellor,**  
Bahra University, Wagnaghat

### **Executive Director (Dean):**

**Prof. (Dr.) Hans Raj Jhingta**  
LL.M., Ph. D  
**Director,**  
School of Law,  
Bahra University, Wagnaghat

### **Moot Court Committee (School of Law):**

**(CONVENER)**

**Dr. Mandeep Verma**  
**(Associate Professor/  
Head of Department)**  
School of Law

Bahra University, Wagnaghat

**(CONVENER)**

**Mr. Umesh Kumar**  
**(Assistant Professor/  
President [In charge]  
Moot Court Committee)**  
School Of Law

Bahra University, Wagnaghat

**(CO-CONVENERS)**

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**Mr. Nitish Sharma**  
**(Assistant Professor)**

School of Law,  
Bahra University, Wagnaghat

**Ms. Nitika**  
**(Assistant Professor)**

School of Law,  
Bahra University, Wagnaghat

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**ORGANIZING SECRETARY**

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**Dr. Aditi Didwal**  
(Associate Professor)  
School of Law,  
Bahra University, Wagnaghat

**Mrs. Poonam Verma**  
(Assistant Professor)  
School Of Law,  
Bahra University, Wagnaghat

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**ORGANISING COMMITTEE**

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Ms. Meenakshi Parmar  
**(Assistant Professor)**  
School of Law,  
Bahra University, Wagnaghat

Mrs. Deepshikha  
**(Assistant Professor)**  
School of Law,  
Bahra University, Wagnaghat

**Mrs. Rashi Sood**  
**(Assistant**  
**Professor)** School of  
Law,  
Bahra University, Wagnaghat

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**STUDENT COORDINATORS**

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**PRAKRITI KASHYAP**  
7018303490

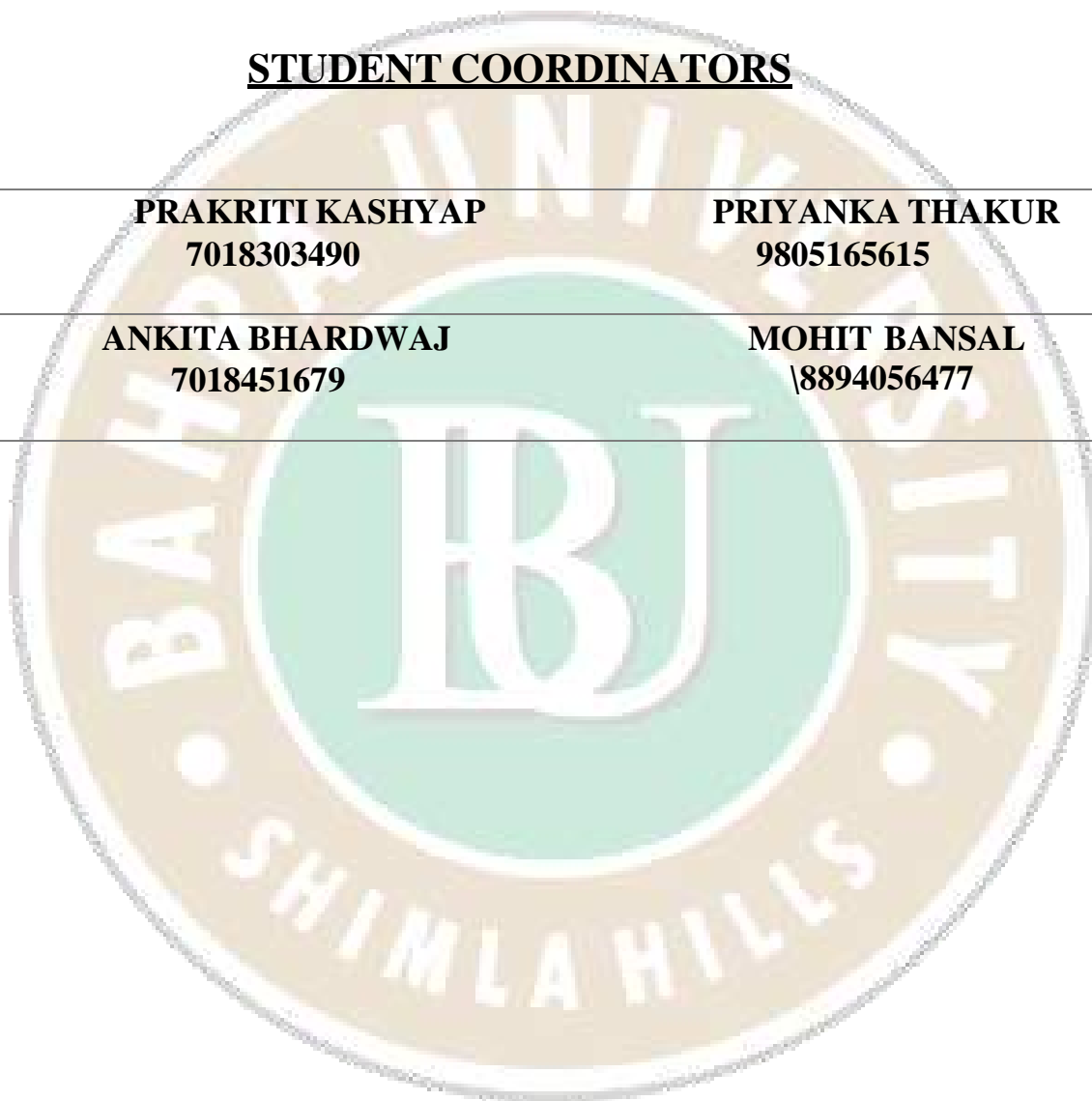
**PRIYANKA THAKUR**  
9805165615

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**ANKITA BHARDWAJ**  
7018451679

