



INDIAN INSTITUTE OF LEGAL STUDIES
INTRA MOOT COURT COMPETITION, 2025
(JANUARY – JUNE SESSION)
[MOOT PROPOSTITON FOR SEMI FINAL & FINAL]

- 1) In January 2020, Kamlesh resident of Rawalpindi met with Samita in Common friend's birthday party. They developed a good bond and friendship which resulted in intimate relationship. On 20.02.2021 Kamlesh shared certain obscene pictures of Samita with his friend Rana, without her consent. This led to their breakup. Samita also lodged a FIR against her ex- boyfriend, Kamlesh for sharing her obscene pictures and for threatening to post those pictures on social media. The FIR was filed on 24.02.2021 and in accordance, the investigation was initiated.
- 2) Samita is now 24 years old, and domiciled at Mysore District, situated in Manali State, one of the constituent regions within the Union of Kipash. She habitually commutes by passenger train traversing between Bangalore and Mysore. On November 1, 2023, she embarked on a journey from Bangalore to Mysore. Later, on the same day, she was discovered in an unconscious state within the woodlands adjacent to Mysore Railway Station at approximately 10:00 p.m. Subsequently, Samita was expeditiously taken to Government Medical College Hospital in Mysore, where she succumbed to her injuries at about 4:00 p.m. on November 5, 2023. The same was informed to police by Dr. Raunit on behalf of the hospital authorities.
- 3) Investigation was started by police and a person named Rana recognised as suspect of crime by help of CCTV cameras and co-passengers. On November 10, the police apprehended the accused, Rana, aged 30, hailing from Rawalpindi in Bankkunaa, a known recidivist with prior convictions. As per the prosecution's assertions, Rana purportedly attempted to perpetrate the offence of robbery against Samita within the confines of the women's compartment. Allegedly, in the course this criminal act, he forcibly banged her head against the wall of the trains' compartment when met with resistance and subsequently threw her out of the moving train. Thereafter, Rana also jumped out of the moving train, and travelled approximately 200 meters to locate Samita lying unconscious amidst a pool of blood. He

then purportedly transported her to an area adjacent to the railway tracks and allegedly assaulted her sexually.

- 4) DNA samples retrieved from the crime scene and the deceased's body matched with those obtained from the suspect. Additionally, a button from his shirt was discovered within the female compartment. Traces of his semen were detected on the deceased's body and clothes. Furthermore, the deceased's fingernails harboured traces of the suspect's epidermal cells and blood. Concurrently, marks consistent with fingernail abrasions were identified on the suspect's body. Also, in Rana's phone obscene pictures of Samita were present, the date of receipt being 20.02.2021. (DNA report is attached as Appendix-C).
- 5) Several individuals saw accused in the passenger train, while others noted his presence near the Mysore bus stop. Additionally, the cries of a woman were overheard by several train passengers and residents residing in proximity to the Mysore Railway station.
- 6) While undergoing medical examination, the accused admitted to Dr. Bhagat Lal at Government Medical College Hospital, Mysore, the commission of rape against the deceased. Furthermore, Samita's cellular device was retrieved from an individual identified as Chotu, hailing from Rajiv Nagar District, who purportedly acquired it from the accused, Rana.
- 7) During the police investigation, it was ascertained that on 10th September 2023, the accused, Rana was engaged in showing sexual coloured remarks towards a female named Tanu, an acquaintance of the deceased, within the vicinity of Mysore Bus Stop. Tanu vocally objected to the accused's conduct. Consequently, the accused threatened her of severe loss if she choose to report the matter to police authorities. Despite the intimidation tactics employed by the accused, the girl remained steadfast and lodged a formal complaint against him at Mysore Police Station. Subsequently, the police initiated legal proceedings by registering a First Information Report (FIR) against the accused with charges section 354A and 506 of K.P.C. and in accordance action was taken. (Copy of FIR is attached as Appendix-B)
- 8) Dr. Tanvi, the forensic surgeon who conducted the post-mortem examination, testified before the court regarding approximately 20 bodily injuries, emphasizing that the demise primarily resulted from the combined effects of injuries number 1 and 2. She unequivocally asserted that the first injury, characterized by a lacerated wound accompanied by surrounding abraded contusions on the left side of the forehead, along with contusions on both sides of the forehead above the eyebrows and involvement of the left temporalis muscle, exhibited

features consistent with the impact sustained from the deceased's head striking the wall of the train compartment. Additionally, the left orbital margin displayed evidence of a fissured fracture, while fractures were evident on the floor of the left anterior cranial fossa. Moreover, traumatic disruption of the stem of the pituitary gland was observed, and the left frontal lobe of the brain exhibited multiple areas of haemorrhage. The second injury, because of a considerable amount of bleeding resulted in anoxic brain damage, arising out of committing rape in the supine position.

