



Deccan Education Society's
Shri Navalmal Firodia Law College Pune.

Moot Court Society

Presents

16th

Edition of

Lokmanya Tilak National Appellate Moot
Court Competition

on 23rd and 24th February 2024

Convenors:-

Adv. Ashok Palande
(Chairman, CDC)

Dr. Sunita Adhav
(Principal)

About the College

DES's Shri Navalmal Firodia Law College has entered in its 19th year, keeping pace with the social change and answering responsibly, all the demands of any complex and intricate global legal set up. We have brought about tremendous metamorphosis in terms of inculcating legal education through innovative pedagogy. The college has always strived to improve its academic standards by keeping in mind its motto...

“Making Excellence
A Prevailing Attitude”

About the Competition

The prime goal of legal education is to provide classroom teaching with actual advocacy situation of professional practice. Moot Court activity in general and Moot Court competition in particular, have come to be regarded as a best tool that it can offer a law student a real court room experience. Appellate advocacy competition model is being presented as on such improvisation over the conventional moot court competition model. By arguing appeals the participants will be exposed to a range of soft skills, forensic presentation etc. which is the uniqueness of this competition.

Principal's Address

Dear Students,

With great pleasure, I present before you our Annual Moot Court Competition, “Lokmanya Tilak National Appellate Moot Court Competition”. It gives us pleasure to host such competition in the name of Lokmanya Balgangadhar Tilak, to continue carrying his legacy in his memory. His pivotal role in founding Deccan Education Society and vision behind it, is what we try to capture and implement through this competition. This year we will be hosting 16th edition of the competition. The competition provides the platform to all the participants to interact with their peers from all over the country.

Wish You All The Best!!

Itinerary

23rd February 2024

| | |
|----------------------------|-------------------|
| Breakfast and Registration | 8am to 9am |
| Inauguration Ceremony | 9:15am to 10:15am |
| Preliminary Round I | 10:30am to 1:30pm |
| Lunch Break | 1:30pm to 2:30pm |
| Preliminary Round II | 2:30pm to 5pm |
| Tea Break | 5pm to 5:30pm |
| Results and Draw of Lots | 5:30pm to 6pm |

24th February 2024

| | |
|----------------------------|-------------------|
| Breakfast and Registration | 8am to 9am |
| Semi Final Round | 9:15am to 12:15pm |
| Final Round | 12:15pm to 2pm |
| Lunch | 2pm to 3pm |
| Valedictory Session | 3pm to 4pm |



DECCAN EDUCATION SOCIETY'S

SHRI NAVALMAL FIRODIA LAW COLLEGE, PUNE

MOOT COURT SOCIETY ORGANISES

LOKMANYA TILAK NATIONAL APPELLATE

MOOT COURT COMPETITION.

(16th EDITION)

23th and 24th February, 2024.

MOOT PROPOSITION

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FACT SHEET

Amit Saxena, a distinguished Mumbai-based entrepreneur and restaurateur, a graduate of The University of Mumbai with full honours, entered into matrimony with Sarita Saxena, also an alumna of The University of Mumbai, who had an extensive professional history of serving in several managerial roles within multinational corporations. The union of Amit and Sarita culminated in their establishment of marital residence at Amit's independent dwelling situated in the outskirts of Mumbai. Subsequently, marital discord emerged amid escalating tensions, with conjecture suggesting Sarita's intent to sever spousal ties and relocate to Australia, purportedly facilitated by her confidant Manish Kumar, a mutual associate of both Amit and Sarita.

On the 2nd of July, 2023, subsequent to three years of their covert and strained marriage, Amit sought the company of his acquaintance, Rohan Gupta to check on his wife, as prompted by suspicions surrounding Sarita's fidelity. Together, they arrived at Amit's residence whereupon they saw Sarita in an embrace with Manish. Rohan possessing a valid license to carry a pistol, upon witnessing the aforementioned embrace, ensued a tussle. The circumstances surrounding the discharge of the firearm and the physical altercation remain ambiguous. The precise attribution of responsibility for the firing of the pistol is indeterminate, with uncertainty prevailing as to whether Rohan fired the weapon, in pursuance of Amit's directions, or if Amit, through force or coercion, obtained possession of the pistol and shot Sarita and Manish. The series of events regarding the gunshots transpired within a span of five minutes.

