



MOOT COURT SOCIETY

Department of Laws, Panjab University, Chandigarh.

NOTICE

The teams participating in the Intra-Department Moot Court Competition are free to frame their issues. However, some teams are skeptical about the same.

They are suggested to frame their issues around around:

1. Maintainability
2. Murder
3. Culpable Homicide
4. Acquittal
5. Any other sections which may be applicable to the case, inter alia.

These are mere suggestions to lead the students in the right direction. The teams have to formulate their issues by themselves. Major differences in the issues of the competing teams is not likely to arise even when the issues are framed differently by every team. The teams should only focus on addressing the most important issues at hand. The Moot Court Society wishes the participants all the best!

The last date to send the Clarifications related to the moot problem as per the Schedule is 22nd February, 2024. These queries can be put at: intramoot.2024.pulaws@gmail.com

It is to be noted that the Online Submission of the Memorials will also be done at the above mentioned email only.

For the convenience of everyone, it has been decided that the Paragraphs in the Proposition should be numbered. The numbered proposition has been attached on the next page.

Moot Proposition

1. A young man overcomes huge physical disabilities to reach Olympian heights as an athlete; in doing so he becomes an international celebrity; he meets a young woman of great natural beauty and a successful model; romance blossoms; and then, ironically on Valentine's Day, all is destroyed when he takes her life. In the early hours of 14 February 2023, the respondent, Mr. Jatin (at times the accused hereafter), shot and killed the 29-year-old Miss Mamta (at times the deceased hereafter) at his home in a secured complex known as Oliver Estate in Mumbai, Maharashtra.
2. The accused was born with deformed legs, consequently before his first birthday, both of his legs were surgically amputated below the knee and, since then, he has had to rely on prosthetics. Despite such a severe physical handicap, he made his way bravely into the world and had a spectacular athletic career. He competed by using prosthetic legs at the international level in both disabled and able-bodied athletic events. He won numerous international medals, including gold medals at the Paralympics. The accused represented India in both the Olympic and the Paralympic Games of 2012. His athletic achievements not only brought him international fame but also into contact with charities, and he was awarded an honorary doctorate for his humanitarian work in the world of prosthetics.
3. The accused met the deceased, who was a successful model on 4th November, 2022. Romance quickly blossomed and they became intimate. As so often happens with romantic relationships, they had petty conflict and tensions as evidenced by a transcript of text messages that had passed between them. But despite these hiccups, the deceased at times slept over at the accused's home. She did so on the night of 13 February 2023. In the early hours of the following morning, screams, gunshots, loud noises and cries for help were heard, emanating from the accused's house. Within minutes, one Mr. Raju and one Dr. Deep, the latter a medical practitioner, arrived at the accused's home. There they found the accused in a highly emotional state, kneeling alongside the deceased who was lying on the floor at the foot of the stairs leading to the sleeping quarters of the house. She had been carried there by the accused from an upstairs bathroom where the shooting had taken place. She had been shot several times and was mortally wounded. The severity of her injuries was such that she was not breathing and Dr. Deep was unable to find a pulse. In due course, FIR was registered against the accused under Section 302 of the Indian Penal Code for murder. The State's prosecutor attempted to persuade the trial court that the accused had threatened the deceased during the course of an argument, that she had locked herself into the toilet cubicle in the

bathroom to escape from him, and that he had thereupon fired the four fatal shots with a 9mm pistol through the door of a toilet cubicle in the bathroom adjacent to his bedroom and killed her.

4. The accused, on the other hand, alleged that he had awoken from his sleep in the early hours of the morning. It was very warm and so he sat up, although it was dark in the room, he was aware that the deceased was awake in the bed next to him as she rolled over and spoke to him. He got out of bed, brought the two fans from the balcony into the room, closed and locked the sliding doors, and drew the curtains. It was very dark in the room, the only light being from a small LED on an amplifier at the TV cabinet. He then heard the sound of a window opening in the bathroom. The bathroom is situated not directly adjacent to the bedroom but down a short passage lined with cupboards. He immediately thought that there was an intruder who had entered the house through the bathroom window, possibly by climbing up a ladder. He quickly moved back to his bed and grabbed his 9mm pistol from where he kept it under the bed. As he did so, he whispered to Mamta to 'get down and phone the police' before proceeding to the passage leading to the bathroom. He was not wearing his prosthetic legs at that stage and, overcome with fear, he started screaming and shouting both for the intruder to get out of his house and for Mamta to get down on the floor and to phone the police. When he reached the entrance to the bathroom, he stopped shouting as he was worried that the intruder would know exactly where he was. As he neared the bathroom, he heard the toilet door slam. Peering around the wall at the end of the passage, he saw that there was no one in the bathroom itself but that the toilet door was closed. He alleged that at that point he started screaming again, telling Mamta, who he presumed was in the bedroom, to phone the police. He then heard a noise coming from inside the toilet and promptly fired four shots at the door. After that he retreated to the bedroom where he found that Mamta was no longer there. It then dawned on him that it could be her in the toilet. In panic he went back to the bathroom and tried to open the door, but found it to be locked. He then started screaming for help and put on his prosthetic legs. He unsuccessfully tried to kick open the door but on seeing the key lying on the toilet floor, he unlocked the door and found Mamta slumped with her weight on the toilet bowl. She was not breathing. He held her and pulled her out of the bathroom before telephoning the other two residents of the estate, Mr. Raju and Dr. Deep, followed by the calls made to the paramedic organizations for ambulance and the estate's security by the accused.

5. The accused pleaded in the trial that he cannot be held guilty of murdering Mamta because he had no subjective intention to cause her death as he had not known Mamta was in the toilet. The accused believed that, at the time he fired shots into the toilet door, the deceased was in the bedroom while the intruders were in the toilet. This belief was communicated to a number of people shortly after the incident. The counsel for the accused emphasized the accused's physical disabilities, the fact that he had not been wearing his prostheses at the time and that he had thus been particularly vulnerable to any aggression directed at him by an intruder. His counsel argued that it had to be inferred that he must have viewed whoever was in the toilet as a danger, hence there was a genuine belief of an imminent attack upon him. The Court of Session convicted him for culpable homicide not amounting to murder holding that there was no intention to kill the person behind the door. He had shot the deceased believing that she was an intruder. The accused had erroneous belief that his life was in danger therefore cannot be found guilty of murder. Aggrieved by the decision of the trial court, the State has made an appeal to the High Court.

