

THE KERALA LAW ACADEMY LAW COLLEGE, PEROORKADA, THIRUVANANTHAPURAM.

4TH NATIONAL TRIAL
ADVOCACY COMPETITION
(VIRTUAL) 2023

LAW AC

TRIAL PROPOSITION

DISCLAIMER

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LIST OF DOCUMENTS

| D1 | - | First Information Statement lodged by CW2 |
|------|-----|---|
| D2 | - | First Information Report 251/2022 of Medical College Police Station |
| D.O. | | |
| D3 | - | Inquest report |
| D4 | | Postmortem report |
| D5 | | Plan and sketch of occurrence site prepared by CW17 |
| D6 | | Disclosure statement from accused |
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| D8 | _ | Seizure Mahassar prepared at the Central Railway Station, |
| A | | Chennai |
| D9 | - 8 | S. 173 CrPC report (final report) of police. |
| | | |

FIRST INFORMATION STATEMENT

The statement of Gopakumar, aged 60 residing at A-22, Vrindavan Nagar Gardens, Kesavadasapuram, Thiruvananthapuram before Station House Officer, Medical College Police Station, Thiruvananthapuram

Rajendran Pillai, my friend and neighbor, residing at A-21, Vrindavan Nagar Gardens, Kesavadasapuram called me over the phone at about 1.40 pm on 25.4.2022 and informed me that his wife was lying on the ground and had no pulse or breath. He called me to rush to his house. I rushed and saw his wife Sarojini Amma lying on the ground. He said that a pillow was on her face. I examined her pulse and breath. I went out and called Dr. Satheesh, who was having a clinic in a nearby building. He came and after examination of Sarojini Amma, declared that she was dead. He also informed death might have occurred 3 to 4 hours ago. I called my son and told him to stay with Rajendran Pillai. I thereafter came to the Police Station to lodge this information.

Time: 2.30 pm 25.4.2022 Medical College Police Station Thiruvananthapuram Sd/Gopakumar
A-22, Vrindavan Nagar Gardens
Kesavadasapuram
Thiruvananthapuram

FIRST INFORMATION REPORT

First information of a cognizable crime reported under Section 154 Cr.PC.

Police Station : Medical College Police Station

District : Thiruvananthapuram

Number : 251/2022

Date and hour when reported : 25.4.222, 2.30 pm

Name, Residence of informant : Gopakumar, aged 60 years

A-22, Vrindavan Nagar Gardens

Kesavadasapuram, Thiruvananthapuram

Brief description of offence with Section of Law

One Sarojini Amma, aged 58 years, residing at A-21, Vrindavan Nagar Gardens, Kesavadasapuram, Thiruvananthapuram was found dead in the bedroom of her house by her husband Rajendran Pillai at 1.30 P.M on 25.4.2022. He called his friend Gopakumar over the phone. Gopakumar brought Dr. Satheesh, who was running a clinic nearby. Dr. declared Sarojini Amma dead. Gopakumar came to the police station and filed a first information statement detailing the incident. The first information statement by Gopakumar is attached which is received at 2.30 pm in the police station. The offence is murder under section 300/302 of I.P.C.

Place of occurrence and distance and direction from the police station

Place: A-21, Vrindavan Nagar Gardens, Kesavadasapuram

1.5 km from police station towards east-south direction

Name and address of criminal

- Under investigation

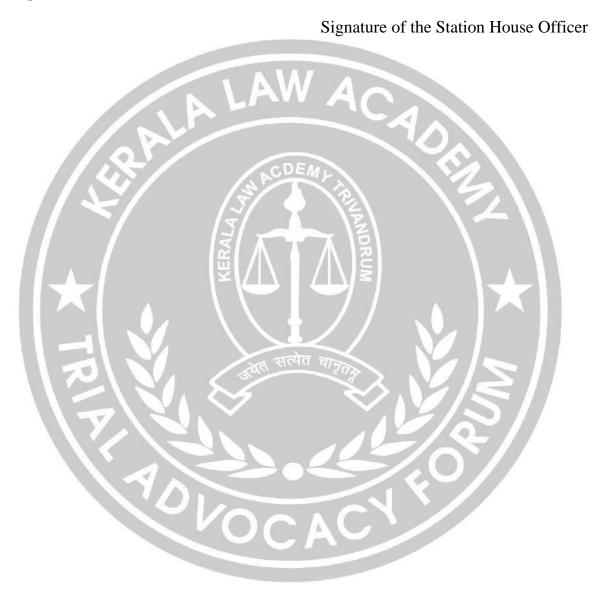
Steps taken regarding investigation

Station House Officer and party rushed to the occurrence site at 2:40 pm. Summoned fingerprint expert and dog squad.

