



H.S.N.C. BOARD'S

GOPALDAS JHAMATMAL ADVANI LAW COLLEGE

MOOT COURT ASSOCIATION

Presents

LATE BARRISTER H. G. ADVANI MEMORIAL

STATE-LEVEL

MOOT COURT COMPETITION

MOOT PROPOSITION

Facts

1. The Democratic Republic of Hindustan gained independence in 1947 after British colonial rule, during which the Hindustani Penal Code (1860), Criminal Procedure Code (1861), and Evidence Act (1872) were enacted. Post-independence, its Constitution led to legal reforms, culminating in the 2023 enactment of the Hindustani Nyaya Sanhita (HNS), Hindustani Nagarik Suraksha Sanhita (HNSS), and Hindustani Sakshya Adhinyam (HSA), effective July 2024.
2. Jeevan (32, Hindu), a tech entrepreneur and owner of multiple tech startups, is a citizen of Hindustan, having domicile at Dehradun, Uttarakhand. In one of the social events organised for Investors on 15th May 2023, Jeevan met *Jayshree* (30, Hindu), a banker originally from Maharashtra. Jayshree's parents were farmers who took multiple loans to fund her education from the top-most Institutions in India and many of the loans are still left unpaid due to lack of financial support. Impressed with Jayshree's qualifications and socialising skills, Jeevan offered her a well-paying job at one of his startups, which she gladly accepted for career growth.
3. Over the next few months, the two developed an intimate yet professional relationship, during which Jeevan confided in Jayshree his intention to "settle down" with her as he was fed up with short-term relationships in the past. Their relationship evolved with subtle undertones of promises of marriage during the dating phase. They jointly contributed to fixed deposits for their wedding and purchased a lavish, fully-furnished

bungalow at Mussoorie together on loan in Jeevan's name, with equated monthly installments being paid by both, residing together since October 2023. Jayshree would frequently make personal purchases using Jeevan's accounts and use his credit and debit cards without informing him, a fact he was not aware of at the time.

4. Although they were in a relationship, Jeevan and Jayshree maintained a strictly professional demeanor in public, consciously avoiding any displays of affection outside their home. Jeevan specially made sure that they should maintain professionalism at the workplace so as to prevent unnecessary rumours that may affect Investor trust in his startups.
5. On 20th November, 2023, Jaya, a childhood classmate of Jeevan, saw Jayshree having dinner with Rajesh, one of the startups' funders, at a posh restaurant in Dehradun and informed Jeevan who was furious with this. Rajesh was tall and had an attractive and charming personality and Jayshree was infatuated by his demeanor even before getting close to Jeevan. He decided to not call her immediately and waited for her to come back home. On returning home past midnight, Jeevan openly questioned about her dinner with Rajesh and got to know that they have even watched multiple movies together in the past- something which had never been done between the present couple. Due to these reasons, he requested her to maintain distance with everyone else but him to "*prove her fidelity*"- something which she felt as being restrictive to her status in society as a "*strong, independent woman.*" She, however, decided to apologise for her actions and promised him that she would never hurt him again, knowingly or unknowingly. She, however, refused to delete Rajesh's number from her phone, a request of Jeevan she felt was too restrictive and was upset with him interfering in her "personal life".
6. On December 1st 2023, Jeevan proposed to Jayshree, promising they would marry by the end of 2024 or in the beginning of 2025. Trusting his intentions and commitment for legitimising their relationship over time, Jayshree agreed to enter into a sexual relationship with Jeevan, "*solely upon the belief and promise that they would eventually get married*"- something she ensured was always on record, just in case things turned sour between them.
7. Tensions arose in 2024 when Jeevan unilaterally withdrew shared funds for his startup, sold their house without Jayshree's consent, and later ended the relationship, citing parental pressure to marry Jagruti, one of his same Pahari sub-community. Jayshree retaliated by approaching the local police station, who encouraged her to file an FIR accusing him of deceit and various other provisions of various criminal laws, old and new, around August of 2024, after getting to know about the financial status of Jeevan. Jayshree claimed Jeevan used trickery to brainwash Jayshree into believing that she would be his wife and that they would start a "family" in the traditional sense

“very soon”. She also seeks "Maintenance" as they "lived as husband and wife" and had no intentions to stay in a "live-in relationship", which she considered “*immoral as per her upbringing by her parents*” from the very beginning of their relationship.

