

**DEPARTMENT OF LAWS
PANJAB UNIVERSITY, CHANDIGARH**

TRIALS NOTICE

This is to inform the students who want to Participate in "SHRI NJ YASASWY 2nd NATIONAL MOOT COURT COMPETITION, 2023" which is going to be held by 3rd to 5th November 2023, ICFAI University, Jaipur to appear for preliminary trials with their respective teams on Monday, 16th October 2023 in Room No. 3, Block –I, Department of Laws at 01.15 pm.

Timings 1:15 P.M.

Prof. (Dr.) Shipra Gupta
Coordinator

SHRI N J YASASWY 2ND NATIONAL MOOT COURT COMPETITION 2023


ICFAI[®] The ICFAI University, Jaipur
ICFAI[®] JAIPUR

**3RD - 5TH
NOVEMBER
2023**



<https://iujaipur.edu.in/>



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iuj.mc@iujaipur.edu.in

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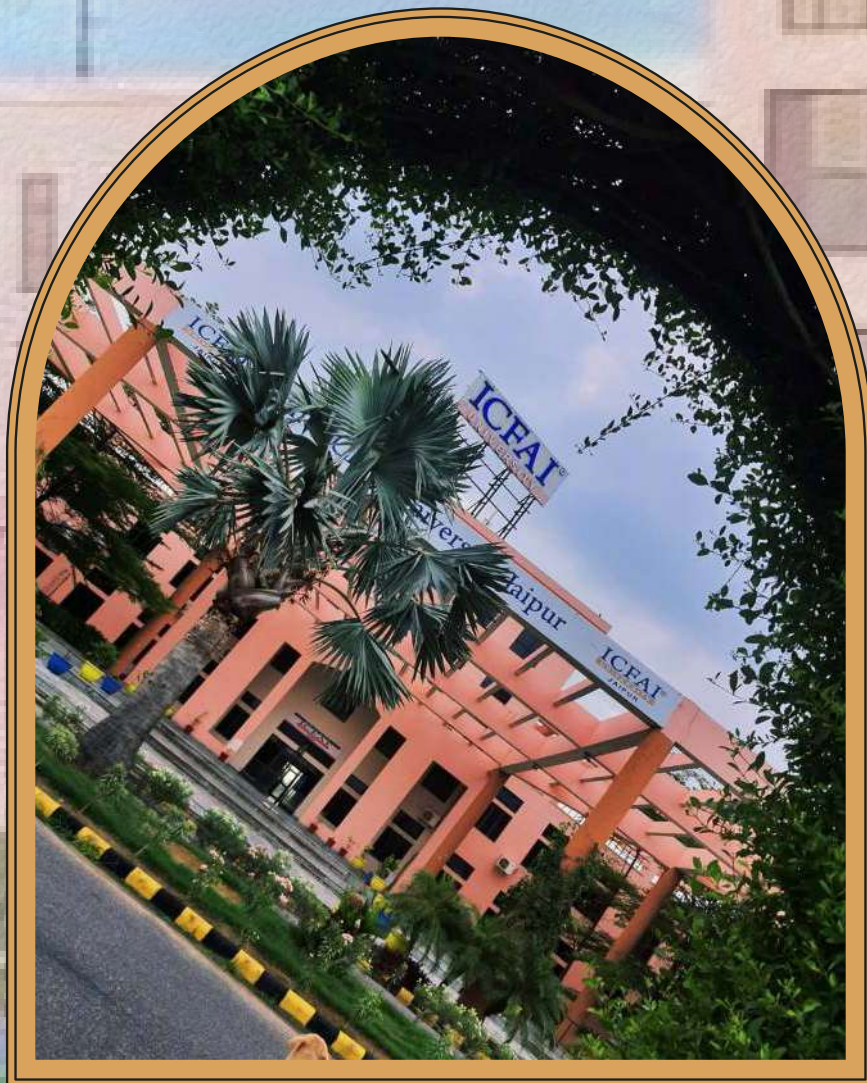
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ABOUT THE UNIVERSITY

The ICFAI University, Jaipur, is a prominent private educational institution in Rajasthan, India, and a vital part of the renowned ICFAI Group. It offers a diverse range of undergraduate, postgraduate, and doctoral programs in various fields like management, law, science, liberal arts, and engineering. Established under the ICFAI University, Jaipur Act, 2011, the university operates under the jurisdiction of Notification No. F. 2(26) Vidhi/2/2011 dated September 22, 2011. Supported by the not-for-profit ICFAI Society, founded in 1984, the university holds prestigious memberships in the Association of Commonwealth Universities (ACU) and the Association of Indian Universities (AIU). It is empowered to confer degrees under Section 22 of the UGC Act, 1956, and aims to become a premier center for career-oriented education, producing leaders for the state's economy.



