

13th Nyayaavalokan National Trial Advocacy and Judgment Writing Competition, 2024-25

CLARIFICATIONS

1. The statement given by PW (3) i.e the Sr PI Ranade has not been signed by any person. Is this statement to be considered an Aide Memoir or is this statement under any particular provision of BNSS such as S. 180. Kindly assist with the same as it is of utmost necessity with respect to Examination in Chief and Cross Examination. In brief, under what provision is the statement of IO recorded and if not under any provision then is it just an Aide Memoir which holds no legal significance?

Ans- It is an Aide Memoire only.

2. With regards to the procedure of taking the accused to a magistrate within 24 hours and framing of charges before trial. Is it to be implied that all of this has been complied with by the IO or is it to be proven? Further, there is no particular framing of charges so it assumed that trial will necessarily commence on charges as mentioned in the charge sheet?

Ans- The procedure of taking the Accused to a Magistrate within 24 hours is to be taken as complied with. Both the Teams will be required to submit on charge in their Opening Statements, i.e. make submissions on the Sections under which the Accused can be charged under the BNS.

3. The list of witness to conduct chief and cross will be the same as mentioned in the chargesheet. Can you please issue a list of final witnesses to be examined?

Ans- All witnesses as mentioned in the Proposition will have to be examined. Each Team can however choose the order in which they are to be examined.

4. There is no police diary or general diary entries attached in the Chargesheet. Is the Defence permitted to cross examine and raise objections on the same?

Ans- No.

13th Nyaya Valokan National Trial Advocacy and Judgment Writing Competition, 2024-25

5. There is no arrest memo attached to the chargesheet. Will defence be allowed to question the same or is the statement of PW 3 to be considered as an arrest memo as well or is merely an Aide Memoir?

Ans- The Statement of PW 3 is an Aide Memoir. It is to be taken that the arrest memo was served on the Accused.

6. There is no magistrates report attached in the Chargesheet. Can the defence be allowed to ask the IO questions on these as the Organizers have not attached the said documents and it will be unfair on behalf of the prosecution?

Ans- No clarification necessary.

7. Regarding the Aide memoir for the Defence witnesses. Will the Aide Memoire statement be subject to the rule of omission?

Ans- The statements of defence witnesses are simply an Aide Memoire for the participating Teams and therefore are not recorded under Sec. 181 BNSS.

8. Will the DW be allowed to refer to aide memoire to refresh memory?

Ans- No.

9. Can we make a completely different Defence story differing from the Aide Memoire as Aide memoire does not hold any legal significance?

Ans- No, this will not be permitted.

10. The statements of the Defence witnesses are supposed to be Aide Memoire. So as it is merely an aide memoire of the defence witnesses can we tweak with the details and add or change certain statements as per our requirements. We will the brief the witnesses accordingly if we are allowed to deviate from contents of the Aide Memoire.

Ans- You are permitted to tweak, add or change the statements of Defence Witnesses. However, you will not be allowed to change the defence story to introduce a completely different defence.

13th Nyaya Valokan National Trial Advocacy and Judgment Writing Competition, 2024-25

11. If we are allowed to deviate from the Aide Memoire. The statement made by DW 3 regarding identification of the chain, this particular statement also falls within the purview of the Aide Memoire itself. I seek a clarification regarding the statement falling within the Aide Memoire and for that reasons we can use it and tweak it as per our requirements.

Ans- Please refer to our answer at No. 10.

12. Is any type of objection barred from being used during the competition?

Ans- Objections as permitted under the BNSS and BSA will be allowed.

13. Can one witness be questioned by both counsels during sessions?

Ans- Please see Clause 10.2.4 of the Rules.

14. Whether medical examination of the accused was conducted by the police?

Ans- No clarification necessary.

15. Will the accused be presented before the court for questioning?

Ans- No.

16. Were the exact same statements recorded u/s 183 and 351 of BNSS before the magistrate?

Ans- No statements are recorded before the magistrate.

17. Whether the confession statement as stated by the accused was separately recorded by the IO and if yes whether it was included in chargesheet?

Ans- there is no confession of the Accused.

18. There has been no chargesheet filed or attached along with the proposition, but there are multiple references to a chargesheet.

Ans- No clarification necessary.

13th Nyayaavalokan National Trial Advocacy and Judgment Writing Competition, 2024-25

19. With regards to the defense witnesses, if these statements were taken in front of the police or the magistrate in reference to its validity in court?

Ans- All defence witness statements are only an Aide Memoire.

20. Are the participants given the liberty to add new charges to the charges already framed as an extension to the current charges.

Ans- Yes it will be permitted provided the same are justified in the Opening Statement.

21. Whether the statement of the accused will be provided to the teams?

Ans- NO

22. Whether the teams can summon witnesses who are not enlisted as PW or DW in the proposition?

Ans- No, this will NOT be permitted. All teams must stick to the witnesses whose statements are there in the proposition.

23. Clarification regarding the color of the beads on the gold chain - in the trial proposition, pg. no. 24, titled "Recovery Panchnama" states that "*He opened the box and took out a thick golden chain with peacock design, having pendant with peacock design and black and white stones.*"; hereby to be read as the following – "*He opened the box and took out a thick golden chain with peacock design, having pendant with peacock design and red, green and white stones*".

24. Whether the problem for Judgement writing competition will be the same as the proposition for Trial or whether it will be given there in-promptu?

Ans- In the Judgement Writing Competition, researchers will be divided into two courtrooms corresponding to the semi-final rounds. Each researcher will observe the arguments presented by the parties during the semi-final rounds. After the semi-final proceedings, every researcher

13th Nyayaavalokan National Trial Advocacy and Judgment Writing Competition, 2024-25

will be given 60 minutes to draft a judgement based on the arguments and issues raised in the courtroom. The written judgements will be evaluated by the judges of the semi-final rounds.

25. DW 3 states that he knows the Jadhav family, shouldn't it be pawar family?

Ans- Yes, its pawar family.

26. Please let us know the mode of judgement writing.

Ans- You will be provided with a desktop to write the judgment, and you will have 60 minutes to complete it.

27. Change in the dress code

The Dress Code for the Inauguration, Oral Rounds, Judgment Writing, and Valedictory & Prize Distribution shall strictly be as follows:

For Boys – Court Room Formals (White formal shirt with formal black pants and a black blazer with a black tie); and

For Girls – Court Room Formals (White formal shirt with black formal pants and a black blazer).

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