

MOOT PROBLEM- 2 [For Semi-Final & Final Round]

Trisha Das was born to Rekha Das alias Rekha Mukerjee, an Indian HR consultant and media executive and Siddhartha Das in 1987. The couple split in 1990, Rekha Mukerjee left Trisha under the care of her parents in Mumbai and moved to Delhi. She studied computers and stayed as a paying guest. Trisha stayed with her maternal grandparents.

In Delhi, Rekha later met Suhas Kumar. However, in 2002, Rekha and Suhas Kumar split up but they remain good friends then after and Rekha married Jacob Mukerjee.

After settling down with Jacob Mukerjee, Rekha called Trisha to live with her, as a result, Trisha moved to Delhi in 2006. Trisha was admitted to St. Xavier's College from where she obtained a Bachelor of Business Management degree (2006-2009). In 2009, she joined KVS Infrastructure as a management trainee. There she met Ruhi Wallia, who later turned out to be her best friend and confidant. Trisha used to share every bit of her life with her. She was in touch with Ruhi till the date Rekha was arrested.

In June 2011, Trisha joined Delhi Metro One as an assistant manager. During her initial days in Delhi, she was introduced to Shobhit Mukerjee, son of Jacob Mukerjee from an earlier marriage, and the duo had a romantic relationship that reportedly led to Shobhit cohabiting with her from 2009 to 2012 (i.e. till the date of disappearance of Trisha). In 2011, Trisha got pregnant with the child of Shobhit. Allegedly, Rekha did not approve of the relationship, which, in the light of what she is alleged to have kept as a secret, is considered a social & religious taboo in India. It is also alleged that Trisha had to abort her child due to Rekha's pressure.

On 24 April 2012, Trisha took leave of absence and while she was on leave, she "sent in her written resignation". On the same day, Shobhit Mukerjee received a breakup SMS from Trisha's phone. Her mother, Rekha, claimed that Trisha had gone to the United States for higher studies and hence a missing First Information Report was never filed. Trisha was never seen after April 24, 2012.

On 30th April 2012, Shobhit Mukerjee approached the Lajpat Nagar police to file a missing person's complaint but the case was not registered. Lajpat Nagar police advised Shobhit that since the couple (Trisha and Shobhit) were a domicile of Cannaught place (which was out of Lajpat Nagar police's jurisdiction), the case needed to be registered with Cannaught place police station. Shobhit approached Cannaught place police station, but the case was not registered there. Shobhit also confronted Rekha for whereabouts of Trisha and was advised by her that Trisha had shifted to the United States and that she (Trisha) did not want to be in a relationship with him. Shobhit further questioned Rekha how Trisha could have travelled to the US since her passport was in his custody to which Rekha told him that they got "another passport" made for Trisha.

On Shobhit's insistence, police visited Rekha's Lajpat Nagar residence where they were informed by the staff that Rekha was out of India. Upon her return, Rekha visited Lajpat Nagar police station and informed the police that Shobhit was trying to stalk Trisha and that was why Trisha had shifted to the USA without informing him.

Delhi police had kept Rekha under surveillance. The surveillance was initiated after a tip-off from an informant that Rekha was involved in the disappearance of her daughter, Trisha. However, the arrests were only made after Shyam Sahu, Rekha's driver, was arrested in an unrelated case of possession of illegal arms. Sahu was arrested on August 21, 2015, and during his interrogation he allegedly revealed details about Trisha Das' murder.

On 23 May 2012, local police found a decomposed body at Kausani forest area after villagers complained of a foul odor. Police were unable to identify the body and sent the skeletal remains to JJ Hospital in Delhi and the same skeletal remains were kept preserved there. The police also did not register a First Information Report or initiate an investigation. Trisha Das' disappearance and murder and the disposal of her body went unreported for 40 months until August, 2015, and the skeletal remains found in Kausani forest area were not linked with Trisha Das' case.

