

RTMNU'S DR. BABASAHEB AMBEDKAR COLLEGE OF LAW

IUSTA CAUSA NATIONAL LAW FESTIVAL-2018

MOOT PROBLEM

1. One Alia Kumar (Deceased), allegedly aged about 15 years, jumped in a well situated at Peru, at about 15.00 hrs. On 23rd January 2013. On the basis of this information an Accidental Death Report was registered at Baghdadi Police Station. Spot of incident was showed by the complainant. Spot panchanma bears her signature. Spot was a public well.
2. During the course of investigation of aforementioned accidental death the mother of the deceased lodged a complaint at Baghdadi Police Station inter alia alleging that her daughter was having an affair with Kamles the present appellant/ accused and out of same affair she committed suicide. On the basis of said report a First Information Report for alleged commission of offences under section 306 Indian Penal Code came to be registered against the appellant on 23rd January 2013. Thereafter, the accused was arrested by the Police Officials.
3. Further during the course of investigation it transpired that at the time when the deceased committed suicide, she was pregnant. DNA test was taken and during the test it was found that the deceased accused were biological parents of the foetus. The seizer of all the blood samples was done strictly as per the provision of the law. As per radiological ossification test the age of the victim was calculated 15 years.
4. The deceased was under age at the time of suicide and hence such offence under section 376 Indian Penal Code R/w Section 5 & 6 of Protection of Children From Sexual Offences Act, 2012 was also registered.
5. That, after the investigation was completed the charge sheet came to be filed and the matter was committed before Learned Sessions Judge for trial.

6. That, in order to bring home the guilt of the accused/ appellant the prosecution in all examined as many as 7 witnesses. The prosecution endeavoured to establish that the deceased was under the age of 16 at the time of her death & as she was pregnant with the accused at the relevant time the accused had committed offences under section 306, 376 Indian Penal Code R/w Section 5 & 6 Protection of Children From Sexual Offences Act, 2012.
7. After conclusion of the trial, the Sessions Court concluded that the prosecution has proved the factum of death of Alia; however, the prosecution has failed to prove that the accused abetted the commission of suicide by Alia. The Sessions Court concluded that the prosecution has proved that the accused committed aggravated penetrative sexual assault upon Alia who was aged about 15 years at the relevant time and because of which she became pregnant. With the above findings the Sessions Court convicted the appellant / accused as per the impugned judgment. That, after the evidence was advanced and both the parties were heard, on 29th November 2014 the learned Additional Sessions Judge, Erode was pleased to pass its judgement and order in the said matter thereby holding appellant guilty of commission of offences under Section 376 of Indian Penal Code and Section 6 of Protection of Children From Sexual Offences Act, 2012 & has further sentenced them to imprisonment for the period of ten years each and pay fine to the tune of INR 2,000/- each and in default to undergo Simple Imprisonment for term of 3 months each.
8. An appeal is made before the Hon'ble High Court against the judgement and order passed by the Additional Sessions Judge – 11, Erode in the Session Trail No. 111 of 2013 on 29th November 2014.
9. Hon'ble High court upheld the order of the Sessions Court and now the matter is before the Hon'ble Supreme Court.

SUPPORTIVE INFORMATION

Deposition of Witness No. 1 for Prosecution

Name : Hema Kumar
Aged : 30 yrs.
Occ. : Labour
Res. : Pakinaka
Dist. : Erode

Examination-in-chief by A.P.P. for State.

My marriage was solemnized with Dharmendra in the year 1991. I started residing along with my parent-in-law and husband in Sakinaka, Erode. I had begotten one female child after one year of marriage. Her name was Alia. Alia was borne at home. I do not know the date of birth of Alia. Her father has written it down in one diary. My husband is not alive today. Alia's father had been to school for admission of Alia.

2] When Alia was aged 2 years, I left home of my husband Dharmendra. Alia was residing along with her grandparent, when I left home of Dharmendra. After leaving the home of Dharmendra, I started residing at Pakinaka. I used to visit at the house of Dharmendra.

3] I know accused Kamles. He is son of my paternal aunt. He is residing in our locality. Ten to twelve houses are situated between the house of Dharmendra and house of Kamles. Today Alia is not alive. She jumped into well. Said incident occurred in January, 2013.