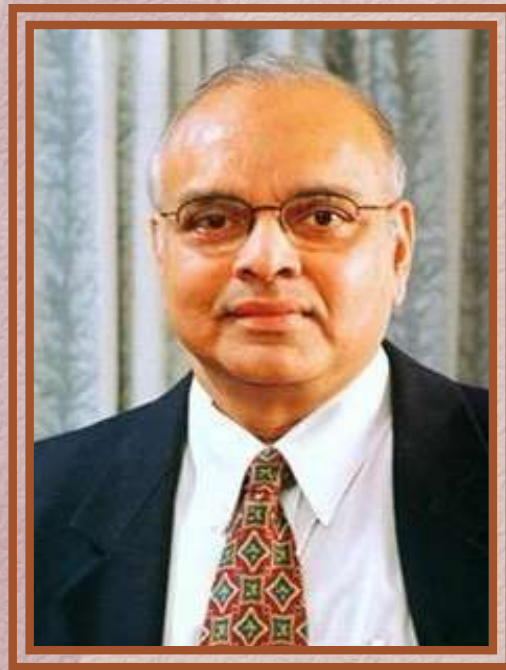


ABOUT ICFAI LAW SCHOOL

ICFAI Law School, part of the ICFAI University, Jaipur, was established in 2015 with the aim of providing high-quality legal education to the next generation of legal professionals. It offers a comprehensive curriculum that integrates law, management, and humanities through rigorous educational and research programs. The Law School boasts a diverse student body from across the country and a dedicated faculty team. It emphasizes holistic student development through extracurricular activities and places a significant focus on moot court competitions, promoting impartiality, transparency, and efficiency. ICFAI Law School (ILS) is a testament to their commitment to world-class professional education within a vibrant campus environment, and it plays a crucial role in defining legal boundaries for effective corporate management.



ABOUT SHRI N J YASASWY



Shri N. J. Yasaswy was the visionary founder of the ICFAI group of educational institutions and a great human being. Yasaswy was indubitably a versatile genius and a man of many parts. That aside, he had a tremendous capacity to take risks but always launched every initiative with an amazing clarity: ‘ours is a private effort with a public purpose.’ Being an erudite leader, whenever a new initiative was undertaken, he would invariably emphasize to his colleagues: “We are aiming at a future beyond our ken and control; let us, therefore, be open to learn and steer through cautiously.” Shri Yasaswy was a great teacher.

He chose to spend all his time creating an institution of excellence, that has developed into that ICFAI stands for today. He was instrumental in building 09 Business Schools & 11 Universities in India’s developing states, especially in Noth-East region.

EVENT DETAILS

COMPETITION DATES

November 3-5, 2023

REGISTRATION

To register: [CLICK HERE](#)

The last date of registration is 15th October, 2023.

Limited 30 Slots: First-come-first-serve basis.



PAYMENT MODE

To complete your registration, please click here to make the required payment.

[CLICK HERE](#)

REGISTRATION FEE

- Registration Fee (With Accommodation):
INR 5500/- (Indian Rupees Five Thousand Five Hundred only)
- Registration Fee (Without Accommodation):
INR 2500/- (Indian Rupees Two Thousand Five Hundred only)

VENUE

ICFAI Law School, The ICFAI University,
Main, Agra Rd, Jaipur, Rajasthan 302031





TIMELINE



S. NO.	EVENT	DATE
1.	Commencement of Registration	22nd September 2023
2.	Last Date of Registration	15th October 2023
3.	Last Date for seeking clarifications	16th October 2023
4.	Publication of clarifications	17th October 2023
5.	Last Date for submission of written arguments (Memorials)	27th October 2023
6.	Inaugural Ceremony and Draw of Lots for Preliminary Round - I / Researcher's Test	3rd November 2023
7.	Oral Rounds - Preliminary Round - I & II, Quarter-Final	4th November 2023
8.	Semi-Final, Final Round & Valedictory Ceremony	5th November 2023