After the event, Amit and Rohan transported the bodies in a black plastic bag, to a restaurant owned by Amit, called "Desi Darbar", by keeping the bag in the trunk of Amit's vehicle. The corpses were then chopped up into segments and these pieces were then introduced into a tandoor. The incineration was facilitated with the assistance of Bikash, an employee of the restaurant. Concurrently, the introduction of human flesh into the barbeque apparatus precipitated a substantial release of raging flames and smoke within the confines of the restaurant, capturing the attention of passersby and those who were present in the establishment. The unusual nature of fire and smoke prompted a police constable to report the incident which led to the arrival of the local police at the restaurant. While they endeavoured to ascertain the cause of the fire, Amit and Rohan fled from the crime scene and successfully disposed of Rohan's pistol.

In the course of investigative proceedings, the tandoor underwent an examination, leading to the discovery of various anatomical fragments along with five small metallic objects. Subsequent analysis identified these fragments to be suggestive of dismemberment, while the metallic objects were identified as bullets. It was indicated that the remains of two individuals, one male and the other female, were being incinerated in the tandoor. A black bag bearing evidence of bloodstains was observed near the tandoor. A bloody handprint on a table adjacent to it was spotted, however, due to the lack of care taken during the initial response by the police inspectors resulted in the loss of the handprint due to inadvertent placement of a police officer's hand on the same spot, causing an overlap that compromised the evidence.

Subsequent to police questioning, Bikash asserted that he was engaged in the incineration of outdated documents and waste from the residence of "Amit sir", who had dropped off the same into the tandoor, along with his friend Rohan. After instructing Bikash to fire up the tandoor, he admitted that Amit and Rohan had departed immediately, which raised suspicions among the investigating officials. Bikash's attire also bore bloodstains and was thus confiscated. He was suspected to have aided the escape of Amit and Rohan from the crime scene and disposal of the deceased persons, thereby implicating him as a co-accused.

Upon discovering that the "waste" originated from Amit's residence, the police harbored suspicions about Amit which inclined them to conduct a search of the same. As the investigation delved deeper into his residence, the inadequacy of precautions, once again, resulted in the contamination and mutilation of the crime scene. However, in the outhouse of the property, they encountered a metal wall-hanging with a narrow but deep indentation that corresponded to a damaged wall observed in the living room of the house, the deep indentation which was seen looked like one made from a gunshot and not any other dent which could be made from normal wear and tear. Two bullet casings were discovered beneath a sofa-set, indicating that shots were fired in the same room and explaining the bullets found in the tandoor. The bag bore the fingerprints of Amit, Rohan and Bikash. Notably, only Bikash's clothing exhibited bloodstains, which were subsequently determined to match the blood composition of Manish Kumar and Sarita Saxena.

Upon ballistic analysis of the bullets recovered from the barbeque and the bullet casing recovered from Amit's residence, the report (Annexure I) concluded that the microscopic markings on the bullets and the individual characteristics of those bullets were similar. The report also concluded that the bullets would have to be fired from a gun, similar to one which was registered against Rohan's name. In the post mortem reports (Annexure II and III) of Sarita and Manish, the cause of both their deaths was conclusively determined to be gunshot wounds by the medical examiner at City Civil Hospital, Mumbai.

The evidence was presented before the Hon'ble Sessions Court in Mumbai, which held that Bikash was liable under the Indian Penal Code for the culpable homicide amounting to murder of both, Sarita and Manish. He was punished with a sentence of life imprisonment. The Hon'ble Court further ascertained that Bikash's actions were executed in accordance with instructions received from his employer, Amit, thereby rendering Amit also jointly liable and accountable. Both Bikash and Amit were found liable for the possession and utilization of an unlicensed firearm pursuant to the Arms Act of 1954, punishable with a sentence for 7 years. Given Rohan's collaborative role in the entire sequence of events, he was deemed to be accomplice in the crime, and hence, was also held jointly liable and accountable for the acts of Bikash and Amit in furtherance of their common intention to murder Sarita and Manish, and was also imprisoned for life.