4] Before 8 to 10 days before the incident of suicide. I received information from people that Alia had love affair with Kamles Modi. When I inquired with my daughter Alia, she denied for the same. I also inquired with Kamles. Kamles told me better you take care of your daughter.

5] Before one to two days before the incident of suicide. I came to know from my mother-in-law (mother of Dharmendra) Kamles's mother assaulted Alia at our home. I came back home.

6] On the day of incident, at about 3-00 PM I received telephone from my sister that Alia jumped into well. When I reached spot of incident, police staff drawn out dead body of Alia out of well. Alia was taken to Rims Hospital in police vehicle. I also accompanied her. My mother-in-law told me that Alia had told her that she had love affair with Kamles and is pregnant from him for three months. Alia told my mother in law that she is going for chewing Kharra, left home and jumped in to well.

7] Thereafter I went to police station Baghdadi for lodging report. Police had reduced my report into writing as per my say. Police read over contents of my report to me. It was written

down correctly. Report is now shown to the witness. Witness states, it bears my thumb impression. Contents therein are true and correct. The said report is marked as Document “AA”

8] Alia was taking education in ABC School, Pakinaka, Erode.

Cross- examination by Adv. for the accused:

9] I do not know my age. My age might be between 30 to 35 years. I have not registered my marriage with Dharmendra. It is true to say that I do not have any document to show the date of solemnization my marriage. It is true to say that I deserted Dharmendra after two years from my marriage because of domestic disputes. It is true to say that thereafter I started residing with Krishnakumar. It is true to say that from Krishnakumar I begotten two sons and a daughter. It is not true to say that my elder son begotten from Krishnakumar is 17 years of age.

10] I am facing criminal case in the court. It is true that I have been tried for the offence of selling of girls in other State.

11] I had not narrated to the police while recording my statement that I married with Dharmendra in the year 1998; likewise, Alia was born at home; likewise her father has written down her date of birth in a dairy; likewise Alia was admitted by Dharmendra in the school; likewise, I was in visiting terms in the house of Dharmendra. I cannot assign any reason as to why these facts are not mentioned in my statement by the police.

12] I have narrated to the police in my statement that Kamles is son of my paternal aunt since police had not inquired me.

13] It did not happen that Alia told me about her love affairs with Kamles.

14] Portion marked A is now read over to the witness. Witness states, I have not stated to the police that – Alia had love affairs with Kamles.

15] It is true that my daughter Alia was residing with her grand- mother. It is true that Alia’s grandmother was beggar.

16] It is not true to say that due to my fear, Alia committed suicide. It is not true to say that at the time of death of Alia, her age was 17 to 18 years.

Erode

Additional

Sessions

Judge,

Date: 13-03-2014

Erode

Deposition of witness No. 2 for prosecution

Name : Rakhi
Aged : 60 Yrs.
Occ. : Begger
Res. : Sakinaka, Erode
Dist : Erode

Eamination-in-chief by A.P.P for state

Hema Kumar was deserted wife of my son Dharmendra. Alia was their daughter. Alia was staying with me since her Mother left our house. Hema was on visiting term in my house.

2] I know accused Kamles since he is my relative. I was on visiting terms with Kamles's family members.

3] Alia jumped in well on 23-05-2013 and died.

4] Two days before death of Alia, Kamles's mother came to

Our house and raised a quarrel with Alia

5] Four days before death of Alia, there was altercation between mother of Kamles with Alia on the count that Kamles roams with Alia and visits our house. Before four to five days of Jumping into well by Alia, mother of Kamles had been to our house and she assaulted Alia by means of danda. I inquired mother of Kamles. she told me to ask your granddaughter Alia. I inquired Alia. Alia told me that Kamles and his sister take Alia to their house and talked indecently. After four to five days, I went to Kamles's house and inquired mother of Kamles.

6] On the day of incident in the morning hour, I went to Hospital alongside with Alia, since I was not feeling well hence we Came back since there was rush.

Q. What happened thereafter?

A. Alia told me that Kamles follows her and I inquired Alia whether you are pregnant, Alia started crying. Alia told me she is pregnant for three months.