AWARDS



**INR 25,000/-
A Trophy &
Certificates of Merit**

**INR 15,000/-
A Trophy &
Certificates of Merit**



**INR 5,000/-
A Trophy &
Certificate of Merit**

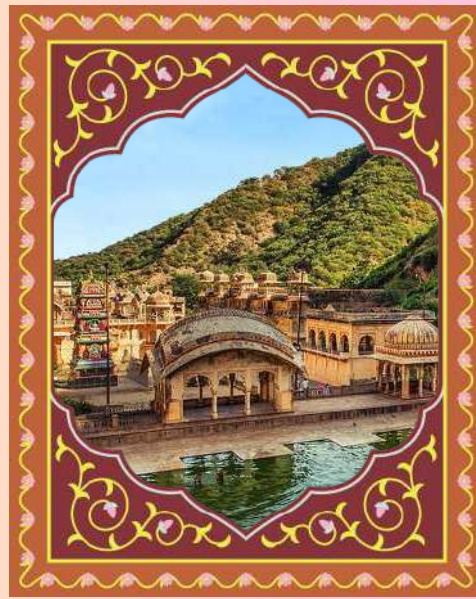
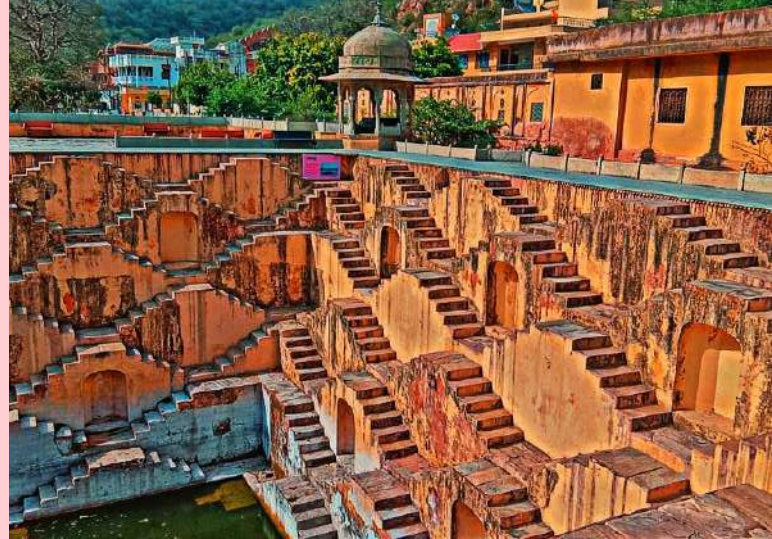


**INR 5,000/-
A Trophy &
Certificate of Merit**

**INR 5,000/-
A Trophy &
Certificate of Merit**



Witness the colors of **THE PINK CITY**



COMPETITION COMMITTEE

PATRON-IN-CHIEF

Prof (Dr) H P Singh, VSM
President, The ICFAI University, Jaipur

PATRON

Prof. (Dr.) Vijay Kumar Sharma
Professor, ICFAI Law School, The ICFAI University, Jaipur

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SHRI N J YASASWY 2nd NATIONAL MOOT COURT COMPETITION 2023

RULES

General

1. **Language:** The official language for the Moot Court Competition shall be English only.
2. **Eligibility:** Students enrolled in regular three-year LL.B., five-year integrated LL.B. program or LL.M. in any recognised University/ Law School/ College/ Department during the present academic year are eligible to participate in the Competition.
3. **Team Composition:** Teams may consist of either two or three members. In situations where there are two participants, one of the members can act as both researcher and speaker. However, in scenarios involving three participants, two individuals will be speakers, while one will be researcher.
4. Any alteration in the status of the team members, whether as a speaker or researcher, shall not be entertained except in case of unprecedented circumstances.
5. **Team Code:** Each team will be provided a team code prior to the submission of memorials *via* e- mail.
6. **Attire:** Participants shall wear Black trousers, white shirt, black blazer, black neck-tie and black formal shoes. However, female participants may choose to wear white salwar kameez, black blazer and black formal shoes.

Format of the Competition

The competition shall consist of Researcher's Test followed by five rounds namely Preliminary-I & Preliminary-II, Quarter-final, Semi-final and Final rounds.

Preliminary Rounds

1. Each team shall argue once from both the sides, *i.e.* **Petitioner and Respondent**, order of which shall be decided by way of draw of lots – to be conducted by the Organizing Committee.