Aggrieved by the decision of the Hon'ble Sessions Court, Mumbai, the accused parties of this present case have decided to present an appeal.*

*** NOTE- PARTICIPANTS ARE TO FRAME THEIR OWN ISSUES AND JUSTIFY WHY THE PRESENT APPEAL STANDS.**

ANNEXURE I

Institute of Forensic Science, Mumbai

University Mumbai, Mumbai

Institute of Forensic Science, 15, Madame Cama Rd, Mantralaya, Fort, Mumbai, Maharashtra
400032

IFS/10/AZT/10/318/2023

Ballistics Evaluation Report

| | |
|--------------------------|-----------------------------|
| IFS File No. | IFS/10/AZT/10/318/2023 |
| Date of Report | 8/7/2023 |
| User Request Letter No. | Your letter dated: 4/7/2023 |
| Acceptance of Tender No. | Not Applicable |
| Date of Trials | 6/7/2023 |

Victim: Manish Kumar; Sarita Saxena

(DECEASED)

Institute of Forensic Science, Mumbai

University Mumbai, Mumbai

Institute of Forensic Science, 15, Madame Cama Rd, Mantralaya, Fort, Mumbai, Maharashtra
400032

SPECIMEN SUBMITTED

1. 2 Bullet Casings marked EX-54 - EX-55
2. 1 Bullet From Victim 1 marked EX-56
3. 1 Bullet From Victim 2 marked EX- 57

DATE AND TIME RECEIVED- 6/7/2023, 9:45 AM.

Submitted By- S. I. Jadhav

PURPOSES:

1. To determine whether the evidence bullets marked EX-56 to EX-57 were fired through the barrel of Modified 0.32" Automatic Pistol similar to that owned by SUSPECT 3 ROHAN GUPTA.
2. To determine whether evidence bullets marked EX-56 and EX-57, and evidence bullet casings EX 54 to EX-55 were fired from the barrel of the same gun.

FINDINGS AND CONCLUSION:

Comparative examination made between the evidence bullets marked EX-56 to EX-57 revealed that they possess similar individual characteristic markings, comparative analysis revealed that evidence bullet casings EX 54 to EX-55 also possess individual characteristics, similar to that of

Institute of Forensic Science, Mumbai

University Mumbai, Mumbai

Institute of Forensic Science, 15, Madame Cama Rd, Mantralaya, Fort, Mumbai, Maharashtra 400032

evidence bullets marked EX-56 to EX-57. Said evidence bullets were fired through the barrel of only one firearm. The bullets were fired through the barrel of Modified 0.32” Automatic Pistol similar to that owned by SUSPECT 3 ROHAN GUPTA.

