

Before The Court of Session Judge  
District Pandora, State of Vormir, Republic of Indica  
Sessions case no. \_\_\_\_/2019

In the matter of

State of Vormir

...Prosecution

Versus

Harvey and Rachel

...Accused

1. On the last day of 2018, it was a frosty morning in Pandora. The visibility was restricted to few meters only. People were out to enjoy the last few hours of the year's end and celebrate the fast approaching start of the New Year. Rachel was very keen to reach the church to confess something which was disturbing her from deep within as the guilt in her heart was growing. She was determined that it was all Harvey's influence that made her so mesmerized that she committed it without a second thought. However, before she could reach the Church, she was stopped by the police and was taken to the police station for questioning.
2. Rachel and Harvey were two consultants who had taken their consultancy firm "WZW" to new heights with their hard work and determination. The firm's new client "ZBZ Pharmaceutical" approached them with their new drug named 'Manos'. Manos was a new revolutionary drug which cured the Parkinson Disease and was set to get approval from the Central Drugs Standard Control Organization. The Directors of the company Alan & Denny were all set to take the company Public and get it listed on the Stock Exchange with the help of the WZW Consultants. The company was listed in the stock exchange through the sheer efforts of the Consultancy firm. The shares of the Company opened at a high rate and climbed as investors rushed

to buy more and more shares that they could get their hands on. The whole scenario resulted in tripling the value of the company within a few days. The medicine Manos was all set to be the next big thing in the market as it was speculated to be the most efficient drug in battling with Parkinson.

3. On 22<sup>nd</sup> Dec 2018, Rachel & Harvey being the consultants for the projection of Manos in the market and the company, went ahead to Alan & Denny for their pay cheque. In the meeting their payment was denied on the grounds that all they had done was advertise the company's drug and spread the word among the investors to attract their attention towards the company. It was communicated that they shall treat their advance as full payment of their work. On listening to this, Harvey went furious and was about to start a brawl with Denny & Alan, but Rachel interrupted and said that they have other ways to deal with the situation. Harvey before leaving the office threatened to kill Denny and drive the company to the grounds for what they did to them.
4. On Christmas Eve, an unverified news went viral that CDSCO (Central Drugs Standard Control Organization) had disapproved Manos to enter the commercial markets as it was considered dangerous for human consumption. This news resulted in the sudden downfall of the shares of the company reducing the value of the company greatly and all the shares came close to the value of a yard sale directly destroying the reputation of the company. Denny suspected Harvey behind such news and investigated the origin of the same.
5. In the turn of events, Denny was found dead in his apartment on 26<sup>th</sup> December and the postmortem report revealed that the cause of his death was overdose of sleeping pills which were found in his system in huge quantity. On 28<sup>th</sup> Dec, 2018, a notification was issued by CDSCO certifying Manos as a curable drug for Parkinson and was deemed fit for sale in the market. It denied all the rumors of the news which went viral earlier and declared that it had never issued any statement about Manos before. It also added in its statement that someone had tried to influence the test results to compromise the approval of the medicine by offering financial gains to the

institution but they couldn't identify them as the call was untraceable in nature.

6. Alan immediately contacted the police after knowing about the demise of his best friend and explained the whole incident that had occurred when Harvey and Rachel were in their office. He suspected them to spread the fake news about the drug and that they might as well have murdered Denny. Upon receipt of the tip while investigating, the police found that Harvey & Rachel had switched off their phones and were on the run. Later, on 29<sup>th</sup> Dec 2018, Harvey was caught by the police while he was entering into his apartment.
7. The police framed the charged sheet under sections 302 & 120B of IPC against Harvey and Rachel. The trial is set to begin.

Only the following persons may be called as witnesses during the trial.

PW-1 Alan

PW-2 Investigating Officer

DW-1 Harvey

DW-2 Rachel

Statements under section 161 of Code of Criminal Procedure:

#### STATEMENT OF ALAN PW-1

I received a call from Denny around 9:00 pm at night, he sounded angry and frustrated because he had found the person behind the whole scandal and wanted to meet me at night to discuss the situation in hand. I reached Denny's Apartment on 26<sup>th</sup> December at 11:30 pm only to find Denny lying on the floor, and the police already there when I arrived at his house. Denny never took any sleeping pill in his life before. Denny surely knew who was behind the news. In

the room there was a distinct perfume aura that was very similar to the perfume Harvey uses. I am very heartbroken with my best friend's death.

#### STATEMENT OF INVESTIGATING OFFICER PW-2

We received a call from the in-house chef who arrived at the premises around 10:00 pm to cook dinner for the victim. He told us that he rang the bell for a few minutes but there was no response. The door was unlocked and when he entered the house, he discovered the body of the victim. We sent the body for post-mortem and it denoted that the cause of death was overdosing of sleeping pills. We did not find any bottle of medicines with respect to the pills or any prescription in the victim's name. After searching the victim's office we located a bottle of sleeping pills which was sealed and had not been open. After talking to Alan, we investigated the suspect's house Harvey and found the bottle of sleeping pills which he uses and had prescription for the same. The pills used in the murder and the bottles found in both victim's office and Harvey's apartment are of the same brand. The mobile location of Harvey was found to be in the same area where the victim resides. There were no signs of forced entry and cutlery on the table suggested that there was a guest on the same evening but we could not find any eye-witnesses to recognize him. After further investigation it was revealed that the perfume fragrance found on the crime scene was the same that the accused uses. The friends and family of the victim upon interviewing gave the conclusion that the victim had enclosed himself in the house and had various signs of suicidal tendencies.

#### STATEMENT OF HARVEY DW-1

I received a call from Denny. He sounded depressed and wanted to apologize for the non-payment of my previous services. He called me to meet him at his place at 9:30 pm to discuss the strategies to revive his company. He also promised the payment of previous services if the revival was successful.

When I was in his locality and was just about to reach, I received a call from Rachel that she had met with an accident outside the office. So, I had to rush towards the office to assist her. Rachel had a hairline fracture from coming down the stairs and had lately been suffering from depression. In order to prioritize my situations, I took her to a doctor around 11:00 pm, as she was unable to walk properly and was already suffering from depression, her morale was really low so the doctor advised her a vacation, which would help her fight her inner battles. A change in environment would hugely benefit her.

#### STATEMENT OF RACHEL DW-2

I've told Harvey to be calm and patient when we were in the ZBZ office. I knew that they are not considering our efforts but will eventually value the same. Harvey was sure that he wants to get his due credit. He was not ready to let it go as what we had received was less than 20% of our work value. I was coming downstairs from first floor when I slipped and got injured. I immediately called Harvey and he replied that he was in a meeting with a previous client and will reach in an hour. He took me to a doctor who advised me to rest from my daily routine. The next day, we went to a hill station together and returned on 29<sup>th</sup> December, 2018. I pray every day, and was on my way to church when the police approached me. I was told that my cooperation is needed in some matter; the next thing I knew, I was an accused of a murder case.

Note:

1. The trial shall take place in the Court of Session Judge.
2. Only post mortem report and one forensic report may be prepared by the teams to present as documentary evidence during the trial, however, the same are required to conform the facts and conclusions given in the problem.
3. For the purpose of the competition, both accused persons have consented to appear as witnesses during the trial.
4. Each team has to necessarily examine-in-chief and cross-examine at least one witness for the purpose of the competition.
5. The teams should prepare the case in accordance with the facts given in the problem and not prepare any case motivated by some external factors.
6. The laws of Republic of Indica are *pari materia* to the laws of India.

Disclaimer: This proposition is purely and strictly for bona fide academic purpose, any similarity with any person living or dead is only co-incidental.