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2. Each team will be allotted 20 minutes for the arguments including time for rebuttal and sur-rebuttal. The timing can be divided between both the speakers according to the wish of the team subject to a maximum of 12 minutes and minimum of 8 minutes per speaker.
3. At the judges' discretion and in addition to the foregoing time constraints, a maximum of 5 minutes may be set out for rebuttal or sur-rebuttal. The judges have the power to decide whether to provide extra time.
4. If any speaker continues to speak after the completion of the allocated time, the additional time which he or she speak for will be deducted from the time allocated to his or her co-speaker.
5. Each speaker must introduce himself or herself to the court using only with his identification as Speaker-1 or Speaker-2, and team code given to him/her for the memorial's submission.
6. Top eight teams with the highest cumulative score in Preliminary round I and II shall qualify for the Quarter-final round.
7. In case of tie, the scores allotted in "Knowledge of Law and Facts" will be considered to decide the winner.

Quarter-Final and Semi-Final Rounds

1. Total of eight teams from the preliminary round will qualify for the Quarter-final round and then, four teams to the Semi-final round.
2. Matching of each team shall be done by the Draw of Lots.
3. Each team will be allotted 25 minutes for the arguments including time for rebuttal and sur-rebuttal in Quarter-final round. Maximum 5 minutes can be reserved for rebuttal and sur-rebuttal. Maximum time which can be reserved for each speaker shall be 15 minutes and minimum 10 minutes.
4. Each team will be allotted 30 minutes for the arguments including time for rebuttal and sur-rebuttal in Semi-final round. Maximum 5 minutes can be reserved for rebuttal and sur-rebuttal. Maximum time which can be reserved for each speaker shall be 18 minutes and minimum 12 minutes.

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5. The time division has to be informed to the Court Room Officer before the beginning of the oral arguments. The allotment of extra time shall be at the discretion of the judges.
6. The Quarter-final & Semi-final rounds will be “**Knock-out**” rounds where the winner of each Quarter-final will move to the Semi-final round and similarly, the winner of each semi-final round shall move to final round.
7. In case of tie, the scores allotted in “Knowledge of Law and Facts” will be considered to decide the winner.

Final Round

1. Winners of each Semi-final round will qualify for the Final round.
2. Each team will be allotted 40 minutes for the arguments including time for rebuttal and sur-rebuttal. Maximum 5 minutes can be reserved for rebuttal and sur-rebuttal. Maximum time which can be reserved for one speaker is 25 minutes and minimum 15 minutes.
3. The time division has to be informed to the Court Room Officer before the beginning of the oral arguments. The allotment of extra time shall be at the discretion of the judges.

Ex-Parte Proceedings

At the outset, if a team fails to appear within 10 minutes of the scheduled time (in any of the four rounds), the oral round of the attending party may proceed *Ex Parte*.

Researcher's Test

1. The member designated as Researcher in each team shall take part in the test.
2. Participants are requested to write only the Team Code on the question paper.
3. Researcher's Test shall be objective as well as descriptive with the questions based on the applicable law, precedents and facts pertaining to the Moot Problem.
4. Researcher's Test shall be of 01-hour duration.
5. Use of mobile phones, laptops or any other electronic gadgets/written material is strictly prohibited during the Researcher Test.

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6. Winner of the Test shall be determined on the basis of highest score attained.

Note: Speakers of any team will not be allowed to sit in the Researcher's Test in any case except in the teams of two members, where one of the members is designated as speaker and researcher both.

Marking Criteria for Oral Rounds

1. Following criteria shall be followed for making in all oral rounds:

S.No.	Criteria	Marks
1.	Knowledge of Law and Facts	25
2.	Ingenuity and Ability to Answer Questions	25
3.	Style, Poise, Courtesy, Demeanour	20
4.	Organization and Flow of Arguments	20
5.	Reference to Memorial	10
TOTAL		100

2. **Levy of Maximum Penalties:** Notwithstanding anything in the rules, maximum of 20 marks shall be deducted as penalties for violations of the rules. However, gross violation of rules and regulations may lead to disqualification.

3. **Submission of Authorities:** The teams shall only submit genuine authorities from Journals or other authentic sources. The teams may prepare and submit Compendium of authorities before the beginning of oral arguments to the panel of Judges, otherwise they can only submit authorities with the prior permission of the panel or if demanded by the Judges.

Memorandum Specifications

1. Each participating team is required to prepare both memorial and counter memorial in English. All teams must submit hard copies of these documents to the organizers during the registration process at the venue and provide soft copies through a designated Google Form by the specified submission deadline as

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conveyed by the Organizing Committee. Failure to adhere to these submission requirements will result in disqualification from the competition.

2. The memorial shall be maximum of 40 pages including the cover page and Pleadings/Arguments Advanced shall be maximum of 25 pages.

