



Thakur Educational Trust's (Regd.)

**THAKUR RAMNARAYAN
COLLEGE OF LAW**

(Approved by Bar Council of India & Affiliated to University of Mumbai)

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Lex Communiqué-2021

Moot Proposition

1. Bharatvart is a federal country with a multiparty system and parliamentary form of government which is structured similarly to the Union of India. Bharatvart is the second most populated country in the world, with nearly a fifth of the world's population. It is the largest democracy in the world in terms of the number of voters.
2. Lawland College is the preeminent law school in Andhra University. Lawland College provides official recognition to certain groups of students. This mechanism is known as 'Lawland College Registered Student Organization' (LCRSO) program. This status confers several benefits upon the group like using official communication channels, financial assistance, college facilities for meetings and most importantly providing legal aid.
3. Ratan, a high-caste farmer, is living with his wife Madhu, Son - Harsh and Daughter - Palak in a remote village of Andhra Pradesh. Ratan with his limited sources of income was managing his family needs respectfully, while his wife Madhu and his Son Harsh helped him in his day to day work. His son, Harsh, not very academically bright, did not go to school and also due to his father's restricted finances.
4. However, his daughter, Palak joined a reputed Law college, in the nearby town, with the financial support from the local business men. Palak's college is about 6 km away from her house. She used to go by public transport, like shared auto or by bus.
5. Tushar, a boy living in the same village, is working as a data entry operator in a private company in the town, where Palak's College is located. Incidentally, both Tushar and Palak go to the town in the same public transport. While going to town and coming back home both got access to each other and built a rapport. Both of them, eventually became good friends and started liking each other. They wanted to be with each other, but as Tushar belonged to a slightly lower community in social ranking to Palak's, they had to remain content with friendly banter.
6. On 10th Dec, 2020, Ratan, after coming to know the intimate relationship that has developed between Tushar and his daughter, discussed the matter with his brother Gagan. Upon his advice, Ratan warned Tushar of severe consequences and severely admonished him. Ratan also scolded his daughter refraining her from meeting Tushar.

7. Before this, Harsh on a different occasion had obtained a loan of Rs.50,000/- (Rupees Fifty Thousands Only) from Tushar for some personal reasons. On December 20, 2020, Harsh called Tushar to his house to repay the loan amount of Rs. 50,000/- in full and final settlement. At about 8:30 pm, on the same day, when Tushar planned visit Harsh's house; everybody finished their dinner and were waiting for Tushar. In the meeting, Harsh refused to return Rs.50,000/- to Tushar and they parted unhappily for the night.
8. While the sad Tushar was about to leave the place, Palak suddenly came running out of the house and hugged him from behind. She was crying loudly requesting Tushar to take her away with him from her father's house. Before Tushar could regain his composure, Ratan dragged his daughter Palak away from Tushar. She was locked into a room and the door was bolted from outside.
9. Ratan's family abused Tushar and intimidated him with dire consequences if he ever contacted Palak. He was abused as regards his lower social status and pushed out.
10. In the meantime, Palak managed to escape from an open window. When the family realized that Palak had flow the coup, they ran helter skelter searching for her.
11. After a few hours, certain passersby found a severely injured and disoriented Tushar lying on the road with a body of a girl. The police were summoned. A very seriously injured Tushar was rushed to the Government Hospital and the girl was pronounced dead on arrival.
12. On recording his statement, Tushar implicated Ratan, Gagan & Harsh in the assault.
13. The Post-Mortem Report confirmed that she suffered injuries on head and fracture of 3 ribs. According to the Post-Mortem Report '*none of these injuries independently was sufficient to cause her death*', while '*they cumulatively were sufficient to cause death in the ordinary course of nature*'.
14. First Information Report (FIR) was registered under section 154 of Cr.P.C. in Police Station against Gagan (Accused 1), Ratan (Accused 2), and Harsh (Accused 3) for death of Palak and for an attempt to murder tushar.
15. The charges were framed against all the three (3) accused under Sections 302 r/w 34, 120-B Indian Penal Code, 1860, in relation to the death of Palak and they were also charged under Sections 307 r/w 34, 120-B Indian Penal Code, 1860, for an attempt to commit murder of Tushar.

16. The Hon'ble Sessions Court convicted them and imposed sentence of death for causing death of Palak. They were also convicted for attempt to murder Tushar and were sentenced to 7 years' imprisonment.
17. On appeal, the High Court confirmed the conviction of all the accused for 'attempt to murder' Tushar and reduced the term of imprisonment to 5 years.
18. However, the High Court changed the conviction of all the accused for 'murder' into Offence of 'culpable homicide not amounting to murder' for causing death of Palak as they were under grave and sudden provocation, when Tushar and Palak hugged each other in their presence.
19. Consequently, students from several parts of the country along with the LCRSO started agitating against the decision of High Court and filed an appeal in Supreme Court challenging the order of High Court for convicting them merely for 'culpable homicide not amounting to murder' but not for the 'murder' of Palak.
20. All the three (3) Accused have also preferred cross appeals before the Supreme Court challenging their convictions both for causing death of Palak and also for making an attempt to murder of Tushar by the High Court.

Since all these facts and circumstances brought out in these appeals are part of the same incident, the Supreme Court decided to hear and decide these appeals together.

Advance your arguments on behalf of both the Appellant and Respondents and submit written Memorials on both sides.