Q. From whom, Alia was pregnant?

A. Alia was pregnant from Kamles.

8] Alia narrated me all this things at 10-00 A.M on the same day, when she jumped into well I came to know that Alia jumped in the well from girls of locality. I was alone at my home.

Cross Examination by adovate for accused :-

9] I had not stated before police any statement that alia told me that she as 3 months pregnant.

Deposition of witness No. 3 for prosecution

Name : Smt. Anjuna
Aged : 25 Yrs.
Occ. : Selling of photograph
Res. : Pradi, Erode
Dist : Erode

Eamination-in-chief by A.P.P for state

Dharmendra Kumar was my brother and Alia was his Daughter. Muktabai is my mother. I and Muktabai is residing in Same locality. I have mobile of my own. I do not know its number.

2] I know Kamles. He is residing in the same locality. He is son of my Kaki. We were visiting terms with Kamles

3] Alia died by jumping into well on 23-01-2013. On that Day about 2:30 PM. I was in the house of my mother. That time my mother, my elder sister, I myself and Alia were present in the house of my mother. I started taking meal. Alia taken my mobile phone and she called one person. I snatched my mobile from her hand and I again rang mis-call to the same number. Kamles lifted the call. I identify his voice. I told Alia that this voice is of Kamles. Kamles told me to meet along with Alia at Yashoda hotel, he will compensate. I inquired him for what reason you are compensating. Kamles told me that he cannot tell on telephone, better come at Yashoda hotel along with Alia. Thereafter, phone was off. I inquired Alia. Alia failed to tell me anything. Alia told to my mother. I went to my house. One girl came to me and stated me that Alia jumped into the well.

Cross-examination by for the accused:

5] I leave my house for selling photo in the morning at 7:00 AM and came back at 6:00 PM. Police had recorded my Statement on the same day when Alia jumped into the well Thereafter police never inquired me. It did that after 15 Days of jumping into the well by Alia, I was again called by the police. I again gave the statement to police.

6] I never showed my mobile phone to police. I cannot tell Today, which number was dialed. I narrated to the police While recording my statement that. I identified voice of Kamles on Mobile. I cannot assign any reason as to why this fact is not Mentioned in my police statement. It is true to say that on the Day of incident at 2:30PM. I was not present at home and I had Not received any call on phone.

Deposition of witness No. 4 for prosecution

Name : Yashwantrao Tripathi
Aged : 54 Yrs.
Occ. : Petty business
Res. : bhadevadi, khostipura, Erode
Dist : Erode

Eamination-in-chief by A.P.P for state

Since birth I am residing along with my family at Bhandewadi, Erode. I do not know Alia. Incident occurred before one year. I was on my business. It did not happen that Alia jumped into well in my presence.

Cross-examination by APP for the state: (Permission was sought to ask the question in the form of cross-examination)

3] It is not true that my statement was recorded by police After our days of incident. It is not true to say that my statement Was recorded as per my say. It did not happen on the day of Incident i.e. 23-01-2013, in the afternoon, when I was present In house I saw Alia going with one small girl. I Observed that the girl from Alia was running toward Gondpura And she was screaming kudali kudali hence I came outside and observed toward well; its iron gate was open and I Observed movement in the water. I taken saree from the clothes Drying and threw it in the well and told her to catch it, but I could not observe her in the water. People and fire brigade Official Came there and taken out Alia from well and taken her to hospital. I know Kamles is Residing in Gondpura. It is not true to state that on the say of Kamles, Today I am deposing falsely before the court

Deposition of witness No. 5 for Prosecution.

Name. : Jyoti Sharma
Aged : 43 yrs
Occ. : Head Mistress, ABC School,
Pakinaka Naka, Erode
Res. : Erode
Dist. : Erode

Examination-in-chief by A.P.P. for state.

Since 2002, I am working as a Assistant Teacher in ABC School. From 2012, I am working as a headmistress. Alia Dharmendra Kumar was taking education in our school. I have brought application for admission of Alia Kumar. It was filled in by Dharmendra Kumar, father of ward. Said form was accepted by Head mistress Prabhavati Humne. I know her signature, as I worked with Smt. Humne.