Structure of the Memorials

1. Cover Page: The cover page shall contain the Case Title, Side of the written submission, Name and Year of competition and Team Code on Top Right corner. (Note: The code must be preceded by the side for which the memorial is prepared. The teams must use P for “Petitioner” and R for “Respondent”. For example: in case the Team Code is 10 the team must write “**TC-10 (P)**” in case of memorial for Petitioner and “**TC-10 (R)**” in case of memorial for Respondent.)
2. Table of Contents
3. List of Abbreviations
4. Index of Authorities
5. Statement of Jurisdiction
6. Statement of Facts
7. Summary of Issues Raised/Questions Presented
8. Summary of Arguments/Pleadings [1 to 3 Page]
3. Arguments Advanced/Pleadings [not more than 25 pages]
4. Prayer for Relief [1 Page]
5. Exhibits (Optional)

Note: Non-compliance with the above criteria shall result in a penalty of two marks per missing above-mentioned essentials.

Guidelines for Formatting

1. Font and Size (Headings) - Times New Roman, 14 pts.; Line Spacing - 1.5 lines.
2. Font and Size (General) - Times New Roman, 12 pts.; Line Spacing - 1.5 lines.
3. Font and Size (Footnotes) - Times New Roman, 10 pts.; Line Spacing- 1.0 line.
4. Page Margin - 1 inch on all sides.
5. Font- Times New Roman

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6. Hard copies shall be printed on one side of each page.
7. The citations should be in compliance with the 20th Edition of Bluebook.
8. Memorial cover page shall follow the following colour scheme:
 - Petitioner/Appellant - **Blue**
 - Respondent/Defendant – **Red**
9. Memorials should be in spiral binding.
10. Pages should be numbered at the bottom middle.
11. The memorials shall not contain any photographs/ sketches

Submission of Memorial

1. All the participants must submit 05 hard copies of each Memorial *i.e.* 10 copies in total.
2. The soft copy of the memorial in pdf format shall also be sent *via* mail provided by the Organizing Committee.
3. Memorials that arrive after the deadline may receive a deduction for being submitted late.

Marking Criteria of Written Submission

The maximum score for the memorials shall be 100 marks. The memorials shall be evaluated on the following criteria:

S.no.	Criteria	Marks
	Knowledge of Law and Facts	25
	Proper and Articulate Analysis	25
	Extent and Use of Research	25
	Clarity and Organization	15
	Grammar and Style	10
TOTAL		100

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Penalties

In addition to the penalties/ deductions mentioned in the other provisions of these Rules, the following penalties may be imposed:

1. **Scouting:** No member of any participating team shall view any other oral rounds while the team is still in the competition. If such an incident comes to the notice of the organizers, the scouting team shall be subject to disqualification. Teams may file a written complaint of scouting to the Organizers. The decision of the Organizers shall be final and binding.
2. **Non – Disclosure of Identity:** Teams shall not disclose their identity *i.e.* their name, name of the affiliating institution, city, etc. or any other information which has the effect of disclosing their identity in both oral and written submissions. Such disclosure shall result in disqualification subject to the discretion of the Organizers.

Results

Results shall be announced shortly after each round. Decision of the judges shall be final. For all purposes and in any dispute, the decision of the Organizing Committee shall be final and binding. Result of final round shall be announced at the valedictory ceremony.

Clarifications

1. Participating teams may seek clarifications *via* mail on the official email id with subject title as: “**NMCC 2023 – Clarification**”.

The last date to seek clarifications to the Moot Proposition is **16th October, 2023**.

Miscellaneous

1. All participants are expected to maintain the decorum in the court during the competition and are expected to conduct themselves in a manner befitting the legal profession.

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2. The Organizing Committee reserves the right, at its sole discretion, to take appropriate action for any unethical, unprofessional and wrongful conduct during the entire duration of the Moot Court Competition.
3. The decisions of the Organizing Committee concerning the interpretation of these regulations or any other aspects pertaining to the Moot Court Competition shall be considered conclusive and obligatory. In cases where situations are not explicitly covered by these rules, the determination of the Organizing Committee shall stand as final.
4. The Organizing Committee retains the prerogative to revise, alter or revoke any of the stipulations if deemed necessary and appropriate. Participating teams will be duly notified of any and all such amendments or modifications to the rules.
5. **Copyright:** The copyright with regard to the memorials submitted for the participation in the Competition is assigned by participants and shall vest completely and fully in the Organizers. The participants shall certify the originality of the memorials and the materials used, and shall be responsible for any claim or dispute arising out of further use and exhibition of these materials.
6. The official e-mail for all correspondence concerning the Competition is iuj.mc@iujaipur.edu.in

