

MOOT PROPOSITION

1. Shagun and Satish are residing in Mumbranchal where the penal laws are similar to the penal laws of India. Shagun is a student of class XI studies in Girls higher Secondary School, Versova, while Satish is a student of Commerce in nearby Government College for boys.
2. Shagun got attracted to Satish. One day she called him to meet her in a restaurant after her classes. Satish went to the restaurant where he was proposed by Shagun. Satish got impressed and they started meeting regularly after class. Shagun was noticed many times in her school uniform by her relatives roaming around with Satish. Rekha, the mother of Shagun was told by her brother that the neighbors are talking about her daughter so she should stop her from meeting the boy. Rekha shared this information with her husband Jay Ram. They tried to stop her and convince Satish that it is harming their reputation in society.
3. Despite that Shagun did not stop and called Satish to create pressure on his parents to get engaged. On May 10, 2020 parents of Satish came to meet Rekha and Jay Ram and compelled them to engage their daughter Shagun aged 17 years to Satish aged 20 years. Firstly, they refused but later when Shagun insisted, they kept engagement ceremony on June 10, 2020 in Town Hall. During ceremony sister of Satish who was junior of Shagun told her mother that Shagun does not run good reputation in School and her habits are objectionable. On June 16, 2020 mother of Satish came to meet Rekha and had altercation with her. She blamed Shagun for her bad character. Rekha got offended and sent message to Satish's mother that this engagement was not acceptable to her.
4. After about a week, Rekha went to purchase household items from market. When she came back, she found her daughter missing from home. She enquired from neighbor Roshni about her daughter. She told her, "Satish came to her house and had a talk with her. Thereafter, Satish went to the market. After sometimes, Shagun followed him to the market". Rekha informed Jay Ram about the missing daughter. Jay Ram reached his house and started searching for Shagun. He asked the shopkeeper who was uncle of Satish. Shopkeeper replied that he had seen Satish

and Shagun going towards Bus Stand. Jay Ram went to bus stand but there was no clue about Shagun and Satish. He also contacted parents of Satish but could not trace his daughter.

5. On June 25, 2020 father of the girl filed a complaint in Versova police station about the missing daughter blaming Satish and his family. When Satish had the knowledge of the complaint, he surrendered in Versova police station on June 29, 2020. Mother of Satish got annoyed and sent Shagun to her father telling her not to come again. Police recorded statements of both of them and sent them for medical examination. Their clothes were sent to forensic lab.
6. Shagun in her statement did not blame Satish for any of the acts during these days. She admitted that Satish never forced her to do anything against her consent. She admitted that she had called Satish to her house. She convinced him to get married to her without informing her parents as she knew that her parents will not permit her to get married to him. She confessed that Satish was innocent as this was planned by her only. She had threatened him of dire consequences on his refusal. Satish accepted her offer only after he was convinced by Shagun that she was not minor.
7. Satish disclosed that they are in love with each other and got married in Radha Krishan Temple which is 25 Kms. away from his house. Before performing rituals, Satish had called his parents and friends and informed about their marriage. They reached temple after the Hindu religious rites and customs were over. Mother of Satish scolded Shagun and refused to take her to her house. After Satish insisted, Shagun was allowed to stay with Satish by his mother.
8. In investigation, it was found that Satish had slept with Shagun. Satish was arrested and charged for kidnapping and rape. Before Trial Court, Satish requested to conduct ossification test of Shagun. The doctor suggested the age of Shagun as 18yrs. +_ 6months. During trial before court on January 25, 2021 it was disclosed by Satish that on January 21, 2021 Shagun had eloped with her neighbor Karan. They got married and are staying in Karan's house.
9. After hearing the arguments, the learned trial court arrived at the conclusion that charges of kidnapping and rape against the Satish were fully proved beyond a reasonable doubt. Trial Court held that the Shagun was less than 18 years of age on the date of the incident and her consent was immaterial. The Trial Court convicted Satish of the commission of offence punishable under section 363 and 376 of MPC and sentenced him as under:

- I. Satish has to undergo three years imprisonment for offence punishable under section 363 of MPC with fine of Rs.6,000/- and in default of payment of fine, to undergo simple imprisonment for a period of two months.
- II. Satish was to undergo rigorous imprisonment for a period of seven years for the commission of offence punishable under section 376 of MPC and to pay a fine of Rs.1,00,000/- and in case of default he would have to undergo additional simple imprisonment for a period of one year.
- III. All the sentences were ordered to run concurrently.

Aggrieved by the judgment of Trial court, Satish has filed this appeal in High Court of Mumbranchal.