



**SURANA & SURANA NATIONAL TRIAL ADVOCACY
MOOT COURT COMPETITION 2018**

IN THE COURT OF SESSIONS JUDGE AT PUNNAI

State of Sardam – Prosecution

Vs

Deven & Jeyant - Defence

C.C. No. 100 of 2018

1. Barat is a developing country and has shown considerable growth in the International arena in the recent years. But it was in the news for all the wrong reasons. There was a spurt in crimes in respect of jilted lovers who either commit suicide or kill when their dreams are thwarted. But the dangerous trend was due to the fact the way these incidents were projected in the media to sensationalise or communalise the incidents instead of being sensitive or at least sensible. Sardam is one of the states of Barat.
2. Deven and Pooja studied at Trinity Engineering College, Vanjiyur, in the state of Sardam. Deven was in BE Civil and Pooja, Computer Science. They stayed in the same locality in Chirapalli, but three streets apart. They traveled in the same bus to the college every day, which was about 25 kms away. Frequent travelling together brought them close and they developed a friendship. They were fond of each other, but were aware of their social status and that their union would be a troublesome affair as Pooja belonged to higher caste and quite affluent than Deven who belong to a backward community. Many violent clashes / incidents had taken place when boys and girls of these communities happen to come closer. Political parties and caste based parties too had their share in fanning the flames in such a volatile atmosphere.
3. Jeyant is a distant relative of Pooja who studied BA Economics in Crescent Arts and Science College, which was adjacent to Trinity. He was interested in her. But Pooja did not respond to his overtures and mostly kept away from him, except for cursory greetings. At times Jeyant warned Pooja about her friendship with Deven and told her to call him if any need arises. Pooja just nodded and moved on. Jeyant kept a watch on her movements.
4. After completing their courses both Deven and Pooja got employment in Punnai, the state capital of Sardam. Punnai, cosmopolitan city is famous for its concentration of software firms. Pooja had campus placement in a reputed software firm as she was brilliant in her studies. Deven was not lucky enough and had to seek employment on his own with a private builder. Pooja drew a handsome salary whereas Deven's salary was very modest.

5. Pooja stayed in a small flat owned by one of her relatives at Indira Nagar along with another girl named Divya who was also her distant relative and hailed from her home town. Pooja's office was about 20 minutes by metro which was very convenient for her. Jeyant also moved to Punnai and got a job in an office close to Pooja's. Deven was staying as a paying guest in a men's hostel. He shared a room with Kishore, who hailed from a town near to Deven's.
6. A year passed without much incidents. Deven and Pooja continued to meet but over a period of time the frequencies reduced due to work timings. Deven made regular calls to Pooja. Many times she avoided picking the calls. At times she scolded Deven for making calls during office hours and disturbing her. She would say I will call you back when my work is over. But mostly she never called back.
7. Pooja's friends made fun of her choice of boyfriend and advised her to move on in life. Pooja influenced by the life style of her colleagues and friends slowly changed her outlook. She dressed modern and fondly cherished the hope of becoming an air hostess for some time and travel the world. Her friends too encouraged her. Kavita was a colleague and close to Pooja and she endorsed her decision. She also criticized her choice of male companions Jeyant and Deven, who were not anywhere near her beauty and talent. Pooja started believing the words of Kavita and decided to be on her own and sever all ties with Deven.
8. From then on, Pooja ignored Deven and refused to take his calls. Jeyant provided her with an alternate number that she could use, and to avoid calls from Deven, she started using that number and retained the old number only to make calls to her parents as she did not want them to know anything about the affair or its aftermath. Whenever she opened her mobile there will be plenty of missed calls and messages on WhatsApp. She blocked his number. But there were always notifications. Deven tried to call her from another number and public booths. He used to stand outside her office when it gets over and wait for her to come out. On the advice of Kavita and Jeyant she decided to meet him one last time and tell her plans.
9. One weekend (Friday 9 June 2017) she invited Deven to a posh restaurant. She was dressed in casuals, what is popularly called "LBD" or little black dress. Deven told her that she looked very smart. After snacks, she revealed her plans of becoming an air hostess with a new Asia based International Airlines. She informed Deven that she had joined a part-time institute that trains girls for this and will be moving to Mumbai for onsite training. Kavita too has joined this course and will be moving with her. Deven was very upset. He tried to dissuade her, telling that girls from respected families don't choose to become air hostess and that she was already employed in a respectable job. Pooja ridiculed him saying that he is backward in his thoughts and must grow up and accept the changes that are happening. This infuriated him and he abused her and told that her dress and her behavior shows she is losing her character.
10. Pooja became angry and slapped him and told him to get lost. She told that she is done with him and he need not contact her anymore. She reminded him that she had told him many times not to pester her with messages and calls and he never cared. There were a few onlookers in the restaurant and Deven felt humiliated. He quietly left the place.