Date and time of dispatch from Police Station

2.40 pm on 25.4.2022

Signature of informant (Gopakumar)



INQUEST REPORT

FIR No. 251/2022

Medical College Police Station

Crime No. 302/2022

Report of investigation on the body of a person found dead at Kesavadasapuram on 25/04/2022

1. Name, sex, age, residence of deceased person

Sarojini Amma, Female, A-21, Vrindavan Nagar Gardens, Kesavadasapuram, Thiruvananthapuram

2. By whom first found dead, were

Rajendran Pillai, aged 62, her husband in the bedroom of their house.

- 3. By whom last seen alive and, in whose company,
 - Under investigation
- 4. Height, colour and description marks

161 cm, colour of skin changed to bluish. No injuries on the body.

5. Married or Single

Married

6. State of Corpse, its posture, state of limbs, eyes, mouth, wounds if any, list of property on body

Corpse is lying on the floor of the bed room adjacent to the kitchen in north-south direction, 1.3 meter from the wall separating the kitchen and 1 meter from the door. Height is 161 cm. Wearing a nighty, bra, underskirt and panties, 2 gold bangles on right hand and a gold chain with thali on the neck. Lying in a supine position (face up). A pillow is lying near head, Rajendran Pillai informed that pillow was over her face when he found the body. To examine the breath, he has removed it from the face. Limbs are stretched, eyes closed, mouth closed, no froth or blood coming from orifices. No external wounds, colour of skin bluish. Rigor mortis has set in. No signs of struggle on the ground.

7. Minute description of exact spot where corpse was found

Found on the ground of bedroom adjacent to kitchen. Lying in north-south direction, 1.3 meter from the wall separating the kitchen and 1 meter from the door of the room.

8. By what relative body is recognized and their statement in brief

By Rajendran Pillai, her husband. He stated that when he returned at about 1.30 pm on 25.4.2022, front door was seen closed. There was no reply when called by door bell. Entered through the open door of kitchen. Saw victim lying on the ground in a supine position with pillow on her face. Removed pillow and examined breath and pulse. There was no breath, or pulse. Called his friend Gopakumar to come to his house.

9. Apparent cause of death

Asphyxia due to smothering using pillow.

10. Any sign of violence

No signs of violence

11. On whose order corpse is send for post mortem, name of police officer who took charge of the body for sending for postmortem.

Under the order of Inspector Rishi, Station House Officer.

Body taken for postmortem by Ramachandran, ASI

12. Date and time of commencement and completion of inquest

25.4.2022, commenced at 4 pm and concluded at 6 pm.

13. Name and signature of witnesses

- 1. Radhakrishnan
- 2. Francis

14. Name and signature of officer who prepared Inquest Report

Ramachandran, ASI

15. Name and signature of Station House Officer

Rishi, Station House Officer, Medical College Police Station

Science

Department of Forensic

Office of the Police Surgeon Govt. Medical College Thiruvananthapuram

Date: 26/04/2022

POST MORTEM CERTIFICATE

PM No. 286/2022

1, Dr. Prasad Lecturer of Forensic Medicine Department, Government Medical College, Thiruvananthapuram certify as hereunder

Regarding the body of a female, Sarojini Amma, aged 58 years, sent by the Inspector of Police, with the requisition dated 25/04/2022 through Ramachandran, A.S.I. of Medical College Police Station for conducting post mortem examination and giving report.

The body was in charge of Ramachandran, A.S.I. who identified it as that of the deceased in crime number 302/2022 of Medical College Police Station. The post mortem examination commenced at 8 am on 26/04/2022 and was concluded at 11 am on the same day. The following findings are observed.

General findings

Dead body of an adult female, well-built and nourished of height 161 cm and weight 65 kg. both eyes closed. Conjunctival hemorrhage, pupils dilated. All external natural orifices normal. Cynosys on finger nails, lips, tongue and skin.