As per the First Information Report filed by Delhi police, the driver of Rekha Mukerjee, Shyam Sahu gave a statement to the police that the murder was planned by Rekha, who in turn had discussed the plan with her ex-boyfriend Suhas Kumar. Allegedly Rekha had done a recce of the dumping ground the evening before the murder. On 24 April 2012, Kumar had flown to Delhi and checked into the Hotel Hilltop at Lajpat nagar. Rekha allegedly had rented an Opel Corsa for the abduction and killing and to dispose of the body. Rekha had earlier asked Trisha to meet her on the evening of 24 April 2012. Although Trisha was reluctant, she agreed. On the evening of 24 April 2012, (about 1800 hours), Rekha picked up her ex-boyfriend from his hotel in Lajpat nagar. Trisha was dropped off about 1900 hours by Shobhit Mukerjee near National College at Cannaught place. Where she was met by Rekha, Suhas and driver Shyam Sahu. The car was being driven by Sahu with Rekha sitting next to him. Trisha sat in the rear seat with Kumar. Trisha was taken to one of the by-lanes in Dwarka where Kumar allegedly strangled her. Police said that after the murder, Trisha's body was taken to Rekha's house on Lajpat nagar where it was put in a bag and stuffed in the boot of the car. Kumar later left for his hotel while Rekha stayed home and Sahu slept inside the car with the body in the boot. The same night (the early morning of 25 April 2012), the three accused drove to the village of Kotpuli, Kausani forest area. They allegedly wanted to avoid police checks on the highway and hence, to make it appear Trisha was sleeping, propped the body between Rekha and Kumar on the rear seat rather than putting it in the boot. At 0400 on 25 April 2012, the accused dragged the body out of the car in an isolated spot in the forest, stuffed it in the bag, poured petrol over the bag (the driver brought petrol from Shri Ram petrol pump situated on the High way connecting Kotputli forest) and set it ablaze, police said. After the body was completely burnt, the accused returned to Delhi. Kumar later that day left Delhi.

On August 25, 2015, Delhi police arrested Rekha Mukerjee alleging her of murdering Trisha Das. Rekha was charged under sections 364, 313, 302, 201, 120B and 34 of the Indian Penal Code and took to the Metropolitan Magistrate court, which remanded her in police custody. On August 26, 2015 Rekha's ex-boyfriend Suhas Kumar was also arrested in Kolkata and charged under sections 364, 302, 201, 120-B and 34 of the Indian Penal Code in the same issue and the driver was also charged under the same sections as Suhas. Suhas allegedly confessed to the offences charged.

Evidence that came before the court:-

1. The DNA of the body recovered from Kausani forest matched with the DNA of Rekha.
2. The narco analysis of Rekha, Kumar and Sahu were performed with corroborated the contentions of the FIR.
3. The car used for abduction was not recovered.
4. Sahu denied all the facts stated in FIR and his confession before the court.
5. Kumar denied his confession before the court.
6. The petrol pump attendant Rambahadur was examined as PW2; He identified Sahu before the police but turned hostile before the court.
7. Mobiles of Sahu and Rekha could not be recovered. Kumar's phone location was at Kausani forest on 25th April and the same was of Trisha.
8. Passport of Trisha was recovered from the custody of Shobhit Mukherjee.
9. Ruhi was examined as Pw7; she stated that Trisha was continuously in touch with her on whatsapp till the date Rekha was arrested. But never talked on phone. She also added that she repeatedly asked Trisha to have a video conferencing through skype but Trisha always made excuses.
10. Shobhit was examined as pw 6, he stick to his statement before the court and stated that he many times confronted Rekha for whereabouts of Trisha but Rekha repeatedly told him that Trisha was in US and was happy and she doesn't want to have any contact with him. Shobhit stated that he messaged her on her Facebook account too but was never replied. He also stated that Trisha was fond of uploading pictures on Facebook but there was no activity on her account since the alleged disappearance.