**MOHIT BANSAL**  
8894056477

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***RULES AND REGULATIONS***

**ARTICLE 1: DATES AND VENUE**

1. The 3<sup>rd</sup> National Moot Court Competition 2023 is scheduled for 14<sup>th</sup> April 2023 – 16<sup>th</sup> April 2023
2. The venue for the event is Bahra University, Solan (Waknaghat), Tehsil, Kandaghat, Distt Solan, Himachal Pradesh, PIN - 173234

**ARTICLE 2: PRIZES**

<b>i.</b>	<b>Winning Team</b>	<b>Rs.25000</b>
<b>ii.</b>	<b>Runners Up Team</b>	<b>Rs. 11000</b>
<b>iii.</b>	<b>Best Speaker</b>	<b>Rs. 3000</b>
<b>iv.</b>	<b>Best Researcher</b>	<b>Rs. 3000</b>
<b>v.</b>	<b>Best Memorial</b>	<b>Rs. 3000</b>

**ARTICLE 3: TEAM REQUISITES:**

- Each team shall comprise of Three (3) members ONLY out of which two (2) will be speakers and one (1) researcher.
- Arguments shall generally be in English only.
- The competition is open for bonafide students pursuing five year and three years LL. B course.
- Teams should not disclose the identity of their institution during the course of proceedings in the Court Rooms. Any disclosure of team identities shall invite penalties including disqualification.
- Each team shall be provided with the unique team code for the competition.

## 3rd National Moot Court Competition, 2023

### ARTICLE 4: REGISTRATION

- a. Registration form complete with all Team Details must be submitted online by [bahrauniversity.scl@gmail.com](mailto:bahrauniversity.scl@gmail.com)
- b. The registration fee  
**Rs. 3500( Without Accomodation)**  
**RS 4500(With Accomodation)**
- c. No change in the names of the participants shall be permitted after the receipt of the Registration Form.
- d. Teams should clearly mention the names of all participants in the team, including course, year/semester of study and contact no.
- e. No team would be facilitated with the certificates during the competition. The same shall be provided only in the Valedictory Ceremony. No certificates will be sent through courier.

**Online Registration:** All the participating institutions have to confirm participation by sending an email consisting of a scanned copy of registration form to [bahrauniversity.scl@gmail.com](mailto:bahrauniversity.scl@gmail.com) by 28<sup>th</sup> March 2023. However, on the next date of online registration the Payment of Rs. 3500/- or Rs.4500/- is to be made and the last date of payment is 31<sup>st</sup> March, 2023, receipt of which is to be sent to the Moot Court Society Mail.

**Registration by Post:** The duly filled in hard copies of the Registration Form along with a clear print of receipt of INR 3,500/- or RS 4500/- must reach the Organizers by **5<sup>th</sup> April, 2023**

**Address for Post:** The hard copy of the Registration Form along with receipt shall be sent on following address only through Speed Post/Registered Post

To  
The Dean,  
School of Law,  
Bahra University,  
P.O. Wagnaghat, Distt. Solan, Himachal Pradesh, 173 234

**PURPOSE** – 3<sup>rd</sup> National Moot Court Competition, 2023

## 3rd National Moot Court Competition, 2023

**Payment: Payment of INR 3500/- or 4500/- Only shall be drawn on the favor of the Bahra Educational and Charitable Trust Payable on the**

**A/C Number 92201-00508-26126**

**IFSC CODE- UTIB0002804**

**A/C Name- Bahra Educational & Charitable Trust**

The participating teams must send their Registration Forms accompanied with Payment Receipt only through Speed Post. The teams shall solely be responsible for any kind of delay in receipt of Registration Form.

### **ARTICLE 5: DRESS CODE**

Inside the court room the participants shall follow the below mentioned dress code:

- Females: White Kurta, Black Salwar and Black Dupatta or White Shirt and Black Trousers along with the Black Coat and Tie.
- Males: White Shirt, Black Trousers, Black Tie along with Black Coat and Black Shoes.

### **ARTICLE 6: ACCOMMODATION**

All the teams who require the Accommodation facilities shall inform the moot court committee before 31-04-2023. The participants would be provided Accommodation for the period of the Competition in the premises of the Institute. Please note that separate accommodation will be provided for girls and boys. However, they may sit together for team work in the library/café of the institute. You are advised to check the weather conditions of Shimla before leaving from your native places. The University would start providing accommodations on 14<sup>th</sup> April 2023 participants would have to vacate the accommodation provided by the University by 5:00PM on 16<sup>th</sup> April 2023.