11. On his way home, Deven met his friend Karan on the way. Karan was very shocked about the way Deven looked. After much prodding Deven narrated the incident and broke down. Karan took him to a restaurant where they also served liquor. They were inebriated beyond limits and were asked to leave the restaurant. Karan left Deven at his shared flat late in the night.
12. Deven's room-mate Kishore was watching a popular Tamil music channel in TV when he arrived. He asked why he looked so dejected. Deven was silent and staring at the TV. At that time there appeared Gominos Pizza ad. There were two girls and one of them treating the other with a huge cheese pizza ordered from Gominos. When the first girl asked, what the treat is for? The second girl giggles and says "I dumped him". Then they both break into hilarious laughter and take a huge bite of the pizza. Kishore told Deven "My dear friend that is the reality; better get used to it". After the ad there was a hit song among rejected youth, in which the drunken hero, who is a hit in such roles, with a liquor bottle in his hands sings "Adra Avalai, Udhaida Avalai" which means, Beat her, Kick her and so on...venting his frustration on the girl who rejected him. Deven blurted what he says is right, that is what is to be done to these girls who play with the lives of boys. Kishore was shocked and he pacified Deven and asked him to cool down.
13. Around 11.45 pm Deven called Pooja. She did not pick up. He continuously dialed and after 5 tries, she picked. He apologized to her on his behavior and said he wanted to meet her and ask her pardon in person. She said that it is quite late and he is drunk and not in his senses. When he kept repeating his apologies, she angrily shouted at him saying it is over and she no longer wants to meet him and cut the line. Deven could hear Kavita's voice telling Pooja to cut the line and have the Pizza that is getting cold. Deven again called her, but she had switched her mobile off.
14. Deven was furious and crestfallen at the same time. He sent a message by WhatsApp to Pooja saying that he was sorry and could not control his emotions when she will be moving away from him. He requested for a brief meeting with her in any public place so that he could seek her apology. She could do anything she desires and carry on with her life.
15. He received a text message (sms) later in the afternoon that they could meet next day morning at the Indira Nagar metro station. Meanwhile she also informed Jeyant and Kavita what had happened and about the meeting with him. On her suggestion, they agreed to accompany her and stay at a distance when she talked to him. Kavita advised her that it is good to end the relationship before it gets serious and dirty and move on with her plans. Pooja too had mentally decided to do the same.
16. On 12 June 2017 Deven was at the metro station at 9.30 am when it was so crowded as usual. At 9.45 he saw Pooja coming along with Kavita. He was angry not only on finding that Pooja was wearing a short red-mini skirt with a halter top, but also on seeing Kavita and cursed her saying she was the cause of the Pooja's estrangement and she had poisoned her mind, and has corrupted her value system. He asked her to leave so that he can have a personal talk with

Pooja. Kavita agreed and told Pooja she will be at hand close by. Jeyant was also close by in hiding watching the developments.

17. Deven was having a cotton shoulder bag with him. He asked Pooja to sit on the bench and offered her some apple which he took from the bag. She refused. There were tears in his eyes. This was the act that brought them together during the college days when she first met him at the bus stop. He always used to have the shoulder bag and few fruits like apple or guava. He would take a knife which he always had and cut it into pieces and would slowly eat during the long travel in the bus to college. Pooja and other girls would make fun of him from behind which he was not aware. But he knew the girls and were amused. One day in the bus while he was cutting an apple and eating, Pooja was looking at him intently. He saw her and offered a piece of apple. She hesitated. But he insisted and she accepted. So began their friendship.
18. Recalling the old days and trying to recreate the magic he took the pen knife from his bag. Trying to wipe his tears with his hand that held the knife that was very close to Pooja's face. Jeyant and Kavita immediately panicked and came running shouting at him. Jeyant picked up a stone by the side and threw at Deven which hit him on the head and he started bleeding. Jeyant started shouting, murder, murder... and the public also panicked. Seeing the blood on Deven and the knife in his hand they started running towards him. Deven was shocked and panicked. He immediately caught hold of Pooja and talked incoherent things.. please save me .. save me...pooja tried to push him.. But the public too approached menacingly with Jeyant leading them. Deven caught hold of Pooja and held the knife against her neck and shouted, if anybody approached close I don't know what I would do...back off...
19. But Jeyant threw another stone at him and the public also rushed forward. Deven was in rage and he tried to run pulling Pooja with him. When she resisted the knife slashed her neck and blood gushed forth. Her shoulder was also wounded and she fell unconscious. Kavita tried to speak to her but there was no response from her.
20. Meanwhile the public overpowered Deven and started kicking him brutally He fell down hapless but. Jeyant rained a fresh set of blows on him. One of the blows hitting his abdomen, and Deven fell unconscious. The commotion alerted the security staff and they alerted the local police. The police arrived with the ambulance and both were taken to the hospital. Both Pooja and Deven were in critical stage and were admitted in the ICU at Government General Hospital.
21. The next day the print and electronic media went viral with the news and they were interviewing the friends of Pooja, Deven and the leaders of both their communities. The political parties also pitched in with their views and painted the events as communal animosity towards backward sections and Deven was being framed for attempted murder due to his background. They opined that the meeting at the metro station was a planned incident to discredit and pin him. Mr. Pandidurai, a local leader of the community that Deven belonged was very vocal and squarely blamed Jeyant who is the architect of this farcical act tutored by their community leaders.