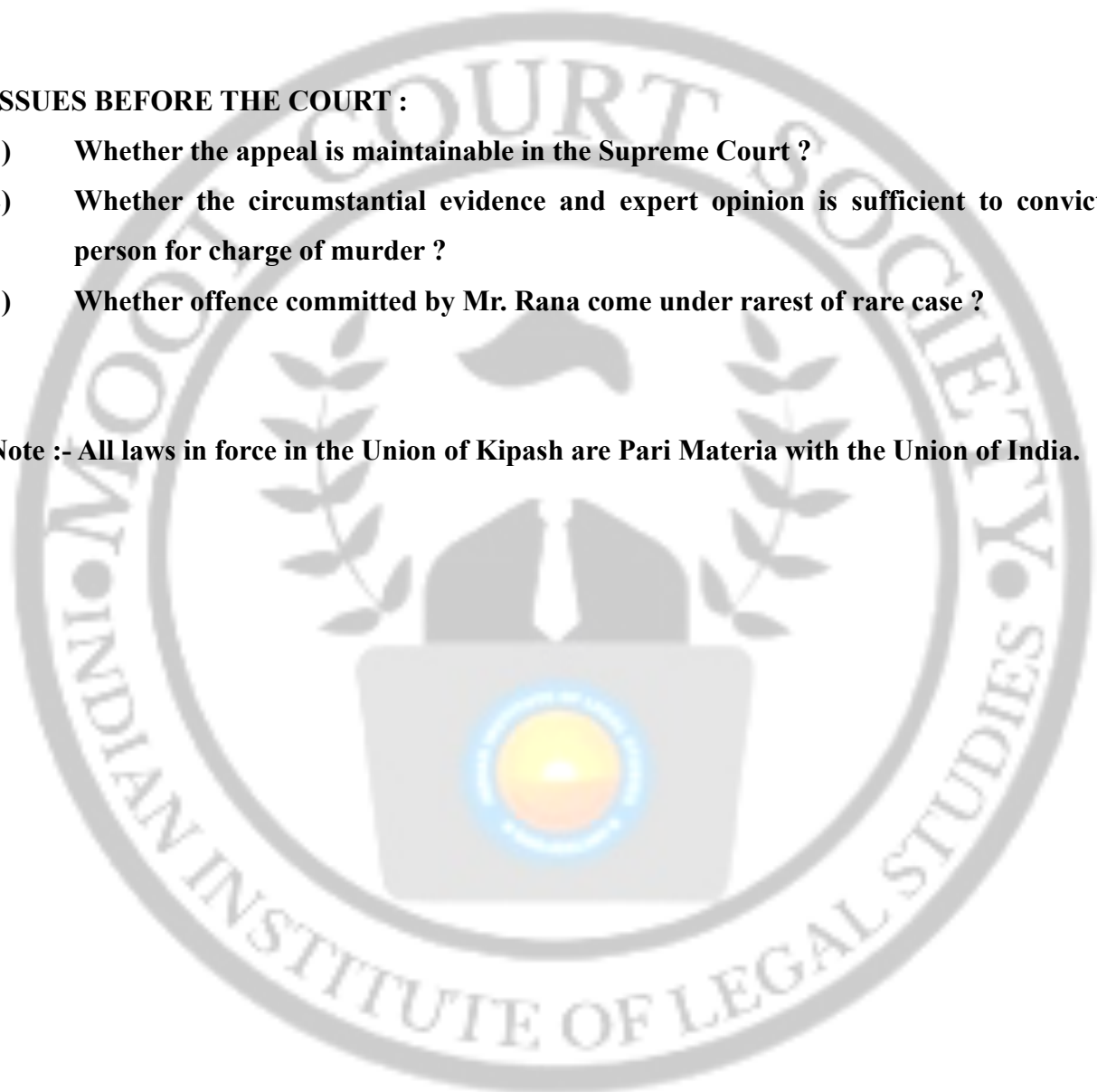
- 9) Among the additional witnesses, two Co-passengers from the adjacent compartment to the women's compartment testified the sounds indicative of struggle and the distressing cries of the woman. Furthermore, they received information from another co-passenger that a woman had "jumped" from the train.
- 10) Upon the conclusion of the final proceedings in the trial court, the prosecution asserted that this case warrants classification as the "rarest of rare" in light of both scientific and circumstantial evidence. The absence of eye witnesses should not be perceived as a deficiency when deliberating upon the imposition of the maximum penalty, given the perpetrator's blatant disregard for moral conscience in perpetrating both rape and murder concurrently. The trial court rendered a verdict of guilt against the accused under sections 354C, 376 and 302 of the Kipash Penal Code, imposing the death penalty for the offense of murder, life imprisonment for the offence of rape and one year imprisonment with imposition of fine Rs. 2,00,000 for voyeurism. Dissatisfied with the trial court's ruling, the accused lodged a criminal appeal before the High Court. (Copy of FIR is attached as Appendix-A)
- 11) On the basis of expert opinion, circumstantial evidence, facts, DNA Reports etc., the High Court, by setting aside trial's court order, partially granted relief to the accused, absolving him of the charge of murder, voyeurism. The Court reasoned that the prosecution had failed to substantiate the allegation that the accused forcibly expelled the deceased from the train and the obscene picture was either taken by Rana or shared by him. Furthermore, the prosecution did not establish, beyond reasonable doubt, that the accused possessed the requisite mens rea to inflict the injury designated as no.2, which ultimately led to the deceased's demise. Consequently, the High Court modified the verdict by acquitting from Section 354 C and convicting the accused under Section 325 instead of Section 302 of the Kipash Penal Code and also reduced the punishment upto 10 years under Section 376 of the said code.