2.] I have taken entry in the admission register on the basis of said application form at serial no. 7067. Name of Alia Kumar was enrolled at page No. 106 at serial No. 7067 in admission register. As per admission register, date of birth of Alia Kumar is 15-05-1998. I have brought original admission register today in the court. I have produced its attested concerned extract on record.

3.] Police had demanded school leaving certificate of Alia to me. I have brought Original school leaving certificate today in the court. The date of birth in the School leaving certificate is same as in the admission register, 15/05/1998. I had given its Xerox copy to police investigating officer. School leaving certificate is issued by me. It is now marked as **Document "BB"**. On 29-01-2013, I have taken entry in the last column of admission register about issuance of school leaving certificate of Alia Kumar.

Cross a examination by for the accused:

4.] It is true that there is scoring in the date of application for admission Exh-33. It is true to say that contents of column No. 5 are inserted in different ink. It is true to say that coloumn no. 4 is kept blank. It is true to say that this document does not bear my signature. It is true to say that this document is not prepared in my presence. I have issued transfer certificate to police official and obtained their signature on its rear side. It is true to say that except issuance of school leaving certificate, I do not have any personal information about this matter. Its is not true to say that for receiving grants from Government, false

documents are prepared in a school. Its is not true to say that on the say of police, today I am deposing falsely.

Erode

Additional Sessions Judge,

Date. : 04-04-2014.

Erode.

Deposition of Witness No. 6 for Prosecution.

Name : Gajendra Sarode
Aged : 34 Yrs.
Occ. : Police Sub Inspector St. Baghdadi
Res. : Erode
Dist. : Erode

Examination-in-chief by A.P.P. for State.

From 20-06-2011, I am working in Police Station Baghdadi, Erode. On 23-01-2013 I was on duty as a Night Officer. On that day, complainant Hema Kumar visited police station and lodged complaint that her daughter committed suicide by jumping into well in the afternoon. I told her that a Marg is registered already. That time she stated that out of love affairs, Alia committed suicide. I reduced into writing the report lodged by Hema Kumar. The report is now shown to the witness. Witness states, it is the same report. It bears thumb impression of complainant and my signature. On the basis of Document - AA, I registered First Information Report bearing No. 16 of 2013 for the offence under Section 306 of Indian Penal Code. Printed first information report bears my signature and thumb impression.

2] I visited the spot of incident and prepared spot panchnama in presence of two panch witnesses. Spot of incident was showed by the complainant. Spot panchanma bears my signature. Spot was a public well.

3] I arrested accused by filling up arrest form.

4] On 27-03-2013 accused gave confessional statement that he is ready to show the spot where he establishes love affairs with victim. I have reduced his statement in to writing as per her say in presence of two panch witnesses. The said confessional statement is now shown to the witness. Witness states, it bears my signature and signature of two panch witnesses. Accordingly, I have inspected the spot as shown by the accused and prepared its panchanama. That spot was a house of Sawarkar, situated at a distance of 200 ft from Bhandewadi - Umred, Railway Line Crossing.

5] On 26-01-2012, I sent letter to Medical Officer, Rims Hospital, Erode for obtaining samples of blood of deceased and foetus for D. N. A. testing. It bears my signature.

6] On 26-01-2013, I along with form B received two bottles of samples brought by NPC Naresh. I seized it by making its panchanama. Panchanama dated 26-01-2013 is now shown to the witness. Witness states, it bears my signature and signature of panch witnesses. I also received form B issued by Medical Officer.

7] I recorded statements of witnesses. I have, also recorded statement of Yashwantrao Tripathi. I have recorded portion mark A in his statement as per his say. Further investigation was conducted by Shri Sonawane.

Cross examination by for accused :

8] It is not true to say that I have recorded all statements as per my wish.

9] Complainant Hema Kumar has not stated while recording her statement that she married with Dharmendra in the year 1997; likewise, Alia was born at home; likewise her father has written down her date of birth in a diary; likewise Alia was admitted by Dharmendra in the school; likewise, she was in visiting terms in the house of Dharmendra. Complainant Hema has not stated that Alia was taking education in Dipankar school. 10] I have written down portion mark A in her report that - Ankita told her that she had love relations with. Kamles is written down as per say of Hema. It is not true to say that I have suppressed true statement of witnesses. It is not true to say that I made faulty investigation.