22. With the issue getting politicized, the Police could not let the matter remain as a General Diary entry and the relevant set of information were duly converted into formal proceedings under CrPC. Deven was charged under IPC sections 307 for attempted murder, 354D for stalking and Section 509 for Word, gesture or act intended to insult the modesty of a woman. Jeyant was charged under IPC Sections 325 for voluntarily causing grievous hurt, under section 355 for Assault or criminal force with intent to dishonor person, otherwise than on grave provocation & Section 504 for Intentional insult with intent to provoke breach of peace. The unknown persons who attacked Deven were also charged under section 358.
23. The police, led by Inspector Prakash, had carried out investigation. They interrogated, parents of Deven, Karan, Kishore, Kavita and Jeyant. They also interrogated the people who were held for lynching Deven at the Indira Nagar Metro station. They also collected information from Trinity Engineering and college mates of Pooja and Deven. The charge sheet was filed with the Sessions Court and the magistrate committed the case for trial.

Documents to be prepared by participating teams (add any other documents if needed)

1. FIR – Annexure 1
2. Statement of witnesses – Annexure 2
3. Investigation report by investigation officer (Inspector Prakash) – Annexure 3
4. Panchnama – Annexure 4
5. Charge Sheet – Annexure 5
6. **List of witnesses** (add any other person(s) (Extra 1 &2) you deem fit – in the place of Witness1 & Witness2, citing appropriate provisions)
 - 1) Deven (A1) – is admitted in the hospital - recovering. But has given his statement to the police in the presence of a magistrate
 - 2) Jeyant (A2)
 - 3) Pooja (P) – admitted in ICU – recovering – given short statement to police in the presence of magistrate
 - 4) Inspector Prakash - Investigating officer (P)
 - 5) Kavita (P)
 - 6) Kannan (P) – who was sitting near to Pooja & Deven on the bench
 - 7) Karan (D)
 - 8) Kishore (D)
 - 9) Alex – waiter at the hotel where Pooja slapped Deven (D)
 - 10) Doctor / Psychologist – (D)
 - 11) Magistrate who took the statements of Pooja and Deven
 - 12) Pandidurai - (D)
 - 13) Extra 1
 - 14) Extra 2

7. List of exhibits

- a. Stones that hit Deven
- b. Knife and the Cotton bag with fruits
- c. Print of the picture with Deven holding knife against Pooja's neck (taken from a mobile of an onlooker-showed in many newspapers-but he did not disclose his identity)
- d. Close circuit camera – (optional)
- e. Medical report – Wound certificate for both Pooja & Deven
- f. Forensic report – Blood samples matching that of victim
- g. Audio / video of song (only few seconds of usage of the words mentioned not full song, if refused by bench then they can show the printout of words of the lyrics) /advertisement clip (if the teams briefly wish to show to the judges) - teams may use their laptop for this purpose alone with permission of the bench)

Each team will prepare

1. All the annexure and documents and exhibits to prosecute the accused (**will be part of the memorials - To be pinned with the memorials**)
2. **Teams are to number the annexures the same as mentioned in the proposition for uniformity.**
3. **The exhibits prepared by the prosecution team (which are part of memorials available for both judges and opponent teams) will be used during the respective rounds.**
4. All supporting / applicable documents for authentication, of the exhibits in the appropriate formats citing appropriate provisions of Cr. PC and Evidence Act.
5. Prepare the memorials for the prosecution and defense.
6. Each team will request a minimum of 4 & a maximum of 5 witnesses as mentioned in the list to the host institution. They will prepare the witnesses during the time allotted to them prior to the oral rounds.
7. The organizing Institution will provide the teams with a maximum of 5 witnesses as requested for both prosecution and defense side of arguments.
8. The Prosecution and Defence teams will exchange the list of witnesses after the lot is drawn for both preliminary rounds with respective teams. For the advanced rounds teams that qualify will exchange the list of witnesses immediately after the picking lots (choosing the side of arguments) before the start of the rounds)

Important note: The teams are bound to prepare the case within the parameters of the fact sheet. No wild imagination is permitted.