Rigor mortis established all over. No signs of decomposition, death occurred 20 to 22 hours prior to the commencement of post-mortem.

Ante mortem injuries

No ante mortem injuries noted on the body.

INTERNAL FINDINGS

Scalp and skull intact. Brain congested and oedematous. Frothy liquid in respiratory tracts. The air passages contain eosinophilic fluid with red blood cells and varying amounts of desquamated respiratory epithelium. Both lungs oedematous. Cut section showed copious frothy fluid. Base of lungs were adherent the posterior chest wall. Petechial hemorrhage seen in heart, lungs, liver and spleen. Heart, lungs, liver and spleen congested. Stomach contained 200 grams of rice and other unidentifiable food particles. No particular smell. Mucosa congested. Kidney pale. Vertebral column intact. No signs of sexual assault.

Sample of blood and viscera preserved and sent for chemical analysis. Samples of heart and bits of tissue bits of various organs preserved and sent for histopathological examination.

Opinion as to cause of death

Asphyxia due to smothering by using some soft material as no injuries are seen on face.

Dr. Prasad
Regd. No. 22621
Lecturer
Forensic Medicine
Medical College, Thiruvananthapuram

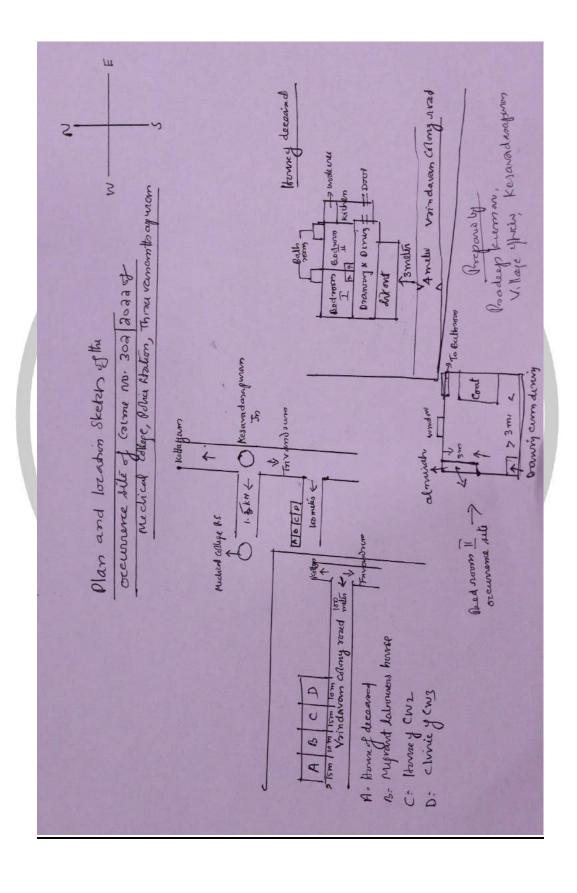
Forwarded to:

Judicial Magistrate of 1st class (3), Thiruvananthapuram

Copy to: Inspector of Police, Medical College Police Station

Sd Professor and Police Surgeon





DISCLOSURE STATEMENT

Statement recorded at Medical College Police Station at 10 am on 28.4.2022 from Hemanth Mandal, accused in crime number 302/2022 of Medical College Police Station, who is under police remand, by the Station House Officer, Medical College Police Station.

Myself, Hemanth Mandal, S/o Abishek Mandal, aged 35, 24- Netaji Nagar Colony, Jalpaiguri, West Bengal has sold 10 gold bangles in a shop in Chalai Bazar in Thiruvananthapuram.

I shall show that shop to police officer.

Date: 28.4.2022

Mandal

Place: Medical College Police Station

Name: Hemanth

Signature

MAHASSAR PEPARED WHILE COLLECTING THE FINGER PRINTS

Inspected the room and adjacent places where the murder took place. Clear finger prints were visible on the handle of the almirah where cash and gold were kept, it was collected and preserved and send for forensic examination.