8. The police conducted a preliminary enquiry and finally arrested Jeevan on 14th September, 2024, initially charging him under Section 69 of the HNS. The police tried to get him to confess the alleged offence by torturing him in various ways. On the evening of 15th September, the police produced Jeevan in the Court of the local judicial magistrate, seeking police remand, which was granted by the magistrate till 30th September, 2024.
9. On 1st October, the police moved another application for extending police remand, stating that more time is needed to complete the investigation. The police remand was again granted till 15th October. Similarly, the police filed another application on 16th October for extending the remand, stating the same reason. This request was approved, extending the remand until 30th October. During this period, Jeevan was tortured and coerced by the police to confess to the alleged offence on multiple occasions.
10. The remand was extended till 14th December in a cyclic manner. Finally, Jeevan filed for bail on 16th December claiming the right to get default bail. The police failed in filing the chargesheet in the due course of time and thus the default bail was granted to Jeevan.
11. The police, however, completed the investigation by the end of December 2024 and the final chargesheet was filed on 3rd January 2025. The Judicial magistrate took the chargesheet on record and issued summons to the accused Jeevan; however, he failed to appear before the court. The court issued a warrant against Jeevan; however, when the police attempted to execute the warrant, Jeevan had left the state boundary on the advise of an anonymous retired IPS officer, who is associated with one of his startups.
12. On 28th January 2025, a consecutive warrant was issued by the court, which again could not be executed by the police on account of Jeevan absconding. After following the requisite procedure under the HNSS, the court declared him to be a proclaimed offender. Subsequently, in February 2025, the case was committed to the Court of Sessions, where a trial was conducted, ending up in a conviction sentencing Jeevan to maximum punishment as per the major provision of Section 69 of the HNS *in absentia*. Later, on 2nd March 2025, Jeevan was arrested from Nepal following his conviction.
13. The verdict was based on the multiple "pregnancy tests" and "abortion reports" which showed that Jayshree was forced to not continue with having a child with Jeevan. A suspicious fake Marriage Certificate was produced as evidence by Jayshree stating that Jeevan always showed her this so as to make her believe that they would be married

very soon. Under the Uniform Civil Code (The version applicable to Uttarakhand), the couple had not registered themselves as being in a "live-in relationship", a fact which was taken due cognizance of, by the Hon'ble Court before pronouncing its verdict. Many national-level politicians have commented about this verdict, stating "live-in relationships" are prevalent in society and are corrupting the youth, due to which false promise to marry cases are also on the rise, assertively discouraging young couples to stay under the same roof without completing all necessary marriage formalities, whether legitimate or not.

14. On appeal, the matter will presently be looked into by the appropriate Hon'ble High Court, which shall address procedural irregularities, constitutional compliance, and substantive legal application.

Issues for Consideration

1. Whether the lower court violated due process under the HNSS and the Constitution?
2. Whether the repeated police remand extensions (till 14th December 2024) contravened constitutional safeguards against custodial abuse?
3. Whether the applicability of Section 69 of the HNS deserves to have a relook in the instant case?
4. Whether the requirement of registering "live-in relationships" as per Uttarakhand UCC violates the couple's Right to Privacy as enshrined under the Constitution?

Be Advised:

- All facts are fictional and do not represent any person, real or dead.
- Indian laws apply mutatis mutandis.
- The appeal was filed in 4th April 2025.
- No issues or sub-issues can be added or altered.
- No Facts can be altered or changed by any team.