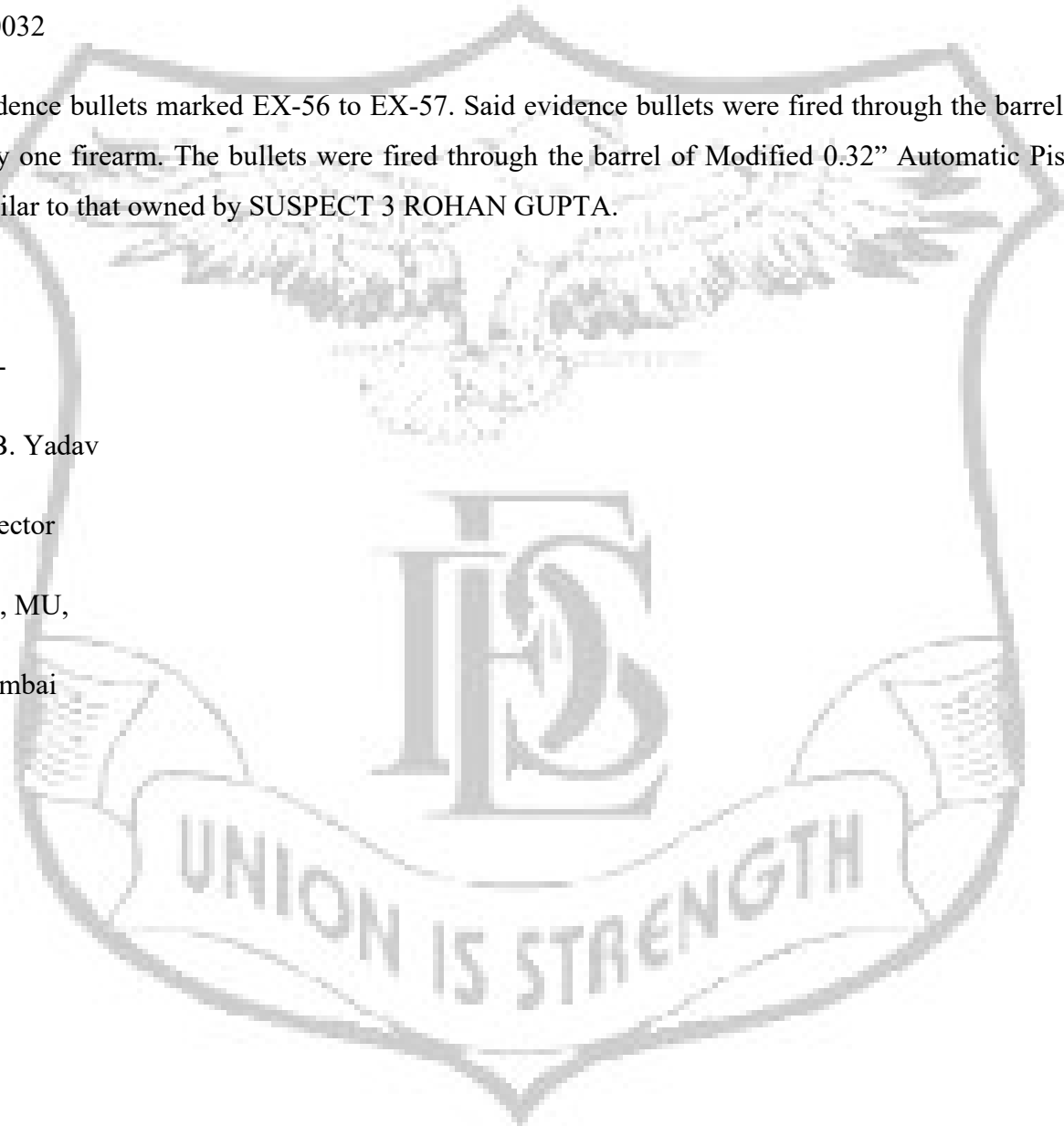
Sd/-

P. B. Yadav

Director

IFS, MU,

Mumbai



ANNEXURE II

POST MORTEM REPORT

CITY CIVIL HOSPITAL

Post Mortem Report No. 345/Ref. No: C0987

Date and Hour of Receipt of Dead Body: 3rd July 2023 at 10:00 AM

Date and Hour of Starting Autopsy: 4th July 2023 at 9:00 AM

Date and Hour of Concluding Autopsy: 4th July 2023 at 5:00 PM

Body Brought by: S. I. Jadhav, P.C. No. D1234/P.S. Bandra

SCHEDULE OF OBSERVATION

A- General

Name of Deceased: Mrs. Sarita Saxena (identified by DNA Analysis)

Sex: Female

Age: 35 years

Home Address: A-703, Neelam Apartments, Navanagar Marg, Ambu Bet, Madh, Mumbai, Maharashtra - 400061

Date and time of death: 03.07.2023, 11:00 PM

Pathological Diagnosis:

Adult female found dead after sustaining 3 bullet injuries caused by 2 shots. The remains recovered by Mumbai Police include mutilated bodies of the aforementioned female and another male individual. Postmortem burns were noted on all the recovered segments.

The following viscera were preserved and sealed for chemical analysis:

- a. Skull: Bullet wound found entering the frontal bone and exiting from the occipital bone
- b. Chest: One bullet found buried inside the right lung
- c. Stomach contents for toxicology

B- External Examination

The body is that of an adult female whose exact height and weight could not be determined due to the severe mutilation inflicted post-mortem. The body has been intentionally dismembered and subjected to burning. The received body parts are fragmented, likely indicating a deliberate act of homicide and dismemberment. Both upper and lower limbs are identifiable but bear signs of burns and rough cutting. The skin is charred. A total of 31 teeth were recovered from the jaw, displaying normal coloration and were firmly attached. Rigor mortis appeared early and postmortem lividity is well developed.