Erode

Date : 07-05-2014

Additional Sessions Judge,
Erode

Deposition of witness No. 7 for the prosecution

My name : Pandit

Father's Name : Chindha Sonowane

Age about 43 years Occupation : P.I. Crime Branch,

Residence : Erode. District Erode.

Examination-in-chief by learned APP for the State.

1. I was attached to P.S. Baghdadi as P.I. Since 2012 to June, 2014. Investigation of crime no.16/13 was conducted by me. Earlier investigation was carried out by P.S.I Sarode and later on investigation was completed by me.

2. On 6.2.2013 I have forwarded the samples collected at Medical College for D.N.A. analysis. The requisition now shown to me is the same bears my signature. The sample was not accepted by the laboratory. I have again collected the sample by seeking permission from concerned Magistrate vide letter dated 14.2.2013. It bears my signature. The 'sample was collected in the kit and it was forwarded for C.A. on 20.2.2013. The letter dated 18.2.2013 is the same, it bears my signature. The invoice challan now shown to me is the same. The C.A. report was received on 5.3.2013. The C.A. reports are the same.

3. After the receipt of the C.A. report, the offence U/Sec.376 was also added. I have taken station diary entry to that effect. The copy of station diary now shown to me is the same.

4. I have recorded the statements of Smt. Anujna, Arti Shadmaka, Pinki Wadve, Dharmendra Shadmaka and Dr. Suman and have also recorded the statement of other witnesses. I have also collected call details of the accused and the deceased. The letter to that effect was issued. It bears my signature. Along with the investigating papers I received invoice challans in respect of the forwarding the property for C.A., dated 24.1.2013, 28.1.2013 and 30.1.2013, it is the same. As the complexity of the accused was revealed the charge sheet came to be filed against the accused.

Cross-examination by learned Adv. for accused.

5. I have not visited the house of deceased for carrying out the inspection of documents. I did not receive any diary disclosing her date of birth. I have not carried out any investigation in respect: of the fact that at the time of birth of the deceased, any Nurse or any

lady from the locality was present. I have not collected any document' in respect of age of informant Hema and her other legal heirs besides the deceased.

6. I received the statement of Anjuna when I received investigation papers. It is not correct to say that I have suppressed the true statement of Anjuna and I have filed her false statement. I received the investigation of this crime on 6.2.2013. The statement of Anjuna filed along with charge sheet is recorded on 10.2.2013.

7. I have not recorded the statement of Jyoti Sharma (PW.5). It is not correct to say that I have scribed the statement of the witnesses as per my will.

8. PW.3 Anjuna had not stated that she has identified the voice of Kamles on mobile. I have not verified the age of accused. It is not correct to say that I have filed false documents in respect of the age of the deceased.

Date : 05/11/2014.

Addl. Sessions Judge-11,
Erode.

DOCUMENT: AA

XYZ GROUP OF INSTITUTIONS

ABC HIGH SCHOOL

SCHOOL LEAVING CERTIFICATE

- 1- Name of Student: Alia Dharmendre Kumar
- 2- Nationality: Indian
- 3- Date of Birth:(dd/mm/YY): 15/05/1998
- 4- Class to which he/she was Passed: 3rd Academic Year: 2006
- 5- Duration in School: 13/06/2005 to 30/06/2007
- 6- Result at the end of academic year, or upon departure:
 - A) Passed and Promoted to class: 4th for academic Year: 2006-07
 - B) Detained in class: NIL for academic Year: Nil
- 7- Observation if any: Satisfactory Behaviour

Headmaster/ Principal/ Director of school:

Name: **JYOTI SHARMA**

Document: BB

Post mortem Report

Memorandum of a post- mortem examination held at Rims ERODE

**On the dead body of ALIA KUMAR of Village/city Baghdadi, ERODE,
Taluka ERODE , District ERODE, by Dr. S.K. Prafull, Dr. V.M. Panth**