A-21, Vrindhavan Nagar Gardens

Kesavadasapuram

Scientist

Thiruvananthapuram

at Time 3 P.M

Thiruvananthapuram

25/4/2022

SEIZURE MAHASSAR PREPARED AT THE CENTRAL RAILWAY STATION, CHENNAI

An information with a photograph of a person called Hemanth Mandal, was received from Inspector, Medical College Police Station, Thiruvanthapuram on 25.4.2022, requesting to detain him if found as he was an accused in crime no. 302/2022 of Medical College Police Station. The Railway Protection Force Police watched the passengers who were coming from trains especially from Kerala. On 26.4.2022, at about 7 A.M., a person resembling in the photograph was seen moving in Platform 7 in the CCTV camera. When Trivandrum-Chennai Mail arrived. He was detained and questioned. He was having a bag which contained rupees three lakhs and one thousand in cash, a mobile phone, his dress, an aadhaar card with holder name Hemanth Mandal, an ordinary railway express train ticket from Trivandrum to Chennai. He was taken to custody and taken to police station, drew up the seizure mahassar and sealed the seizures.

Sd/-

Chennai Central

Inspector Rangaraj

Railway Station, P.S.

Railway Protection Force

26/4/2022

Chennai Central Railway Station

7.30 A.M.

FINAL REPORT

(Under S. 173 of Cr.PC)

In the Court of the Additional Sessions Judge I Thiruvananthapuram

Sessions Case No. 202/2022

Name of Complainant: State of Kerala represented by

Inspector of Police

Medical College Police Station

Thiruvananthapuram (Crime No. 302/2022)

Name of accused: Hemanth Mandal

S/o Abhishek Mandel

Aged 35

24, Netaji Nagar Colony Jalpaiguri, West Bengal

Brief History of the case

Sarojini Amma, aged 58 years, A-21, Vrindhavan Gardens, Kesavadasapuram, Thiruvananthapuram was murdered in the bedroom of her house on 25.4.2022. There were no direct evidences. A sniffer dog went to a nearby house from the occurrence site where some migrant labourers were staying. The dog then went to the nearby bus stand and did not move further. On enquiry it was revealed that One of the migrant labourers was missing. Others stated that he had gone to his native place. Police send his photo to various railway stations with a request to apprehend him if found. He was detained at Chennai Railway Station by a Railway Protection Force Inspector. Accused was then taken back to Kerala where on questioning, he confessed.

Prosecution case as per final report under S. 173 of Cr.PC

Rajendran Pillai, aged 62, (CW1), husband of deceased Sarojini Amma, is a government pensioner. Sarojini Amma was also a government pensioner. Rajendran Pillai had gone for a pensioner's meeting and returned at about 1.30 pm on 25.4.2022. The front door was bolted from inside. He pressed the door bell, but there was no response. He went to the backside of the house and entered through the kitchen door which was open. He didn't see his wife neither in the kitchen nor in the adjacent dining room. To his shock, he saw her lying on the floor of the bedroom in a supine position (face up) with a pillow (MO-2) on her face, legs and hands stretched. He called her but there was no response. He checked her pulse and breath, but there were no pulse and breath. He got panicked and called his friend Gopakumar (CW2), over phone who was staying in a nearby house. Gopakumar rushed to the place and found that Sarojini Amma had no pulse or breath. He went out and brought Dr. Satheesh (CW3), who was practicing in a nearby clinic. Doctor after examination declared that she was dead and death might have occurred about 3-4 hours ago.

CW2 Gopakumar called his son and asked him to be with CW1. Meanwhile he went on his scooter to Medical College Police Station which was 1½ km away to inform the matter. There he narrated the matter in writing to Police (D1). Inspector Rishi (CW4) recorded FIR 251/2022 (D2). The inspector and party immediately rushed to the occurrence site.

Inspector ordered to cordon off the area and called finger print expert and dog squad. Soon fingerprint expert and dog squad arrived. The dog after taking smell from the dead body and surroundings ran towards the nearby house where migrant labourers were staying. House was seen locked. Dog then ran towards the nearly bus stand and then did not move further. The Civil police officer Ahamed, CW5, was the dog trainer. The fingerprint expert, Vincent (CW6) collected finger prints from the handle of the almirah in the bedroom where the incident occurred, which was preserved and sealed (MO-5) after drawing up a mahazzar (D7).