MOOT PROPOSITION

1. Republic of Senapita is a country in South Asia. In terms of land mass, it is the world's fifth largest country. However, it is the most populous country with different religions, languages spoken with more than 60% of its population working in the agriculture sector which rely on traditional methods of agriculture. Geographically, the country is bound by sea on three sides i.e., east, west, south, and the highest mountain range on its north, the country enjoys unique geographical and ecological benefits.
2. Senapita gained independence from Varselia around 75 years back. The Constitution of Senapita (hereinafter referred as 'Constitution') declares Senapita to be a sovereign, socialist, secular, democratic republic, assuring its citizens of justice, equality, and liberty. Senapita takes great pride in the Constitution which draws inspiration from various countries and several international conventions. The Constitution of Senapita is quasi-federal in nature. The country has multi-party's political set-up with 6 national parties, 54 state parties, and 2,597 un-recognized parties.
3. The Union government was formed by the party named Rashtrawadi Janta Party (hereinafter referred as RJP) with 340 out of 560 seats. The RJP is one of 6 national political parties. First time, it came into power on 2014 with full majority securing a total 340 seats making an electoral promise to bring back the black-money deposited in foreign countries and to curb the problem of corruption and money laundering. The RJP government has made several amendments in the various laws related to the money laundering and prevention of corruption since it gained power. One of such amended laws is 'Senapita Prevention of Money Laundering Act, 2002' (hereinafter referred as SPMLA, 2002). The laws become more stringent after various additional powers given to the investigating and prosecuting agencies. To fulfill its electoral promise, the RJP government has given a free hand to the investigation agencies to investigate and prosecute the offenders.
4. In 2019, RJP come into power again with a huge majority of 400 out of 560 seats and promised the public to take more stringent actions against the individuals and organization who were involving in corruption, illegal foreign funding and money laundering.

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5. Post 2019, the Special Enforcement Agency (hereinafter referred as SEA) has conducted a record number of raids. The raids conducted by the SEA are always in the news as the RJP government claims that the agency is taking action against the criminals and the opposition parties alleges that all these raids are conducted to create a fear among the oppositions party's leaders and falsely implicate them under the political vendetta.
6. Recent research by a Research Think Tank of national repute, 'Society against Corruption' based in Delhi presented a research report before the Supreme Court of Senapita. The research report found that the SEA officials have secured only 9 convictions after conducting more than 1700 raids and 1569 specific investigations since 2011. The opposition parties are alleging that the SEA is doing a fishing expedition on leaders of opposition parties. The main opposition party Senapita Rashtriya Congress (hereinafter referred as SRC), President Nalluswami Periyar lashed out at the RJP alleging that 95% of raids conducted are on the opposition leaders, particularly of his party.
7. The manner in which the SEA conducted the raids has become a topic of public discussion that SEA is working on the instruction of the present Union government as majority of raids were conducted on the opposition party leaders. Further, it has to be noted that the Appellate Tribunal constituted under IPMLA, 2002 is lacking the presiding officers, staff and other basic facilities. As on 16th Feb 2022 only one member of the five-person committee was serving. It was averred that non-functioning of the Appellate Tribunal acts as a serious impediment in securing remedy for unjustified attachments made by SEA officers.
8. In recent judgment by the Supreme Court of Senapita, in case of Vijay Madanlal Choudhary & Ors. Versus Union of Senapita & Ors. Delivered by 3 judge bench which upheld the provisions of SPMLA, 2002 related to the power of arrest, attachment and search and seizure conferred on the SEA. The Court upheld the constitutionality of the provisions of Sections 5, 8(4), 15, 17 and 19 of the SPMLA, which relate to SEA's powers of arrest, attachment, search and seizure. The Court also upheld the reverse burden of proof under Section 24 of the Act and said that it has "reasonable nexus" with the objects of the Act. The court also observed that money laundering is a serious offence and it promotes terrorism and drug trafficking.