### **ARTICLE 7: COMPETITION ROUNDS**

- All the rounds shall be on Knock Out basis EXCEPT Preliminary Rounds.
- These shall spread over a period of 3 days -
  - a. Preliminary (Both side)*
  - b. Quarter Finals (08 Teams)*
  - c. Semi- Finals (4 Teams)*
  - d. Grand Finale (2 Teams)*

## **ARTICLE 8: RULES FOR ALL THE ROUNDS**

1. The criteria of marking shall be the court wins in each court room in Preliminary Rounds. In case of tie, cumulative marks of the teams will be taken into consideration including even the Memorial marks.
2. *MARKING CRITERIA FOR THE ARGUMENTS*: Each Speaker shall be marked on a total of 100 marks by each Bench Judge. The following will be the Marking Criteria and the Marks allocated to each speaker by each Judge in all Rounds:
  1. Appreciation and Application of Facts. (30) Marks
  2. Identification and Articulation of Issues. (10) Marks
  3. Application of legal principles. (20) Marks
  4. Use of authorities and precedents. (20) Marks
  5. Response to questions and Presentation (20) Marks

## **ARTICLE 9: TIME SCHEME FOR ORAL ROUNDS**

### **i) PRELIMINARY ROUND AND QUARTER FINALS**

- Each team shall be given a total of 30 minutes (maximum) to present their case inclusive of Rebuttals
- Each speaker should speak for a minimum 10 minutes.
- One speaker shall not take more than 15 minutes of the total time.
- The maximum time for Rebuttals and Sur-Rebuttals is 5 minutes.

### **ii) SEMI FINAL ROUNDS AND FINAL ROUND**

- Each team will get a total of 40 minutes to present their case inclusive of Rebuttals.
- Each speaker should speak for a minimum of 15 minutes.
- One speaker shall not take more than 25 minutes of the total time.
- The maximum time for Rebuttals and Sur-Rebuttals is 10 minutes.

### **iii) MAXIMUM TIME ALLOTTED**

The maximum time provided would include the time that each team may wish to reserve for their rebuttal/sur-rebuttal. At the commencement of each session, the team shall notify the Court Officer/Court Clerk regarding the division of time between the 2 speakers (including rebuttal/sur- rebuttal)

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### ARTICLE 10: MEMORIALS

- All teams must submit the soft copy of their Memorials for both sides. Also, the teams shall bring along FIVE (5) Hard copy of their typed Memorials for both sides which shall be submitted at the time of Formal Registration.
  - The Memorials must fulfill all the following specifications;
    - Cover page / Cause title
    - Index
    - Index of Authorities
    - Statement of Jurisdiction
    - Synopsis of Facts
    - Statement of Issues
    - Summary of Arguments / Pleadings
    - Body of Arguments / Pleadings
    - Conclusion / Prayer
  - The memorials shall not be in more than thirty (30) pages and the Arguments Advanced shall not exceed more than fifteen (15) pages.
  - The Memorials shall be typed on A4 size page in Font type: Times New Roman, Font size: 12, 1.5 line spacing & 1-inch margin on each side. OSCOLA pattern of citation shall be followed.
  - The Cover Page of the Memorials must follow the following color scheme,  
**Blue for the Petitioner Cover Page and Red for the Respondent Cover Page.**
  - The Memorials must be spiral bound ONLY. Each team would be provided with a MEMORIAL CODE at the time of online registration which will be mentioned on the top right-hand side of the cover page of each memorial in **BOLD LETTERS**
  - The memorials exchange will be for Preliminary Rounds, Quarter Finals, Semi-Finals & Finals.
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## 3rd National Moot Court Competition, 2023

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- The Memorials must not contain any Annexures/ Photographs / Sketches/ Exhibits/ Affidavits etc.
- Memorials that do not comply with the above-mentioned specifications will be penalized.
- Identification of any type on the memorials shall invite disqualification.
- One soft copy of memorials of each side (in [PDF format](#)) and scanned copy of Travel Form must reach the organizers latest by 10s<sup>th</sup> April, 2023

### ARTICLE 11: MARKING CRITERIA FOR MEMORIALS

- Memorial from each side shall carry total of hundred marks.
  - The following shall be the criteria for marking the memorials:
    - a. Knowledge of Facts (10)
    - b. Knowledge of Law (10)
    - c. Proper and Articulate Analysis (10)
    - d. Evidence of Original Thought (10)
    - e. Grammar and Style (10)
    - f. Correct Format and Citation (10)
    - g. Extent and Use of Research (20)
    - h. Clarity and Organization (20)
  - One soft copy of memorials of each side (in [PDF format](#)) and scanned copy of Travel Form, must reach the organizers latest by 5<sup>th</sup> April, 2023 on [bahrauniversity.scl@gmail.com](mailto:bahrauniversity.scl@gmail.com)
  - The subject of the email should be “*Submission of Memorials for BU-\_\_*”. The file names of the electronic copies of the Memorials must contain only the team code and the side being represented (P for Petitioner & R for Respondent).  
Eg. Petitioner Memorial of BU-301 should be named “**BU301\_P**”.
-