I. General particulars-

1. (a) by whom was the corpse sent? - Police sub inspector Baghdadi P.S., Erode
 - (b) name of place from which sent. - Baghdadi Erode
 - (c) Distance of place from which sent - -----
 2. By whom was the corpse brought? - PC- Sheshrao BN- 1111
 3. by whom identified? - Booby Kumar
PC - Sheshrao BN- 1111
 4. the date, hour and minute of its receipt. - 2.00 p.m.
 - (a) The date, hour and minute of beginning post-mortem examination. - 3.00p.m.
 - (b) The date, hour and minute of Ending post-mortem examination. - 4.30p.m.
- On 24/01/13
5. Substance of accompanying report from alleged - as per police inquest and requisition
 - Police officer or magistrate, together with boy - H/O love relation between deceased and
 - the date of death if known. Supposed - Kamles. Deceased committed suicide by
 - cause of death or reason, for examination. - Jumping in well. Supposed cause of death is suicidal drowning.
 6. if not examined at dispensary or hospital -
 - (a) name of place where examined

(b) distance from dispensary or hospital not applicable

(c) reason why the body was not sent to
Dispensary or hospital.

II. External examination

7. sex, apparent age, race or caste. - female, alleged age about 15 yrs
- Description of clothes and of ornaments - 1. White bedsheet with black lining
On the body. 2. Blue and purple colour half sleeved top.
3. black and pink colour churidar pant
4. black bra with white dots.
5. black hairpin
8. condition of clothes-
Whether wet with water, stained with blood - sand particles present at places over
clothes
or soiled with vomit or foecal matter.
9. special marks on the skin such as scars, - body identified one teeth=14/14 = 28
tattooing etc., any malformations 3rd molar- not erupted, space for 3rd
molar
peculiarities, or other marks of identification. Formed.
State of the teeth.
- In newly born infants, the length and the - not applicable
Weight of the body to be recorded together with
The state of the hair, nails and umbilical chord,
Its length, whether placenta is attached or no, if
Present, its size and condition.
10. condition of body-
Whether well- nourished, thin, warm or cold - moderately built and moderately
Nourished. Body is cold.

- | | |
|---|---|
| <p>11. Rigar- mortis- well marked, slight or
Absent ; whether present in the whole body
Or part only</p> | <p>- well marked all over the body</p> |
| <p>12. extent and signs of decomposition, presence and
Postmortem lividity of buttocks, loins, back, is
And thighs or any other part. Whether bullae
Present and the nature of their contained fluid.
Condition of cuticle.</p> | <p>-postmortem lividity present at back
buttocks except at pressure areas and
fixed.
No sign of decomposition</p> |
| <p>13. features- whether natural or swollen, state of
Eyes , position of tongue; nature of fluid
Oozing from mouth, nostrils or ears</p> | <p>- features- natural
eyes dosed . pupils dilated and fixed.
mouth open . no oozing from mouth,
Nostrils or ears.</p> |
| <p>14. condition of skin- marks of blood etc.
body
Insuspected drowning the presence or absence
of cutes anserina to be noted.</p> | <p>- sand particles present at places over
cutes anserina absent.</p> |
| <p>15. Injuries to external genitals.
Indication of purging.</p> | <p>– No injuries to external genitals
– No purging
External genitals well developed
Labia majola nut opposed and exposing
Labia mirola.</p> |
| <p>16. Position of limbs –
Especially of arms and of fingers in
suspected drowning the presence or
absence of sand or earth within the</p> | <p>- vagina evomy
Hyrien- shows old tear at 7o' clock & 5o'clock
hymen admitting 2 fingers</p> |

nails or on the skin of hands and feet.

Sand particles present at places on Body.

17. Surface wounds and injuries-

Their nature, position, dimensions - NIL
(measured) and directions to be
accurately stated- their probable age
and causes to be noted.

If bruises be present what is the
condition of the subcutaneous
tissues?

N.B.—(when injuries are numerous &
cannot be mentioned within the space
available they should be mentioned on a
separate paper which should be signed.)

18. Other injuries discovered by external - NIL

Examination or palpation as fractures etc.