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9. The President of RJP, Mr. S.P Padda welcomes the decision of the Supreme Court in ‘Vijay Madanlal Case’ and opposition parties expresses its disappointments over the decision as it will increase its misuse. The Director, SEA has argued that the SPMLA, 2002 has a robust system of check and balances on the its various powers provided under the Act. He denied all the allegations about the misuse of the powers by SEA as most of the allegations are politically motivated in some or other form.
10. In another judgment of Y. Balaji versus Karthik Desari & anr., the two-judge bench of the Supreme Court of Senapita, rejected the plea for larger bench reference, citing principles of judicial discipline and the doctrine of stare decisis (regarding binding nature of previous decisions) as the case of Vijay Madanlal Choudhary was rendered by a larger bench comprising three judges.
11. Another controversy related to the SEA is about the extension of tenure of the its chief. It is to be noted that a new chief will be chosen by a collegium of Prime minster, Leader of opposition and Chief Justice of Senpita. Recently, the Supreme Court of Senapita put a stay on the centre’s extension of the tenure of SEA director Kumar Sarvan.
12. This was the third extension for the SEA chief. While pronouncing the judgment the court has made the arguments “Is there only one person in the country who is competent enough to head the SEA? Is it not demoralizing for the entire force that the Department can’t function in the absence of a single person?” Still, the court passed order allowing Kumar Sarvan to continue as SEA Director until 15th September 2023 keeping in mind the “larger public interest” in view of the ongoing review of Senapita by the Financial Action Task Force (FATF). The opposition parties allege that the SEA chief has close relation with the Prime Minister of Senapita as he was serving under him since the current PM was a chief minister of one of the states in Senapita.
13. In January 2021, a national newspaper, ‘The Future Morning’ published an investigative report that a thousand of aspirants were promised of job for money by Mr. Sugam Kumar, Health Minister of Paschim Pradesh and member of Paschim Pradesh Public Service Commission (hereinafter referred as; PPPSC) during 2012-17.

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14. In June 2021, the Paschim Pradesh Police registered an FIR under Section 420 Senapita Penal Code, 1860 (hereinafter referred as; SPC, 1860) against Mr. Sugam Kumar for his alleged role in job scam. The FIR was registered on the complaints made by two complainants i.e.; Mr. Suresh Kumar and Ms. Rajrani. Both alleged that they have given 5 lakhs each for getting job in Health department in 2017. Now, he is leader of opposition party i.e.; Senapita Socialist Party raided by the SEA on 31st April 2023. A cash amount of 5.5 Crores were recovered during the raid. He submitted before SEA that the money is kept for payment of a land deal made by the company owned by his son and it was not his money. His son also denied title the said money during preliminary investigation. Subsequently, Mr. Sugam Kumar was taken into custody by SEA for further interrogation about the proceeds of crime.
15. Before the charge-sheet was filed, Mr. Ramesh filed a petition before Court of Sessions submitting that all allegations against him were based on a fictitious story. He also submitted that the Chief Minister of Paschim Pradesh with his ill intent wanted to destroy his political career. The Court of Sessions allowed compounding of the alleged offence stated in the FIR under Section 320 of the Senapita Code of Criminal Procedure, 1973 as complainants admits that they were pressurized by some influential people to file a case against Mr. Sugam Kumar.
16. Subsequently, Mr. Sugam Kumar approached the Special Court for quashing of the case filed by the SEA. The Special court denied the relief and allowed the SEA to proceed with the investigation on the cash recovered during the raid. He approached the High Court of Paschim Pradesh for setting aside the case pending before the Special Court under SPMLA, 2002. The High Court struck down the decision of the trial court and restricted the SEA to proceed with the case. After this, the SEA has approached the Supreme Court of Senapita through a Special leave petition (hereinafter referred as SLP) against the order of the High court.
17. In another case, the Union Government of Senapita issued a tender notice for construction of 16 lane highway between Senapita capital, Lumbi to Nombay- financial capital of the country in 2020. The total estimated cost of project was around 2.5 lakh crore. Mr. Suban Nirwan and Rosemary David were special officers appointed for implementation of the highway project and sanctioning

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authority for issuing tenders. The Ann Highway Pvt. Ltd and Benn Road Constructors, finally got the joint-tender approved for the construction of the highway.