Three gunshot wounds observed. Two of these are entrance wounds, characterized by their smaller circular shape with inverted margins. Adjacent skin displays two distinct zones: an inner grease collar and an outer abraded collar. The third wound is an exit wound, larger than the size of the bullet. These findings suggest that distant shots (over one metre) were fired, likely from an automatic pistol.

The bullets have struck the body of the deceased in varied places and in different angles, signalling a scuffle. The bullet wound to the head is strongly suggestive of murder, if accident can be ruled out. From the post mortem burns, an attempt made to burn the body with an intention to conceal the homicide is seen.

C- Evidence of Injury

At the time of the post mortem, three bullet wounds are found. First bullet wound in the frontal bone in the midline (entry wound) and exit wound found on occipital bone. The entrance wounds are smaller than the bullet, circular and margins are inverted. The skin adjacent to the hole created by the bullet shows two zones, the inner of the grease collar and the outer of abraded collar. Thus, it can be determined that distant shots (above one metre) were fired by an automatic pistol.

A second bullet wound was inflicted onto the chest and a bullet has been identified and localized within the parenchyma of the right lung. The presence of the bullet has caused localized tissue damage, including haemorrhage, contusion, and potential disruption of pulmonary blood vessels. As a consequence of the gunshot wound to the right lung, the deceased likely experienced respiratory distress, evidenced by symptoms such as shortness of breath, chest pain, and coughing.

D- Internal Examination

The internal examination revealed a severely traumatized body of an adult female consistent with a complex case of accident or homicide, involving gunshot wounds, mutilation, and post-mortem burning. The internal organs are in a state of autolysis.

Cardiovascular System: The heart bears burn injuries. Blood vessels indicate excessive blood loss.

Respiratory System: The right lung is charred and a bullet was found in the right side of the ribcage.

Digestive System and Liver: The oesophagus, stomach, and intestines are severed. The stomach contains fresh food particles, which includes fruit. The tissues of the liver, gallbladder and pancreas found are burnt but otherwise, unremarkable. No foreign materials or substances are observed in them. Evidence of post-mortem burning is present on the outer surfaces of these organs.

Genitourinary System: The kidneys and bladder cannot be identified or have been charred entirely. Several cuts around the reproductive organs are observed.

Musculoskeletal System: Skeletal structures reveal several fractures. Evidence of dismemberment is noted, with detached limbs displaying signs of post-mortem burning.

Nervous System: Brain damaged due to gunshot and burns.

Evidence Collection: Blood and tissue samples are collected for toxicology testing. Foreign materials, including the bullet and hair, are preserved for analysis.

Head: Brain damaged due to gunshot and burns.

E- Conclusion

Opinion: The primary mechanisms leading to death include pulmonary compromise from the right lung injury, haemorrhage in the brain due to the projectile traversed by the other bullet, and consequential blood loss. The post-mortem examination reveals that the observed mutilation and burning occurred exclusively after death.

Sd/-

Dr. S. B. Kulkarni

Medical Officer (Forensics)

ANNEXURE III

POST MORTEM REPORT

CITY CIVIL HOSPITAL

Post Mortem Report No. 346/Ref. No: C0987

Date and Hour of Receipt of Dead Body: 3rd July 2023 at 10:00 AM

Date and Hour of Starting Autopsy: 4th July 2023 at 9:00 AM

Date and Hour of Concluding Autopsy: 4th July 2023 at 5:00 PM

Body Brought by: S. I. Jadhav, P.C. No. D1234/P.S. Bandra

SCHEDULE OF OBSERVATION

A- General

Name of Deceased: Mr. Manish Kumar (identified by DNA Analysis)

Sex: Male

Age: 37 years

Home Address: B-3, 87/4/3, Dongri Rd, Dongri, Uttan, Mira Bhayandar, Mumbai, Maharashtra - 401106

Date and time of death: 03.07.2023, 11:00 PM

Pathological Diagnosis:

Adult male found dead after sustaining 5 bullet injuries caused by 3 shots. The remains recovered by Mumbai Police include mutilated bodies of the aforementioned male and another female individual. Postmortem burns were noted on all the recovered segments.