Thereafter Inspector conducted a detailed inspection of the occurrence site. There was one almirah in the bedroom, where the body was lying. There was Rs. 20,000/- in cash and 20 gold bangles and 6 gold chains in the almirah apart from sarees and women garments. CW1 stated that almirah was used by the deceased. CW1 also stated that no cash or gold has been lost. Inspector seized the cash (MO-6) and gold (MO-7 and MO-8) and drew up a mahazzar and sealed the almirah (D7)

There were no signs of any violence in the house or surroundings. Inspector directed Assistant Sub Inspector Ramachandran (CW7) to conduct inquest and send the body for post mortem.

Inspector thereafter contacted the migrant labourers staying in the nearby house and summoned them. On questioning it was revealed that 6 of them are staying there. Only 5 came as asked by the inspector. Hemanth Mandal, the accused was missing. Abhiram Das (CW8), one of the migrant labourers stated that, Hemanth Mandal, the accused did not come for work on 25.4.2022. He had told that he would attend the draw of chitty, organized by migrant labourers and would participate in the draw for the month. If he succeeds in the draw, he would get Rs. 3 lakhs and would go to his home town by train. Thereafter they didn't have any information about him, since his phone remained switched off when CW8, tried to contact him. Inspector collected a photo of the accused, and send to various railway and police stations. The accused was having a conspicuous wound scar above his left eyebrow.

Inspector summoned Pradeep Sharma (CW9) who was the organizer of the chitty. He stated that the draw was conducted at 9.30 am on 25.4.2022, but accused did not succeed. Instead Ramgopal Chatterjee (CW10), another migrant labourer succeeds in the draw. Accused requested CW10 to handover Rs. 3 lakhs to him on condition that he would return with interest as soon as he got the chitty in any subsequent draws. Accused also pleaded that his house is dismantled and need urgent repairs before the onset of monsoon in June/July. His elder parents, wife and 2 children are staying there. However, CW10 refused. Thereafter accused left the place dejected.

CW7 conducted inquest in the presence of witnesses Radhakrishnan (CW11) and Francis (CW12). The inquest report is (D3). Thereafter the body was sent to Trivandrum Medical College for post mortem which was scheduled for 8 am on 26.4.2022. The body was not put on refrigeration. Postmortem was conducted by Dr. Prasad (CW 13). Postmortem report is (D4).

The inspector got a message at 8 am on 26.4.2022 that Railway Protection Force Inspector Rangaraj (CW14) had detained a person called Hemanth Mandal who came by Trivandrum-Chennai Mail. The person had a deep wound scar over his left eyebrow and was similar in appearance to the person in the photo that CW4 had send to Chennai Central Railway Police. CW14 also informed that the detained person had also a hand bag (MO-3) which contained Rs. 3 lakhs and one thousand in cash, a mobile phone and his dress. He also had an Aadhar card as per which he was Hemanth Mandel, S/o Abhishek Mandal, aged 35, 24-Netaji Nagar Colony, Jalpaiguri, West Bengal. He also had an unreserved railway ticket from Trivandrum to Chennai on 25.4.2022. Accused had stated to CW14 that Rs. 3 lakhs were that he got from a chitty in Trivandrum and was going to his native place. Inspector seized bag (MO-3) containing cash (MO-9), mobile phone, dress of accused, aadhaar card, railway ticket after drawing up a seizure mahazzar (D8).

The cash, train ticket, mobile, Aadhaar card and the hand bag (MO-3) were seized by CW14 after drawing up a mahazzar.

A police party went to Chennai and brought accused and seizure to Trivandrum on 27.4.2022. He was later produced before the CJM Trivandrum, who remanded him to police custody for 4 days.

On detailed questioning accused confessed as follows:

He got dejected on not getting the chitty amount. He was in distress since his house at native place was in a dilapidated condition, which had been dismantled and required repair before monsoon, for which only one or two months were left.

He came to his residence and decided to ask for a loan from his neighbour Sarojini Amma, who was very rich and in good terms with her migrant labour neighbours. He came and entered through her kitchen door which was open. She expressed her inability since she was not having Rs. 3 lakhs to spare for him. He felt very disappointed. At that time milk supplier Krishnan (CW 15) came to collect milk money from Sarojini Amma. She paid the money. Krishnan enquired why accused had not gone for work on that day for which he replied that he was not feeling well.