18. An information was received by Mr. Prasad, Transport and Highways Minister of Senapita that the both special officer got Rs. 100 crores as a bribe for issuing the tender. He ordered a departmental enquiry and primarily it was found that there were irregularities in process of issuing tender. Based on this, the Lumbi Anti-Corruption Bureau filed a case under relevant Sections of the Senapita Prevention of Corruption Act, 1988 (hereinafter referred as SPCA, 1988) against Mr. Suban Nirwan and Rosemary David, directors of Ann Highway Pvt. Ltd and Benn Road Constructors respectively.
19. Mr. Nageshwar Bath, Jeetu Kalmadi and Mahindroo Das were claimed to be biggest hawala opertors and all of them were in direct touch with Mr. Suban Nirwan and Rosemary David, directors of Ann Highway Pvt. Ltd and Benn Road Constructors at relevant point of time.
20. The SEA has registered an Enforcement Case Information Report (hereinafter referred as ECIR) against all the seven parties mentioned above on the basis of previously registered FIR under the SPCA, 1988. Subsequently, the bank accounts of all including Mr. Suban Nirwan and Banish Sisomia, directors of Ann Highway Pvt. Ltd and Benn Road Constructors and Mr. Nageshwar Bath, Jeetu Kalmadi Mahindroo Das were seized under the relevant provision of SPMLA, 2002.
21. SEA raided the farmhouse and other properties belonging to all three hawala operators and a total cash amount of 7.3 crores along with 9.3 Kg gold and 35 Kg silver were recovered. The preliminary investigation and evidence collected concludes that Mr. Nageshwar Bath, Jeetu Kalmadi and Mahindroo Das acted as mediator for the alleged 100 crore bribe and helped the directors of Ann Highway Pvt. Ltd and Benn Road Constructor for grabbing the tender from the special officers. The investigation done by the Lumbi Anti-Corruption Bureau failed to collect sufficient evidence against the accused.
22. During trial in the case before the Special Court constituted under the SPCA, 1988, the court observed that no direct and sufficient evidences in support of the alleged offence were found in

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the process of issuing the tender. The trial court acquitted all the accused persons. However, the trial court mentions a special finding that there was some form of tempering with the tender allotment procedure and left it open for SEA to investigate and unearth any criminal act with regards to the tendering process and to trace the proceeds of crime.

23. On the basis of the acquittal, Mr. Suban Nirwan and Rosemary David, directors of Ann Highway Pvt. Ltd and Benn Road Constructors and Mr. Nageshwar Bath, Jeetu Kalmadi Mahindroo Das challenged the freezing of the bank accounts under Section 17(1)(A) of IPMLA, 2002 and plead for issuance of appropriate writ to restrict SEA to act against them before the High Court, Lumbi. The High Court allowed the writ petition upholding there was no conspiracy in the predicate offence. Hence, no SEA proceedings can be continued in accordance with law.
24. SEA, aggrieved by the order of the High Court, has preferred an SLP before the Supreme Court of Senapita and submitted that both are different offences (predicate offence and the offence of money laundering) under different statutes and it is in the interest of justice that the case under SPMLA, 2002 should be investigated further so that the property derived from the criminal activities mentioned in the scheduled offences can be confiscated.
25. In another case, Mr. T. Balaji, personal assistant of Mr. P. Ramaswamy, Transport Minister of State of Teluna Pradesh got a notice under Section 50 of SPMLA, 2002 from Director SEA. On his appearance, he was examined by the officers of SEA on oath. His statements were subsequently used by SEA in the court against Transport Minister, Mr. P. Ramaswamy and Mr. T. Balaji in a money laundering case. He has filed a writ petition challenging the constitutional validity of Section 50 as it violates various constitutional rights recognized for fair trial in a criminal prosecution.
26. After hearing the arguments from the parties in the above-mentioned cases, the Supreme Court held that all these writ petitions maintainable as all these petitions raise similar substantial questions of law pertaining to constitutional validity and interpretation of certain provisions of the SPMLA, 2002. The Supreme Court of Senapita has clubbed all writ petitions and referred it before the 5 judges' constitutional bench.

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27. The Hon'ble Supreme Court has issued notices to the parties and has fixed the matter for hearing on the following issues:

- I. Whether the Section 50 of IPMLA, 2002 violates various constitutional provisions recognizing rights relating to fair trial in a criminal prosecution or not?
- II. Whether SEA has powers to investigate and prosecute under SPMLA, 2002 when the accused has secured an acquittal from the trial court in predicate offence under Section 320 of the Senapita Code of Criminal Procedure, 1973 or not?
- III. Whether SEA has powers to proceed with prosecution and investigation under SPMLA, 2002 when a person is not made accused of the predicate offence but found to be involved in the proceeds of crime flowing from the predicate offence and investigation by SEA is still pending under the IPMLA, 2002 or not?
- IV. Whether the High Court, Lumby was erred in issuing the writ petition against an order of seizing of bank account under Section 17(1)(A) of IPMLA and discharge of the accused or not?

Notes: The parties are allowed to raise and plead the additional issues incidental to the facts of the moot proposition.

The national and international laws, policies, obligations/ commitments (inter alia relating to criminal procedure, bail conditions etc.) of Senapita are pari materia to that of Republic of India. Parties are independent to cite case laws from Indian Courts having precedential value.

Disclaimer: This case is purely fictional. Any resemblance to names, properties and associations is purely co-incidental.