The following viscera were preserved and sealed for chemical analysis:

- a. Small Intestines: Perforated due to bullet injury
- b. Chest: One bullet found buried inside the right lung
- c. Tissue samples from the left forearm entry and exit bullet wounds and surrounding tissues retained for histological examination
- d. Stomach contents for toxicology

B- External Examination

The body is that of an adult male whose exact height and weight could not be determined due to the severe mutilation inflicted post-mortem. The body has been intentionally dismembered and subjected to burning. The received body parts are fragmented, likely indicating a deliberate act of homicide and dismemberment. Both upper and lower limbs are identifiable but bear signs of burning and rough cutting. The skin is charred and cracks easily around the joints. A total of 32 teeth were recovered from the jaw, displaying normal coloration and were firmly attached. Rigor mortis appeared early and postmortem lividity is well developed.

Five gunshot wounds observed. Three of these are entrance wounds, characterized by their smaller circular shape with inverted margins. Adjacent skin displays two distinct zones: an inner grease collar and an outer abraded collar. Two wounds are exit wounds, larger than the size of the bullet. These findings suggest that distant shots (over one metre) were fired, likely from an automatic pistol.

The bullets have struck the body of the deceased in varied places and in different angles, signalling a scuffle. The presence of entrance wounds at the front of the body may suggest that the victim

was rushing towards the assailant, who then, faced panic or another strong emotion, causing shots to go wild and thus, not localised in one particular region. From the post mortem burns, an attempt made to burn the body with an intention to conceal the homicide is seen.

C- Evidence of Injury

At the time of the post mortem, five bullet wounds are found. An entrance and an exit wound from the bullet that entered the abdomen and exited from the back, two wounds in the left forearm, and the last wound is an entrance wound caused by a bullet which was lodged in the parenchyma of the right lung.

Injuries to the right lung, small intestine and mesentery are evident from the bullet holes caused to the abdomen and anterior chest, under the charred skin. The presence of the bullet in the lung has caused localized tissue damage, including haemorrhage, contusion, and potential disruption of pulmonary blood vessels. As a consequence of the gunshot wound to the right lung, the deceased likely experienced respiratory distress, evidenced by symptoms such as shortness of breath, chest pain, and coughing. Rib fractures due to the bullet are undeterminable as the body has been roughly cut up. The tissue from the forearm shows one entrance wound on the lateral aspect and an exit wound on the medial aspect.

D- Internal Examination

The internal examination revealed a severely traumatized body of an adult male consistent with a complex case of accident or homicide, involving gunshot wounds, mutilation, and post-mortem burning. The internal organs are in a state of autolysis.

Cardiovascular System: The heart bears burn injuries. Blood vessels indicate excessive blood loss.

Respiratory System: The right lung is charred and a bullet was found in the right side of the ribcage.

Digestive System and Liver: A bullet entered and exited the small intestines of the deceased, leading to loss of blood. The stomach contains food particles. The tissues of the liver, gallbladder

and pancreas found are burnt, but otherwise unremarkable. No foreign materials or substances are observed in them. Evidence of post-mortem burning is present on the outer surfaces of these organs which have been injured during dismemberment.

Genitourinary System: The kidneys and bladder cannot be identified or have been charred entirely.

Musculoskeletal System: Skeletal structures reveal several fractures. Evidence of dismemberment is noted, with detached limbs displaying signs of post-mortem burning.

Nervous System: The brain and spinal cord exhibit no gunshot wounds. Signs of neurotrauma or post-mortem changes are not evident as severe damage has been caused due to mutilation and burns.

Evidence Collection: Blood and tissue samples are collected for toxicology testing. Foreign materials, including the bullet and hair, are preserved for analysis.

E- Conclusion

Opinion: The primary cause of death is attributed to the shooting, with subsequent fatal blood loss resulting from five distinct wounds. The wounds affecting the right lung, abdomen, and shoulder collectively contributed to the irreversible physiological compromise that led to death. The post-mortem examination reveals that the observed mutilation and burning occurred exclusively after death.

Sd/-

Dr. S. B. Kulkarni

Medical Officer (Forensics)