After CW15 left, accused also left for his residence. Again an idea came to his mind to ask certain gold ornaments from deceased so that he can pledge it and collect money needed for the repair of his house. When he gets chitty amount the gold can be taken back and given to Sarojini Amma.

He again came back to the house of deceased. She was not found in the dining room where he had met her earlier. He heard water falling in the bathroom attached to the bedroom. He just opened the almirah where he saw gold bangles and chains. He took a bunch of gold bangles.

Suddenly Sarojini Amma opened the bathroom door and came out. She saw the accused with gold bangles in his hand. She raised an alarm and caught hold of the accused. He tried to get out of her hold, which resulted in both of them falling to the ground. She started crying loud for help. Then he took a pillow and pressed it over her mouth and nose. She struggled for breath. He did not release his hold and slowly her movements stopped and she became motionless. He closed the almirah and left for his house with the gold bangles. It was about 11 am. He collected a hand bag with clothes and left to the city. He tried to sell the gold in 2 jewellery who refused to accept it. The third jewellery was ready to accept but offered him Rs. 10,000/- less than the market price for a sovereign. There were 10 bangles each weighing one sovereign. Jeweller paid him Rs. 3 lakhs. Then left for Trivandrum Central Railway Station and then left to Chennai-by-Chennai Mail. He kept his mobile switched off. In the Chennai Central Railway station CW14 detained him and took to custody. Next day police from Kerala

took him back to Trivandrum. The inspector recreated the crime with accused who was under custody. Inspector also obtained a disclosure statement (D6) from the accused. As per the statement accused led police to Jaya Jewellery in Chalai where he had sold the 10 gold bangles. The owner of the jewellery, Narasimhan (CW16) identified the accused and admitted that accused had sold 10 gold bangles to him for which he had paid Rs. 3 lakhs. Thereafter CW 16 melted those bangles so as to make new design bangles. Police seized 75 grams of molten gold (MO-4) which CW16 admitted that was from the 10 gold bangles he had melted.

The finger prints on the handle of the almirah (MO-5) was matching with that of the accused. The post mortem report also suggested that the death was due to asphyxiation as a result of smothering. It also stated death occurred about 20-22 hours prior to the post mortem which commenced at 8 am on 26.4.2022. According to Krishnan (CW15), he had seen the accused with deceased at about 11 am on 25.4.2022, which was the last time when anyone saw the deceased alive. The time of death was almost tallying with the time of last seen together of accused and deceased. The motive for the murder was to get money for the repair of his house, which he couldn't get from chitty or from CW10. Sniffer dog went from occurrence site to the place where accused was living and then to the nearby bus stand. CW16, the jewellery owner identified the accused and stated that accused had sold 10 gold bangles to him for which he paid Rs. 3 lakhs to the accused.

This cash was seized from accused at Chennai by CW 14.

Village Officer, Kesavadasapuram, Pradeep Kumar (CW17) made a sketch and plan of the occurrence site (D5), D7 is the final report of police under Sec. 173 Cr.PC.

Based on these evidences Inspector filed S. 173 Cr.PC final report before the First-Class Magistrate Court-I, Trivandrum. This was committed to Addnl. Sessions Court I, Trivandrum for trial. Addnl. Sessions Court framed charges under S. 300/302 against accused and commenced the trial.

PW9 (CW9)

Pradeep Sharma (CW9) who conducted the chitty stated on his S. 161 CrPC statement before Police that accused did not win the draw and CW10, Ramgopal Chatterjee who got the chitty did not give Rs. 3 lakhs to accused even though the accused requested for the same.

During the trial, he deposed that what was stated in S. 161 statement was written by police and not narrated by him. He has not signed it. In fact, Ramgopal Chatterjee who got the chitty paid Rs. 3 lakes to the accused as requested by the accused.

PW10 (CW10)

Ramgopal Chatterjee (CW10) had also stated in S. 161 CrPC statement before police that he got the chitty and did not give the amount to accused even though he requested for the same.

During trial he stated that the S. 161 statement was written by police and not narrated by him. He has not signed it. In fact considering the pitiable situation of accused, he paid Rs.3 lakes to accused which CW10 got from the chitty.

Defense argued that Rs. 3 lakhs found by CW14, Railway PF, inspector was the money given to accused by PW10.