### ARTICLE 12: ORAL SUBMISSIONS

- Each team shall comprise of two (2) speakers, as has been specified earlier.
  - Court language shall be English.
  - Each team will have a maximum of thirty (30) minutes to present their Oral Submissions in Preliminary Rounds. No speaker will be permitted to address the Court for more than fifteen (15 minutes). This includes the time the speaker addresses the Court during the rebuttal/sur-rebuttal. The maximum time for rebuttal/sur-rebuttal is five (5) minutes.
  - The maximum time allotted in semi-finals and final shall be forty (40) minutes for each team. No speaker shall be allowed to address the Court for more than twenty-five (25) minutes. This includes the time the speaker addresses the court during rebuttal/sur-rebuttal. The maximum time for rebuttal/sur-rebuttal is ten (10) minutes.
  - At the commencement of each session of Oral Submissions, each team must notify the Court Officer of the amount of time that the team reserves for their rebuttal/sur-rebuttal.
  - At the commencement of each session of Oral Submissions, each team shall notify the Court Officer as to the division of time between the 2 speakers.
  - If any speaker continues to speak after the completion of his/her time, he/she shall entail penalty, which shall be upon the discretion of the judges.
  - The final decision as to the time structure and the right to rebuttal/sur-rebuttal will be that of the Bench Judges.
  - During the course of oral submissions, the participants cannot submit to then court any material containing pictorial representation whatsoever. Further the participants will not be permitted to make any audio/visual representation nor will they be allowed to use personal computers, laptops and any other technical or mechanical device during their oral submissions.
  - Speakers shall not be allowed to pass annexures to the judges; instead, the teams may make a compendium of annexure that shall be given to the judges before the start of the proceedings.
  - If at any instance, a submission is made with any material in violation to the above clause and if any picture, sketches, photos, cartoons, caricatures, audio film, video film,
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## 3rd National Moot Court Competition, 2023

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projector-slide or a computer-generated image is submitted or presented to the court, the teams shall be disqualified from the competition forthwith.

- During the course of the Oral Submissions speaker shall neither reveal his/her identity nor the identity of their University/ College by any means whatsoever.

### ARTICLE 13: SCOUTING

Scouting is not permitted and it shall be deemed to have happened if the Speakers, Researcher or any other person affiliated with a team is found:

- Witnessing, hearing, observing, etc. the oral submissions in an oral round, except where the oral round is the final round or one in which the team to which he/she is affiliated is participating in;
- Reading a Memorial of a team except where: it is of the team to which he/she is affiliated; or the Memorials have been obtained on account of an exchange of Memorials prior to a Round of the team to which he/she is affiliated.

### ARTICLE 14: MISCELLANEOUS

- Information given to any participant of a team shall be deemed to be communicated to the whole team.
  - **Registration fee once paid are non-refundable.**
  - The Proposition is neither intended to nor does it attempt to resemble any incident or any person, living or dead. Any such resemblance is purely coincidental. The Proposition is a fictitious factual account prepared for the purposes of the present Competition only and it does not attempt to influence or predict the outcome of any matter whatsoever.
  - The copyright in the Memorials submitted by the teams shall vest with the administrators. The acceptance of such vesting is a precondition to participation in the Competition.
  - The Administrators reserve the right to amend, alter, vary or change, in any manner whatsoever, the Rules governing the Competition, which would be communicated to the teams within a reasonable period.
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## 3rd National Moot Court Competition, 2023

- All the Covid Guidelines as present in Himachal Pradesh are mandatory for the teams to follow.

### **ARTICLE 15: ADMINISTRATION AND GRIEVANCE REDRESSAL**

- The Moot Court Society of the School of Law, Bahra University shall function as the Administrative body for all purposes of this Competition.
- An Appellate Tribunal comprising of the Dean (Law), H.O.D. (Law), the President of the Moot Court Society of the Bahra University and two other independent persons to be appointed by the Dean (Law) shall settle appeals from the decisions of the administrators. Decision of the Appellate Tribunal shall be final and binding.
- Any kind of Misbehavior will not be tolerated and can also lead to direct disqualification of the team.

<u>EVENT</u>	<u>DATE</u>
I. Notification of the Competition and Release of the Moot Proposition	15 <sup>th</sup> February, 2023
II. Last Date of Complete Registration	31 <sup>st</sup> March, 2023
III. Last Date of Submission of Receipt and Hard Copy of Registration Form	5 <sup>th</sup> April, 2023
IV. Last Date for Seeking Clarifications	31 <sup>th</sup> march, 2023
V. Release of Clarifications	2 <sup>nd</sup> April, 2023
VI. Last Date of Submission of Soft Copy of Memorials and Travel Forms	10 <sup>th</sup> April, 2023
VII. Formal Registration (Reporting Day)	14 <sup>th</sup> April, 2023
VIII. Draw of Lots and Exchange of Memorials	14 <sup>th</sup> April, 2023
IX. Researcher's Test	14 <sup>th</sup> April, 2023
X. Preliminary Round and Quarter Finals	15 <sup>th</sup> April, 2023
XI. Semi Finals and Final Round	16 <sup>th</sup> May, 2023
XII. Valedictory and Prize Distribution	16 <sup>th</sup> April, 2023

***REGISTRATION FORM***

**Name of the Organization / Institution:**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

\_\_\_\_\_

**Contact no. of the Institute:**

\_\_\_\_\_

**Name and Contact no. of the Teacher in charge of the Moot Society:**

\_\_\_\_\_

**ACCOMODATION REQUIRED (TICK BELOW)**

**YES**

**NO**

**PARTICULARS OF THE TEAM**

**First Speaker**

Mr. / Ms. \_\_\_\_\_

Semester / Year \_\_\_\_\_

Contact No \_\_\_\_\_

e-mail ID \_\_\_\_\_

Signature:

