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DISCLAIMER

The facts stated in the present case are fictitious and have been drafted solely for the purposes of the competition. The Facts, names, locations and dates bear no resemblance to any person, event or happening whether dead or alive. Any resemblance found, if any, is purely co-incidental.

The real names used in the problem are specifically for the purposes of the moot. No real incidents can be attached to them.

This problem does not intend to hurt the feelings of any section of society or to offend any person.

MOOT PROPOSITION

The Republic of Windia is a peaceful country with similar law and customs as applicable in the India. In the mentioned country, there is a City of Shipla, where a matrimonial knot was tied between Jones & Stephanie who got married on 23.10.2000 in an arranged marriage system. Within two years of marriage, Stephanie conceived a baby boy with special needs. The increased expenses primarily because of the treatment of the child led to mismanagement of financial expenditure. Jones was not able to cope up with the stress and started an addiction of alcohol which led to constant heavy quarrels and aggressive arguments between the couple. over time the problems between the couples only increased. Every day from the office Jones would return drunk and heavy quarrels would follow.

For almost six months after the birth of the boy this situation continued. For that period Stephanie hid the ongoing problems from her in laws and her parents in the hope that things will get better. Stephanie tried to talk sense with Jones whenever he was in his senses and asked him to concentrate on his responsibilities, but everything was futile. On January 2nd, 2003 Jones came home after heavy consumption of liquor and after a very aggressive argument with Stephanie, he started beating her and left her with bruises on the leg and swollen left cheek. The present incident and worsening financial hardship forced Stephanie to confess everything to her in-laws & to her parents. Due to efforts of both the families and because of the promise of financial aid, Jones vowed to quit drinking and concentrate on his family.

But in late May 2005 Jones changed his job & went to take a new job with a promotion which considerably improved his financial condition. The Couple was leading a happy life. Also, after seeing the better financial condition in July 2005 the financial support from the parents of the couple stopped. Later in that year Jones again picked up the habit of drinking and by December 2005 the relationship between the couple started to get effected because of constant quarrels and aggressive arguments.

The reason was again the alcohol addiction of Jones.

Then the history repeated as again Jones was quarreling with Stephanie. There was a series of fights which later turned into physical quarrels in which Jones was beating Stephanie. On January 5th, 2006, Stephanie felt that she has had enough and then decided to tell everything to her in-laws & to her parents. However, this she was not able to as she was stopped by Jones who physically assaulted her and threatened her that if she tried to tell anything to her parents again then he will kill the child and solve all the problems then and there. After that day, beating became a usual practice and on several occasions, Jones also had sexual intercourse with Stephanie without her consent. Under threat and for protection of her child Stephanie decided not to share the problem and endured the beating, harassment and rape by her husband which became a usual practice.

On night of 21 March 2006 again Jones came drunk at home and started beating Stephanie due to which she sustained certain injuries on her body. The beating continued till 11:00 pm after which Jones went to his room & slept. However, Stephanie was not able to sleep the entire night, she was thinking & weeping on her situation, in her drawing room there were series of thoughts in her mind like about her life, her child & about promises of good life made to her by her husband. In the early morning of 22 March 2006 around 4 am, she took Iron rod in her hand & went to her bed room and inflicted injuries on Jones's head & vital body parts which resulted into death of Jones on the spot. Stephanie then at 6:30 am went to the room and inflicted a hit on the head of her child which resulted in the death of the child on the spot. After all this she sat in her drawing room holding Iron rod in her hand. Later, when around 8:00 am when her maid came & saw everything, she immediately called the police & Stephanie was arrested. Husband Jones and the child was taken to hospital, where they were declared brought dead in the hospital. Police started inquires & case was filed against Stephanie.

During the trial in the session wife was held not liable for murder on the ground that she acted under the grave and sudden provocation and is thus liable for culpable homicide. However, the Shipla High Court convicted Stephanie for Murder.

Now, Stephanie has filed an appeal before Hon'ble Supreme Court of Windia.

Keeping in mind all the aforementioned points and any other relevant points, the grounds for filing of appeal, prepare the arguments from both the sides.

*IN ADDITION TO THAT, TEAMS ARE ALLOWED TO FRAME THEIR OWN ISSUES ON THE BASIS OF THE MOOT PROBLEM.

*TEAMS ARE NOT ALLOWED TO PUT ANY ADDITIONAL INFORMATION/ DOCUMENTS OTHER THAN WHAT HAS BEEN PROVIDED UNDER MOOT PROPOSITION.