**MOOT PROBLEM ON CONSTITUTIONAL LAW**

Republic of Indiva is a country which has various cultural and historical glories to its name and was often nicknamed as the “Land of Culture”. People from various backgrounds lived in harmony and abided by the laws of the land. In Republic of Indiva, the majority of the population worshipped deities in the personification of women as a symbol of Strength and Fearlessness. Ankara is a State of Republic of Indiva with the highest literacy rate among all other States of Republic of Indiva and the people believed in the Equality between Men and Women in all spheres of life.

Shrishti was a young Advocate who had just passed her college and started practicing. She was very ambitious about her work and always worked for the poor and needy people free of cost. She was always the last one to leave her workplace and often took her personal vehicle to travel home from workplace. One such night, on 17-01-2020 around 9:30 P.M. she was returning from workplace on her scooty, where she noticed four men desperately asking for help beside the highway. Out of generosity, she stopped her scooty and two men told her that they are tourists and one of their friends is laying injured at a distance. While she got down from her scooty, two of them accompanied her to a distant secluded place.

On her way, she realized that her phone was inside the scooty, so she returned for taking the same and on return, she found that her two-wheeler tyre was punctured. Shrishti called her younger sister Nancy at 9.35 p.m. to inform that her scooter had broken down and she was alone on the road. All of a sudden, the two men, who had asked for help accompanied by two other men came towards her and started touching her in a wrong way. She got scared and slapped one of them, to which the men became angry and then dragged the girl to a distant place and raped her one by one. In the fear of not getting caught, the four men put petroleum in her body and burnt her alive till she was dead and ran away towards the nearby village.

On 18-01-2020 the partially burnt body was found at an underpass on the Ankara-Bendakal national highway by a farmer around 6 a.m. He informed the village sarpanch, who alerted the local police. After confirming that the victim was a female, the local police verified the recent women missing cases and then, with the help of the handbag and the scarf, the family members were able to recognise her.

The Police started various investigation procedures and discovered a CCTV footage which was placed near the highway for traffic control. By looking at the CCTV footage, the Police saw some faces where the recording timing showed around 10:00 P.M. based on which, they started searching for the four men who had run towards the village and started the enquiry. On 23-01-2020, based on its investigation, the Police arrested, Javed, Rajesh, Naveen and Keshav. In the meantime, as soon as the news became viral, people all over the country started protesting and the news became trending all over Social Media and people demanded Justice for Shrishti. People from various political background as well as Film Industry and Media houses demanded speedy Justice and #KillTheRapists became viral all over the Country and the Government took initiative for a speedy disposal of the case.

On 24-01-2020, the Police presented the four accused in front of the local Magistrate and requested for a 7 days remand for further investigation. Amidst the remand period, the entire Country protested with candle light marches and various High-Profile Personalities also got involved in the protests. On 03-02-2020, the Media flashed the news that the four accused had been shot dead by the Police while they were being taken to the Court. The Investigation In-Charge in the Interview stated that Naveen and Keshav snatched the revolvers from the Constables while they were being taken to the Court, jumped out of the Police Van and fired two rounds in the air. Javed and Rajesh also followed them and tried to escape. The Police claimed that they found no other ways and had to shoot down the four accused otherwise the accused would have fled.

The killing of the accused in the alleged encounter was hailed by a section of people, the families of the deceased and human rights groups alleged that the police took law into its hands, terming this as extra-judicial killing. In the police press conference that followed, questions as to how two of the four accused managed to get hold of the pistols in the presence of 10 armed police officers went unasked.

The families of the Four Accused also alleged that the police officers have have framed the murder scene as they had threatened them when they went to the police station. The families informed the reporters that the police officers angrily made the statement to the families that the accused stand no chance of being saved from death as the entire Nation was against their act.

 As soon as the News became viral, the entire Country rejoiced and supported the action of the Police and the same was called an “Act of Bravery” by various Political Leaders. But, An NGO named as “Saman Adhikar” filed a Petition before the Hon’ble High Court of Ankara. The Hon’ble High Court of Ankara after hearing all the arguments of the case held “*The Police had no other option but to shoot the four accused failing to which they would have fled and which would have triggered mass and widespread agitation throughout the Nation and the Role of the Police would have been in question. Therefore, the Court finds the Act of the Police as an Act of Bravery and sudden reflex to counter the situation which arose in front of them.”*

Families of the four accused who were gunned down by the police in an alleged encounter, have approached the Supreme Court, seeking registration of murder case against the police officers involved. Alleging that the youth were killed in a stage-managed gunfight, the families filed a writ petition under the provisions of Article 32 of the Constitution that enables individuals to seek redressal for the violation of their fundamental rights.

The NGO, after the Judgment by the Hon’ble High Court, approached the Hon’ble Supreme Court on the contention of violation of Human Rights as well as the violation of Fundamental Rights guaranteed under the Constitution of Republic of Indiva. All the petitions have been clubbed by the Hon'ble Supreme Court of Republic of Indiva and stands pending before the Hon’ble Supreme Court of Republic of Indiva.

Note:

1. **The laws of the State of Republic of Indiva are *in pari materia* with the laws of India.**
2. **The matter to be heard by the Hon’ble Supreme Court.**
3. **Students shall prepare memorials/arguments for both Petitioner and Respondent.**
4. **Students may frame their own issues**