PASSPORT  
SIZE  
PHOTOGRAPH

\_\_\_\_\_

3rd National Moot Court Competition, 2023

**Second Speaker**

Mr. / Ms \_\_\_\_\_

Semester / Year \_\_\_\_\_

Contact No \_\_\_\_\_

e-mail ID \_\_\_\_\_

Signature: \_\_\_\_\_

PASSPORT  
SIZE  
PHOTOGRAPH

**Researcher**

Mr. / Ms \_\_\_\_\_

Semester / Year \_\_\_\_\_

Contact No \_\_\_\_\_

e-mail ID \_\_\_\_\_

Signature: \_\_\_\_\_

PASSPORT  
SIZE  
PHOTOGRAPH

**MODE OF PAYMENT (DEMAND DRAFT/ NEFT)**

DEMAND DRAFT NO. / TRANSACTION ID: \_\_\_\_\_

NAME OF BANK: \_\_\_\_\_

ISSUING DATE: \_\_\_\_\_

SIGNATURE AND SEAL OF HEAD OF THE INSTITUTE

\_\_\_\_\_

## TRAVEL FORM

### ARRIVAL DETAILS

Date \_\_\_\_\_

Time \_\_\_\_\_

Mode of Travel:

Train / Flight No:

Train / Flight Name:

Arrival Place:

### DEPARTURE DETAILS

Date \_\_\_\_\_

Time \_\_\_\_\_

Mode of Travel:

Train / Flight No:

Train / Flight Name:

Contact Person (Name and Mobile Number)

(One must be non-participant, preferably Teacher Associated with the team):

1 \_\_\_\_\_

2 \_\_\_\_\_

**NOTE: All the teams have to arrive at or before 8: 00 A.M. on 14<sup>th</sup> April, 2023 for the Formal Registration and Draw of Lots for Preliminary Rounds.**

# 3rd National Moot Court Competition, 2023

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**SCHOOL OF LAW**  
**BAHRA UNIVERSITY, WAKNAGHAT,**  
**SOLAN, (H.P.)**

**3<sup>rd</sup> NATIONAL MOOT**  
**COURT COMPETITION**  
**,BAHRA UNIVERSITY**

## **MOOT PROPOSITION**

1. Rajasvi Singhal (deceased); a lawyer was married to Mr. Anshuman Singhal, a leading businessman for the last twelve years and out of the wedlock was born a son, Shubman Singhal, ten years old. She was living with her husband and son at their marital home since marriage. They recently shifted to a new house and have been living there a little over a year. She was one of the youngest to be promoted to partner in one of India's emerging law firms "H&G - Attorneys". Everyone loved Rajasvi and she was known for her gentle and soft-spoken nature.

2. Riya Verma (Accused No. 1), cousin of Rajasvi was her paternal uncle's daughter. She was married to Sanjeev Verma, an engineer. Riya and Rajasvi shared amicable relations between them as they had both grown up together. Over the years, this sisterly relationship also manifested itself into a fiduciary one wherein Rajasvi lent money to her sister to help in her catering business. On 17/11/2009 as a part of one such transaction, Riya, while promising to return the sum within four months, borrowed a sum of Rs. 20,00,000/- (Rupees Twenty Lakhs) from Rajasvi to invest in her business.

3. Months passed, but there was no mention of the borrowed sum. In spite of several reminders and follow-ups, the sum yet remained unpaid. Every time there would be a reason as to why it was not possible for Riya to return the borrowed sum to Rajasvi. Business was a little low due to the sudden mushrooming of competition around and Riya was finding it very difficult to sustain her catering business without the influx of additional funds. On 05/06/2010 Riya convinced Rajasvi, against the wishes of Anshuman, into investing another Rs. 30, 00,000/- (Rupees Thirty Lakhs) into the business and promised to repay it at the earliest.

4. History repeated itself and yet again, Rajasvi was left disappointed at the fact that she had not received the money that was owed to her. There were frequent disagreements and arguments between Anshuman and Rajasvi and finally it was mutually decided that



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this would be the last time they would lend money to Riya. Over a family dinner one night on 02/08/2010, a final ultimatum was given to Riya to pay the money due to them by November as they required it for the purposes of remodeling their house.

5. Feeling hurt at the insults and the way she was treated, Riya was to have her revenge. Thus, on 11/11/2010, Riya called up Rajasvi and requested her to visit her at her residence at Grand Towers, Pune at 9 pm that day. Riya mentioned that she was happy that business had been peaking in recent times. A meeting was fixed and Rajasvi immediately called up Anshuman and informed him about this meeting. The conversation went at length and they concluded by saying that they had been too hard on Riya during the dinner and that she was a nice person.

6. One month later, on 10/12/2010 Rajasvi's highly decomposed body was found in the Damboj Ghats which forms a part of the Western Ghats located on the Pune Nashik highway (NH 50).

7. Going back to meeting day, Rajasvi wrapped up her office work and left from her office by 7:25 pm. Grand towers was approximately twenty minutes away but with traffic this journey could stretch up to thirty minutes on an average. She called up Anshuman and told him that she was on her way and had just crossed Waffle Hut, a famous eatery. She expressed her concern regarding the money and said that she was hoping to receive at least a part of the lent amount considering that Riya's business had picked up. She further added that she would call him up once she was leaving from there. This was the last phone call recorded by the phone company that was made from Rajasvi's number.