- 12) Exercising its right to legal recourse, the state filed an appeal before the Supreme Court, seeking confirmation of the charge of murder against the accused.

ISSUES BEFORE THE COURT :

- 1) **Whether the appeal is maintainable in the Supreme Court ?**
- 2) **Whether the circumstantial evidence and expert opinion is sufficient to convict a person for charge of murder ?**
- 3) **Whether offence committed by Mr. Rana come under rarest of rare case ?**

Note :- All laws in force in the Union of Kipash are Pari Materia with the Union of India.



Appendix A

FIRST INFORMATION REPORT (U/S. 154 of CrPC)

Police Station: Mysore

Year: 2023

FIR No: 932/2023

- 1. District:** Mysore
- 2. Date of Occurrence:** 05/11/2023
- 3. Time of Occurrence:** 4:00 PM
- 4. Information Recorded at PS:** 05/11/2023
- 5. General Diary Reference Entry:** 5 Nov, 2023
- 6. Information Recorded by:** Station House Officer
- 7. Type of Information:** Oral
- 8. Place of Occurrence:** Woodland adjacent to Mysore railway station
- 9. Informant:** Dr. Raunit, GMHC, Mysore
- 10. Accused:** Rana (Suspected)
- 11. Acts:** Under Sections 302, 376, 354C of the Kipash Penal Code
- 12. Details of Offence:** On November 1, 2023, the victim embarked on a journey from Bangalore to Mysore. She was found unconscious in the woodlands near Mysore Railway Station at approximately 10:00 PM. The victim was taken to GMHC, Mysore, and passed away due to her injuries at 4:00 PM on November 5, 2023. A post-mortem examination revealed approximately 20 bodily injuries and confirmed rape.
- 13. Dispatch to Court:** 6 November 2023, 11:00 AM

Signature of Informant: Dr. Raunit, GMHC, Mysore

Signature of Officer Recording FIR: D.K. Shrivastva, SHO

Appendix B
FIRST INFORMATION REPORT (U/S. 154 of CrPC)

Police Station: Mysore

Year: 2023

FIR No: 813/2023

1. District: Mysore

2. Date of Occurrence: 10/09/2023

3. Time of Occurrence: 4:00 PM

4. Information Recorded at PS: 10/09/2023

5. General Diary Reference Entry: 10 September, 2023

6. Information Recorded by: Station House Officer

7. Type of Information: Oral

8. Place of Occurrence: Mysore bus stop

9. Informant: Tanu

10. Accused: Rana (Suspected)

11. Acts: Under Sections 354A & 506 of the Kipash Penal Code

12. Details of Offence: On 10 September 2023, the accused Rana engaged in behavior that was construed as harassment towards a female individual named Tanvi at the Mysore bus stop. The accused also issued threats to the complainant and Tanvi, warning them of severe repercussions for reporting the matter to the authorities. Despite this, the complaint was lodged at the Mysore Police Station.

13. Dispatch to Court: 12 September 2023, 12:30 PM

Signature of Informant: Tanu

Signature of Officer Recording FIR: D.K. Shrivastva, SHO

Appendix C DNA Report

Regional Forensic Science Laboratory State of Manali

Examination Report Mysore police station U/S 376,302 of K.P.C.

1. Description of Articles

Exh 1: Skin on Fingernails from deceased body labelled sample 1

Exh 2: Fingernail marks on Mr. Rana Body

Exh 3: Semen from deceased's body labelled as Sample 2 Exh 4: Semen of Mr. Rana labelled as Sample 3

2. Result of Analysis

The DNA extracted from Exh1 & Exh 3 with that of Exh 2 & 4 is genetically identical. Opinion DNA samples retrieved from the crime scene and the deceased's body were juxtaposed with those obtained from the suspect. Traces of his semen were detected on the deceased's body and attire. Furthermore, the deceased's fingernails harbored traces of the suspect's epidermal cells and blood. Concurrently, marks consistent with fingernail abrasions were identified on the suspect's body.

Dr. Bhagat Lal.

(Government Medical College Hospital, Mysore)