(a) Can you say definitely that the injuries - Not applicable
Shown against serial Nos. 17 and 18
are ante mortem injuries?

III. Internal examination-

19. Head-

- i. Injuries under the scalp, - No injury under the scalp
their nature.
- ii. **Skull-** vault and base- - vault and base of skull is intact
Describe fractures, their
sites, dimensions, directions,
etc.
- iii. **Brain-** the appearance of its. - Meninges- Intact
coverings, size, weight and Brain- intact and congested
general condition of the organ cls- white matter shows petechial
hemorrhages.

itself and any abnormality found in its examination to be carefully noted (weight M. 3gms F. 2.75gms).

20. Thorax

- Breast. – well developed, nipples well developed
& surrounded by pinkish area.
- a) Walls, ribs, cartilages. – intact
- b) Pleura. – Intact
- c) Larynx, Trachea and Bronchi. – Intact, contains fine froth
- d) Right lung. – both lungs enlarged and distended
Anterior margins approximating each
Other.
- e) Left lung. -arterolateral surface shows rich indentation
Cls- exudes fine froth mixed with blood
- f) Pericardium - Intact
- g) Heart with weight. – Intact, weighs-200g
- h) Large vessels. – Intact
- i) Additional remarks. - NIL

21. Abdomen-

- a) Walls. - Intact
- b) Peritoneum. - Intact
- c) Cavity. – No free fluid
- d) Bucal cavity, teeth, tongue, and Pharynx - Intact
- e) Oesophagus. - Intact
- f) Stomach and Its contents. – Contains 150 ml watery fluid
No unusual smell mucosa normal
- g) Small intestine and its contents. – intact, contains gases & foecal Matter
- h) Large in testing and its contents. – intact, contains gases & foecal Matter
- i) Liver (with weight) and gall bladder - Intact, weighs – 1075 g

- j) Pancreas and suprarenal - Intact and congested
- k) Spleen with weight. - Intact and congested
- l) Kidney with weight. - Intact and congested
- m) Bladder - empty

Organs of generations. - 9×7×4 cms, soft

Uterus. - cavity contains intrauterine mass

Measuring 2×2×0.7 cms

Additional remarks with where - NIL

Possible, medical officer's deduction from the state of the contents of the stomach as to time of death and last meal.

- State which viscera (if any) have been retained for Chemical examination and also quote the numbers on the bottles containing the same.
- 1. Blood and viscera sent for chem. analysis as mentioned in viscera form.
 - 2. half part of intrauterine mass & sent for DNA analysis.
 - 3. half part of intrauterine mass & uterus sent for histopathological
 - 4. Vaginal smear slides sent to FS2
 - 5. X-ray pelvis, wrist and elbows

done

For age estimation as per police

request

22. Spine and spinal cord. - spine- Intact, spinal cord- not opened

- (a) whether the ante- mortem injuries found on the dead body were sufficient in the ordinary course of nature to cause death. - not applicable
 - (b) if yes, which of the injuries were individually sufficient in ordinary cause of nature to cause Death. - not applicable
 - (c) which of the injuries collectively are Sufficient in the ordinary cause of nature to cause death. - not applicable
- Opinion as to cause probable cause of death

“ DEATH IS DUE TO ASPHYXIA AS A RESULT OF DROWNING”

-Uterus along with intrauterine mass sent for histopathological examination

Dr. S K PRAFULL

Dr. V M PANTH

Assistant Professor

Assistant Professor

Dept. Of Forensic Medicine & Toxicology

Dept. Of Forensic Medicine & Toxicology

Rims Govt. Hospital.

Rims Govt. Hospital

Baghdadi

Baghdadi

Dated- 24/01/2013

(Signature)

*The spinal cord need not be examined unless there are any indications of disease, Strychnia poisoning or injury

Note- The report must be written and signed immediately after the examination. Medical officers will at once despatch a duplicate copy to the civil surgeon of their district for record in his office.

Great care should be taken not to cut the viscera before they have been inspected in situ.

MLPM No. ABC/XYZ/999/13
24/01/13

Place- Dispensary Baghdadi
Civil hospital

Forwarded to the Police Sub- Inspector- baghdadi P.S.