8. It had been half past midnight and Anshuman had begun to grow worried as Rajasvi had not yet returned home. It was not like her to not inform him in case of a delay. He knew at that instant that something was not right. He called up Riya to ask about the whereabouts of Rajasvi to which Riya replied that Rajasvi had never reached her residence at the decided time so she thought that their meeting had been cancelled. He then called up her parents, Mira and Shiv Singh and inquired if Rajasvi had come to their residence which was at Bimal Nagar, Pune. Knowing that no one had heard from Rajasvi, her parents were visibly disturbed so the entire family decided to meet at their residence.

9. It was concluded that this was unusual behavior and that a missing person's complaint needed to be filed. It was at this time that the much silent Riya begun convincing everyone against filing a complaint as Rajasvi could have been stuck up in some important work. Not having heard from Rajasvi even after thirty-six hours since her disappearance, Anshuman along with Mira and Shiv filed a missing person's complaint on 13/11/2010. They also informed the police that Rajasvi's car, a 2002 model of the Hyundai i10, silver colour, bearing number MH 12 HX 1705 which was driven by her was also missing.

10. The investigation started on 14/11/2010 with the police questioning the family members regarding the last known whereabouts of Rajasvi. Anshuman was considered a suspect but he was soon ruled out once he established his alibi. He also told them that the last person to have possibly seen Rajasvi was Riya as they had been scheduled

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to meet that evening. When the police questioned Riya and Sanjeev regarding their scheduled meeting with Rajasvi, they were very evasive and told the police that Rajasvi never visited them that evening.

11. On 27/11/2010, the police located Rajasvi's missing car, which had been left abandoned on the Pune-Nashik highway. After a thorough search of the car the police forensic team recovered hair like fibers stuck to the carpet in the boot of the car. These fibers were then sent for examination to the laboratory.

12. The investigation then led to the office of the deceased wherein the Secretary, Aditi, was questioned. She revealed that Rajasvi had once told her that if in case there would be a day when she does not return for a long period of time and no contact could be established with her, then in such a situation Aditi was to take the keys of her office almirah given to her, open it and hand over the contents therein to Rajasvi's parents. The investigation then led to Rajasvi's parents who revealed the contents of the file to be a list of all of Rajasvi's important documents such as her will, bank deposit receipts etc. one of such documents consisted of the financial transactions of Rajasvi with other people.

13. On the basis of this document the police established that Riya was the only person with the strongest motive to eliminate Rajasvi. When the police reached Riya's apartment in order to take Riya into custody for questioning they discovered that the flat was locked and Riya and Sanjeev were both absconding. The police then took their domestic help, Raman Shinde into custody for questioning. It was during this interrogation that they found out that Riya and Sanjeev had gone to Mysore. Effort was made to reach them but they constantly remained unavailable.

14. After several hours of questioning Raman and pressurizing him, Raman confessed to the police that he had helped Riya and Sanjeev strangulate Rajasvi on day of meeting. He added that while Riya strangulated Rajasvi, Sanjeev and he had pinned her down and they let go only once she had stopped moving. He then helped Sanjeev wrap up the body in a carpet and load it in Rajasvi's car. They then drove towards Damboj Ghats and at particular spot in the forest they dumped the body. He further added that he was willing to cooperate completely with the police in return for a lesser sentence. Raman then told the police that he would take them to the exact spot where the body had been buried.

15. As per the information provided by Raman Shinde, the police arrived at the Ghats where the body was alleged to have been dumped by the accused. The police were guided to the exact spot by Raman. The forensic team dug up the area and retrieved the highly decomposed body of a female in her mid-thirties. There was jewellery worn by her which was sent for identification. The body was sent to Vithal Hospital, Pune for a post mortem which concluded that the death was an unnatural death due to asphyxiation caused by the fracturing of the hyoid bone. The hair on the decomposed body was extracted and was then sent for a DNA analysis. Upon comparison with a sample take from Rajasvi's hairbrush, it was concluded beyond doubt that the body was that of Rajasvi. The level of decomposition suggested that she been dead for around one

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month.

16. Taking into consideration the statement of Raman, the forensic evidence and the circumstances surrounding the disappearance of Rajasvi on the night of 11/11/2010 and her subsequent murder, a First Investigation Report was filed against Riya, Sanjeev and Raman for murder of Rajasvi Singhal. A team of policemen went to Mysore and arrested Riya and Sanjeev and escorted them back to Pune. A charge sheet was then prepared in which each of the accused was charged under the relevant provisions.

17. The charge sheet was filed by the police and the trial was conducted by the Hon'ble Sessions Court. On the basis of the witness testimonies and the evidence in the case, the Sessions Court acquitted Accused No. 1 Riya Verma, Accused No. 2 Sanjeev Verma and Accused No. 3 Raman Shinde. The Judgment was passed on 30/12/2020. All the three accused named have been set free. Aggrieved by this order, the State has preferred an appeal before the Hon'ble Bombay High Court where decision of the Sessions Court was upheld. Now, the case is pending in the Supreme Court of India as a Criminal Appeal.

Argue the case on the basis of the given facts either on behalf of the Prosecution or the Defense.

