

Shri. J.P. GUPTA MEMORIAL
3rd AUMP NATIONAL MOOT COURT COMPETITION, 2019
26th – 28th September 2019

Organize by -
Moot Court Committee, ALS, Gwalior



MOOT PROPOSITION

Dr. Rajesh Sharma (hereinafter “Dr. Sharma”) is a Cardiac Surgeon, residing with his two daughters (Namely Neha and Shweta) along with his wife Mrs. Neeta Sharma in Satkar Residency, Vivekanand Nagar, Indore (Madhya Pradesh). Dr. Rajesh has been practicing in Indore from last 25 Years. Dr. Sharma had cordial relations within his locality. He was known for his charity and often renders free Medical Aid to poor and needy people whenever required.

Dr. Sharma’s daughters namely Neha, aged 20 years was pursuing her first year MBBS in Government Medical College Indore and Shweta aged 18 years was pursuing her intermediate in Dayanand College of Arts & Science, Indore.

Within the same locality, Mr. Ravindra Jatav (hereinafter “Mr. Jatav”) and his wife Nilima Jatav along with his Son Rajendra aged 25 years, who was working as Assistant Manager in Galaxy Pharmaceuticals, used to stay. Both Dr. Sharma and Mr. Jatav had a very good family relation. These two families used to frequently visit each other’s residence on various occasions. During these meetings, Rajendra became friendly with Neha, the eldest daughter of Dr. Sharma, and soon this friendship transformed into love. Both of them use to frequently meet and sit behind Ganesh Temple situated on the outskirts of Indore. They were madly in love with each other. Mr. Ravindra Jatav and his wife were well aware of all these facts. In January 2014, Mr. Jatav was transferred to Bhopal, hence he, with his family shifted there. However, Rajendra used to roam between Bhopal and Indore to meet Neha.

One fine morning on 4/5/2014, Mr. Jatav made a telephonic call to Dr. Sharma and told him that his son Rajendra and Dr. Sharma’s daughter Neha



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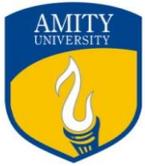


are in love with each-other, so he wishes to visit him to discuss about the marriage of Rajendra and Neha. Dr. Sharma in a very harsh manner, not only denied the idea of marriage, but also insulted Mr. Jatav, with remarks on his caste, as he is a Brahmin and Mr. Jatav belongs to Dalit community. In result, Mr. Jatav replied in the same tone and warned him to repent for the words.

On ill -fated morning dated 8/5/2014, Dr. Sharma and his wife left their house at about 6:15 A.M. for a morning walk and when they came back at about 7:00 to 7:15 A.M., the outer door was open and a newspaper was lying in the verandah and on entry into house, they found the younger daughter Shweta dead with injuries and eldest daughter Neha was found dead in the toilet.

A FIR was lodged before Police Station Vijay Nagar, Indore, at Crime No. 112/2014 for the offences under Section 302 (2 Counts) and 449 of the I.P.C. During preliminary investigation, Police recovered the knife and bloodstained clothes from the bushes, behind Holkar Hospital. Jai Prakash Jain (PW-3), who lived just opposite to the house of Dr. Sharma, alleged that he saw Rajendra Jatav (Accused) jumping from the compound wall in the morning. In line of this, Dr. Sharma also raised the suspicion against said Rajendra Jatav. A team was sent to Bhopal to arrest Rajendra Jatav under Sub Inspector C.K. Verma, but he was not found there and the Police was informed that Rajendra (Accused) went to Mumbai to his sister's place.

Accused was taken into custody from Mumbai on 10/05/2014 by Sub Inspector C.K. Verma from the residence of his sister. He was produced before an Executive Magistrate at Mumbai, where he allegedly confessed the offence. He was brought to Indore, where he was formally arrested by the Investigating Officer Inspector Prithipal Singh. At the time of his arrest, Accused Rajendra Jatav produced a sleeper class train ticket from Bhopal to Mumbai for the



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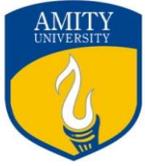


night of 07th-08th May 2014. A golden chain was also recovered from him. Memo under section 27 of Indian Evidence Act 1872 was prepared for knife and bloodstained clothes, in which he confessed the act and disclosed that he kept the bloodstained clothes and the weapon (knife) in bushes behind Holkar Hospital. On this statement a fresh Seizure Memo for both the articles was also prepared along with other documents.

The Accused, Rajendra Jatav, was charged under Section 302 Indian Penal Code, 1860 separately for the murder of two girls and under Section 449 of the Indian Penal Code, 1860. During the trial, Accused Rajendra Jatav denied the charges and took the plea of alibi that he was travelling to Mumbai on the intervening night of 7th-8th May 2014 (the date of the happening of the incident). He also denied the confession before Executive Magistrate at Mumbai. All the witnesses deposed in their testimony in line with the record. However, the officer C.K. Verma, who brought the Accused from Mumbai was not examined by the learned trial court. Further, the Accused filed an application to call T.T.E. of North-Central Railway, Bhopal along with the travel record of S-6 Coach of Punjab Mail of 7/8/2014, but his application was rejected thereon. DW-1 the sister of Accused Smt. Mahima Kadam in her deposition confirmed that Accused reached her place at Mumbai on 08/05/2014 at around 10 a.m. and stayed with her till C.K. Verma (S.I.) reached her residence and took the Accused with him.

The learned Trial Court adverted to the chain of following circumstances said to have been shown against the Accused to establish his guilt beyond reasonable doubt:

- A) Intention/ motive to commit crime i.e. the Accused failed in love affair, so was the reason committing crime.



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- B) He was seen by PW-3 Jai Prakash Jain, running from the scene, just after the incident.
- C) Seizure of the chain from the possession of the Accused and the identification of the same by the mother and father of the deceased.
- D) Disclosure statement given by the Accused under Section 27 of the Evidence Act and seizure of the knife and blood-stained clothes, not pursuant to the same but before the same in the process of search of crime scene & nearby places by the investigation team, the same was approved by the Memo prepared u/s 27 by the Accused.
- E) Presence of human blood in the chemical examination of the knife and blood-stained clothes seized from the Accused.
- F) Confession of the Accused as was made before the Executive Magistrate in Mumbai with respect to the instant matter.

The Sessions Court convicted the Accused and sentenced him to life imprisonment.

Aggrieved by the decision of trial court, appeal was preferred to the High Court. Division Bench of Hon'ble High Court of M.P. upheld the decision of the Session Court.

Against the judgment of High Court, Appeal has been admitted by the Hon'ble Supreme Court of India. Now the case is listed for final hearing.

Note – Students have to frame their own issues.

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