For information with reference to his No. – Cr. No- 99/2013 of 23/01/2013
v/s 306 IPC

2. Viscera has been preserved. It may please be stated immediately whether examination by the Chemical Analyser is necessary or it is to be destroyed. – Viscera preserved for Chemical Analysis.

Dr.S K PRAFULL

Dr. V.M. PANTH

Assistant Professor

Assistant Professor

Dept. of Forensic Medicine & Toxicology

Dept. Of Forensic Medicine & Toxicology

Rims Govt. Hospital.

Rims Govt. Hospital

Baghdadi

Baghdadi

Copy forwarded with compliments to the Civil Surgeon,

for information

M.M.S. Officer

Seen and examined by the civil surgeon

200

Remarks of the civil surgeon,

(if any)

Professor and Head

Dept. Of Forensic Medicine & Toxicology

Baghdadi

Document: CC

ORAL REPORT Lodged by Mother

Police Station, Baghdadi

Date: 23/01/2013

Report

Name: Mrs. Hema Kumar, age 35 years, Occupation: Maid, Address: Pakinaka, Erode. Mobile no. : 7620442974

I Mrs. Hema Kumar am here in the police station to give my oral submission to report that I stay at the said address along with my husband Dharmendre, mother in law Rakhi and daughter Alia. I am a maid. My husband is the labourer and runs be home. Since I have some personal issues with my husband I stay at a relative's place Dipak Makhi, Add. Near ABC School, Pakinaka on rent since 2 years.

I frequently go to Sakinaka to visit my daughter. My daughter Alia, age 15 years has studied till class 2. My daughter stayed with her grandmother since childhood. My daughter does household chores whereas my mother in law begs for sustainable living.

Since last two to three months people residing in the colony informed me that my daughter Alia is more in contact with one of our relatives in the same colony name Kamles Modi, age around 20 and that that they have love affair. When I asked my daughter about the same she denied it and avoided to talk about it. On asking again and again she accepted that she had and affair with Kamles. Over this I angrily explained her. Also I explained Kamles Modi to which he said that it was my daughter and that he had to do nothing about it.

Today on 23/01/2013 I was near Haldirams, Sakinaka when my sister Geeta Kapoor add. Pakinaka me at around 3:15 pm and told me that my daughter Alia, age 15 had jumped in the well. Upon hearing this me and my relative Dipak Makhi rushed there. At that time we saw police from Baghdadi which is near Pakinaka and many people standing and therefore we went there and we saw that the police and fire brigade soldiers were taking out my daughter Alia from the well. The Police with the help of the fire brigade took out my daughter from the well after which she was admitted to the Rims hospital.

When it was asked to my relatives that why my daughter had tried to kill herself by jumping in the well? My mother in law told that today she and my sister in law sangita had taken Alia to the hospital as she was not feeling well, but since the hospital was crowded it came to knowledge that the treatment could not be done. After this Alia said that she had to have food and so she left the place. She left the place and somehow called Kamles Modi. They had a

conversation about something after which at around 3 pmshe came crying and tried to kill herself by jumping in the well.

My daughter Alia, age 15 and relatives staying in the same colony Kamles Modi, age 20 had an affair. Today, when speaking on phone, when Alia asked Kamles Modi regarding their affair he might have denied it and out of this frustration Alia committed suicide by jumping into the well situated at Koshtipura, Pardi, Balewadi. For her death Kamles Modi is the only person who should be held responsible.

This is my report. My oral submission has been typed on the computer the printout of which has been read out. Report is correct and truly typed.

NOTE: FOR ANY CLARIFICATION CONTACT MR. SAHIL RAKESH JAIN (PRESIDENT, MOOT COURT ASSOCIATION). MENTION PAGE NUMBER 1 AND 2 IN YOUR MEMORIAL. SUPPORTIVE INFORMATION IS NOT REQUIRED TO BE MENTIONED IN THE MEMORIAL.

- **LAST DATE FOR CLARIFICATION IS 1ST DECEMBER 2017.**
- **LAST DATE FOR SOFT COPY SUBMISSION: 10TH JANUARY 2018**