### DECISION OF THE HON'BLE SESSIONS COURT

#### A. Issues raised:

1. Does the Prosecution conclusively prove that the accused committed murder of the deceased?
2. Does the Prosecution conclusively prove that there existed common intent and criminal conspiracy between the three accused to commit murder?

#### B. Reasons:

In order to prove their case, the Prosecution has examined three witnesses, namely:

- I. PW 1 – Raman Shinde
- II. PW 2 – Shriram Sharma, Security Guard of Grand Towers
- III. PW 3 – Karan Sihag, Investigating Officer

The Defense, in order to disprove the case of the Prosecution and to prove their case has examined three witnesses, namely:

- I. DW 1 – Riya Verma
- II. DW 2 – Sanjeev Verma
- III. DW 3 – Sanju Chaiwala, tea delivery boy

1. It is the case of the Prosecution that on 11/11/2010, Rajasvi Singhal met Riya Verma at her residence at "Grand Towers", Pune. Taking this into consideration, the Prosecution has argued that it was Riya Verma (Accused no. 1) who was the last person to see the deceased alive and as a part of the circumstantial evidence, this proves that Accused no. 1 is most likely the one to have killed her. The Prosecution has adduced evidence from the mobile service provider of the deceased which shows that the deceased's cellphone was last active in the area of Grand Towers. This makes it very likely that the deceased was last seen alive by

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the accused. The Defense has suggested in their cross examination that the deceased never made it to the home of the Accused no. 1 and 2. Thus, they have totally denied this incident.

2. The Prosecution on this count has examined PW 2 who is the watchman at the main gate of Grand Towers. He gave the police access to the CCTV footage of 11/11/2010. The police then retrieved the relevant portion and sent it for processing. The CCTV footage along with the certification under Section 65B of the Evidence Act was also appended. It clearly depicts the entry of deceased into Grand Towers. The deceased was also identified by PW 2 in his oral testimony recorded by the Investigating Officer (PW 3) and thus Prosecution has proved the fact of the Last Seen Theory.

3. Per contra, though last seen theory was proved but no clinching or cogent evidence has been brought on record regarding the exit of the deceased from Grand Towers along with the accused. In furtherance, no explanation has been given by the Prosecution as to how the deceased and accused exited from the said complex. Thus, considering this fact, the chain of events is not complete except for the last seen theory. On this basis, we cannot conclude accomplishment of the act as contemplated by the Prosecution.

4. There is a lot of room for doubt with regard to the events and circumstances surrounding the murder of the deceased. The Prosecution has failed to establish a clear chain of events in order to demonstrate through the last seen theory that no one else except the accused could have committed the murder. In such a situation, the benefit of doubt has to be in favour of the accused.

5. The Prosecution has placed reliance on the witness statement of PW 1. In this regard, the Prosecution has examined the Investigating Officer (PW 3). The investigating officer in-charge of this case has deposed that during the course of this investigation, he had taken PW1 into custody and taken down his statement in accordance with the law. He has stated that during the course of interrogation PW1 willingly agreed to disclose the modus operandi of the commission of the offence. He stated that a deal was then made wherein PW1 was to disclose all the details for a lesser sentence.

6. PW3 has stated that he then recorded all the details regarding the events of 11/11/2010. During this course PW1 disclosed how he was induced into committing the crime by Accused 1 and 2. He also claimed to have known the exact spot where the dead body of the deceased had been buried and offered to direct the police to that exact spot. PW1 also confirmed that the image captured by the CCTV camera at the toll naka on the Pune-Nashik highway was of PW1 and Accused no. 2 driving the car of the deceased with her body in the boot.

7. PW 1 has also admitted that after they had buried the body of the deceased, they drove back to somewhere near the highway. They then stepped out of the car with an intention to abandon it. Before they left, they made sure to clean the car

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thoroughly so that no evidence is left behind linking them to the crime. This was the same car which had been recovered by the police, abandoned on Pune Nashik Highway. PW 1 confirmed it to be the same car.

8. Acting on this information, the forensic team of the police exhumed the body and was sent for post mortem. The Post Mortem report confirmed death by asphyxia due to strangulation which suggests murder. It was found that the information given by PW1 is true and accurate.

9. The Defense counsel while arguing made a reference about the tea stall opposite to police station and his son (DW 3) who frequently visits the police station to serve tea. On the date of 08/12/2010, the fact that tea was served to the police station by DW 3 has been admitted during the cross examination of PW 3. The Defense has proved the presence of DW1 in the police station for serving tea at the same time when the statement of PW1 was being recorded. DW 3 has also identified the PW 3 as the officer who was interrogating PW1.

10. It is further established by the Defense that while DW1 was in the police station, he saw PW3 shouting at someone inside the lock up. It was at this time that he took out his cellphone and shot a video of what was happening there before he was spotted by one of the constables on duty and asked to leave. This video clip is alleged to show the violent and illegal manner in which the PW1 was threatened and coerced to give his statement.

11. The Defense has argued that the statement of PW1 being relied on by the Prosecution was one that has been obtained by coercion and force and due to this it cannot be admitted as evidence. The Defense counsel has produced mobile phone video clip supported by a certificate u/s 65B of the Indian Evidence Act, 1972 that was taken by the DW1. However, the Prosecution has not disputed the authenticity of this clipping or challenged this technicality in cross examination.