PW 16 (CW16)

Narasimhan, the jewellery owner had identified accused as the person who sold 10 gold bangles to him for which he had paid Rs. 3 lakhs. This he had stated in his S. 161 statement to police. He had also handed over 75 grams of molten gold to police which he stated that was from the 10 gold bangles sold by the accused. CW16 stated that the bangles were melted for making new bangles. During the trial he stated that police threatened him to identify accused and failing which they would raid his shop and will seize unaccounted jewellery. He had also stated that the molten gold was not

from any gold sold by the accused. He had never seen the accused earlier. He saw him for the first time when the accused was brought by police to his shop.

Decide the case.



LIST OF WITNESSES

CW 1 : Rajendran Pillai, aged 62

Husband of deceased Sarojini Amma

CW 2 : Gopakumar, who lodged the FIR

CW 3 : Dr. Satheesan, who declared her dead

CW 4 : Inspector Rishi, the investigating officer who recorded the FIR

CW 5 : CPO Ahamed, the sniffer dog trainer

CW 6 : Vincent, Fingerprint expert

CW 7 : ASI Ramachandan, who conducted and drew up the inquest

report.

CW 8 : Abhiram Das, the migrant labour with whom accused stayed

CW 9 : Pradeep Sharma, the migrant labour who conducted the chitty

CW 10 : Ramgopal Chatterjee, who won the chitty for the month

through draw of lots

CW 11 : Radhakrishnan, Inquest Witness (1)

CW 12 : Francis, Inquest Witness (2)

CW 13 : Dr. Prasad, Forensic Surgeon who conducted Postmortem.

CW 14 : Inspector Rangaraj, Railway Protection Force Inspector who

detained accused at Chennai Central Railway Station

CW 15 : Krishnan, the milkman who saw Sarojini Amma live for the last

time with accused.

CW 16 : Narasimhan, the owner of the jewellery where accused sold the gold bangles.

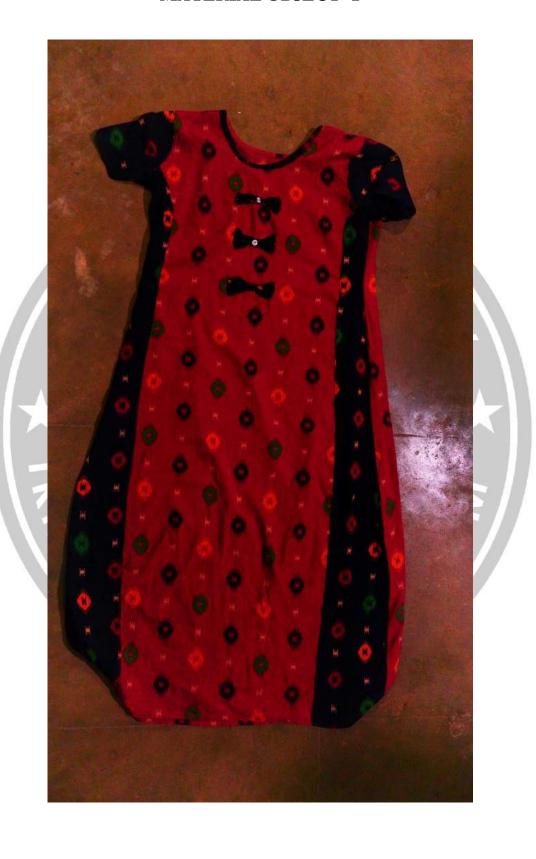
CW 17 : Pradeep Kumar, Village Officer Kesavadasapuram who

prepared sketch and plan of the occurrence cite.



PHOTO OF DEADBODY





MATERIAL OBJECT-2 (PILLOW)



MATERIAL OBJECT-3 (HANDBAG OF THE ACCUSED)



MATERIAL OBJECT-4 (MOLTEN GOLD)



MATERIAL OBJECT-5 (ALMIRAH)



MATERIAL OBJECT- 6 (CASH [20,000/-] SEIZED FROM THE ALMIRAH USED BY THE DECEASED)



(20 GOLD BANGLES SEIZED FROM THE ALMIRAH USED BY THE DECEASED



(6 GOLD CHAINS SEIZED FROM THE ALMIRAH USED BY THE DECEASED)



(CASH [3 LAKHS AND 1 THOUSAND] SEIZED FROM THE HAND BAG OF THE ACCUSED)