12. After perusing the video and looking into the circumstances, I have no doubt that the said confession was not one that was willingly given by the PW1 but rather it has been coerced out of him to give such a statement. In such a situation, this witness testimony is tainted and cannot be relied on. The Defense has succeeded in establishing that the witness testimony cannot be this considered in view of its contradiction with law. Thus, no reliance is to be placed on the statements made by PW1.

13. Hence, in the light of the arguments advanced with regard to point no. 1, having heard both the counsels and appreciating the evidence on record, I conclude that the Prosecution has failed to discharge its burden of proving the circumstances beyond doubt and the chain of events connecting the guilt is incomplete. The Defense has succeeded in establishing its case positively which has subsequently raised several doubts surrounding the events. In such a case, the accused have to be given the benefit of doubt. In view of this, I answer issue no. 1 in the negative.



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14. With regard to point no. 2, it is the case of the Prosecution that there was a common intent and a criminal conspiracy between Accused no. 1,2 & 3 to commit the aforesaid murder. Accused no. 1 & 2 are husband and wife and Accused no. 3 is their domestic help. The Prosecution has argued that all the three accused hatched a plan to murder the deceased. In support of this argument, they have once again placed reliance on the testimony of PW1.

15. PW1 has given out details regarding the events leading up to the murder of the deceased on 11/11/2010. Upon being questioned by PW3, he has stated that he was offered a large sum of money in return for his help with the commission of the offence. This was a pre-planned event. Accused no. 1 and 2 had planned to kill the deceased and had also concluded the manner in which they would execute the plan. PW1 has stated that the deceased was first drugged and was then strangled so that there would be minimum resistance and that it would be quick and more efficient. The disposal of the body had also been planned beforehand. Right from getting the deceased to the apartment of the accused till the disposal of her body had all been planned well beforehand.

16. The Defense has put forward that there was no evidence to support this theory of the Prosecution and based merely on a suspicion, no accused should be convicted of such a serious offence. The Defense has put forward the forensic analysis report of the deceased body which indicated that there were no traces of any drugs in her body. He also put forth that the family relations between the two were good. Considering the fact that they were sisters and that they had grown up together, there was a special bond between the two. The Defense has also added that there was absolutely no motive for the commission of such an offense. In the absence of motive, the probability of the Accused committing the crime is low. Merely based on suspicion, however strong, a conviction should not be made.

17. Having heard the learned Advocates of the Prosecution and Defense, it can be concluded that in order to prove conspiracy or common intent there is hardly any direct evidence available. It has to be proved taking into consideration the circumstances and the behavior of the accused in those circumstances. But, the circumstantial evidence in the present case is so weak against the accused that it would result in a gross miscarriage of justice if they were to be convicted on the basis of such flimsy evidence.

18. The accused and the deceased were cousins. Defense has shown that the relations between both the sisters as well as the families were extremely good. In such a case, it is difficult to believe that in such a situation the accused would want to murder the deceased. Circumstantial evidence by itself is a very weak piece of evidence and in the present case; the circumstantial evidence is not conclusive enough.

19. Therefore, it can be concluded that the Prosecution has failed to adduce any evidence to support its argument regarding the common intent and criminal conspiracy. The Prosecution has failed to conclusively prove that Accused no. 1

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was the last person to see the deceased alive.

20. Due to these reasons, I am of the opinion that a conviction on the basis of such weak evidence cannot sustain. Thus, as for point no. 2, I answer in the negative.

21. Loss of human life is tragic and it's more so when he has been deprived of it by someone else illegally. But the criminal jurisprudence has laid down that "a hundred criminals might go free but an innocent should not be punished wrongly". Keeping in mind this timeless principle, in the present case there is a presumption of innocence in favour of Accused No.1, 2 and 3. Suspicion, however great it may be, cannot take the place of legal proof. A moral conviction however strong or genuine cannot amount to a legal conviction supportable in law.

22. There is no evidence against accused to bring home their guilt. Therefore, I find Point. No. 1 and 2 in the negative.

23. Considering the discussion as above. I pass following order:

ORDER:

a) Accused No. 1 is hereby acquitted of offences punishable u/s 34, 120A, 120B, 201, 300, 302 of the Indian Penal Code, 1860 and u/s 235(1) of Code of Criminal Procedure, 1973.

b) Accused No. 2, is hereby acquitted of offences punishable u/s 34, 120A, 120B, 201, 300, 302 of the Indian Penal Code, 1860 and u/s 235(1) of Code of Criminal Procedure, 1973.

c) Accused No. 3, is hereby acquitted of offence punishable u/s 34, 120A, 120B, 201, 300, 302, of the Indian Penal Code, 1860 and u/s 235(1) of the

Code of Criminal Procedure, 1973.

d) Bail bonds of the accused stands cancelled. All the accused are set free at liberty.

e) Sessions Case No. 375 of 2010 is disposed off accordingly. The property recovered may kindly be disposed off after appeal period is over or if nobody claims after statutory period is over, it may be disposed off.

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## NEARBY TOURIST PLACES

### 1. WAKNAGHAT PARAGLIDING



### 2. SHIMLA MALL ROAD





3. SHIMLA RIDGE



4. KUFRI





5. CHADWICK WATERFALL



6. TOY TRAIN







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