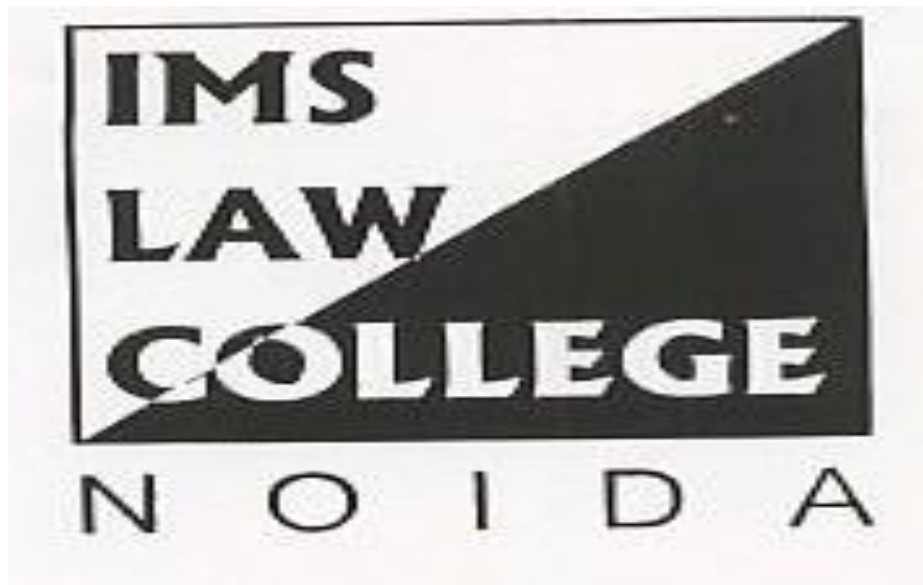


# **IMS LAW COLLEGE NATIONAL MOOT COURT COMPETITION, 2016**

**14-15 OCTOBER**

**MOOT PROPOSITION**



**IMS LAW COLLEGE**

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Daina was television actress in the country named Yangistan. She had appeared in numerous television and reality shows. Daina's body was found hanging from the ceiling of her Vera Nagar house at Kasauti Nagar area on 1 April, 2015 where she was living with her partner Peter in live-in- relationship. Daina's body was first discovered by her boyfriend Peter who then rushed her to Fora hospital, where she was declared dead. Before the police reached the hospital following Daina's suicide, Peter ran away. The police was informed about Daina's death by the hospital authorities and not by Peter. No suicide note hinting towards the cause behind Daina's drastic step has been discovered. Peter was detained by the Police for interrogation at an unknown location. The Police authority has recorded the statement of Peter saying, "We used to stay in a two bedroom flat. We had two keys of which one key was with Diana and another with me. When I entered the bedroom, I found Daina hanging from the ceiling. I got very scared. Immediately, I called the neighbours and with their help, I took her to Fora hospital. We assumed that she was alive, but she was not. I got so scared that I did not inform the police. It was the hospital authorities who informed them. After the doctors' declaration I called up Daina's family members and few of our close friends." The dead body of Daina was shifted from Fora hospital to Kopra hospital for post-mortem.

The post-mortem report of Daina body reveals "suffocation" as the cause of death. The reports also mention of "asphyxia" and ligature marks around her neck. Apparently marks were found on her body (cheeks and nose area) which could have been injuries post a physical scuffle between Daina and Peter before Daina committed suicide. During the post mortem, doctors found that Daina had tattooed Peter's name on the upper back.

During the investigation the police came to know the fact that Daina's pass book and debit card was used by Peter. The bank statement revealed that the account has been swiped out to zero balance and the last transaction was a debit of Rs 395 on March 30, 2015. Apart from that the bank statement revealed that the last major credit was of Rs 1 lakh each on March 18 and 19 through an ATM and prior to that on March 2, 2015 from Alpha Entertainment of Rs 1.11 lakh. Rs 1 lakh deposited on March 18 was withdrawn in multiples of Rs 10,000 from ATMs and out of the Rs 1 lakh deposited on March 19, 2015 Rs 40,000 was withdrawn from ATMs on March

21, 2015. Another Rs 3,350 was spent on a meal at Chorus on March 19, 2015. He (Peter) was dealing in drugs and the witness has mentioned that Peter did have drugs more than twice. On basis of this, it's either that Peter was a drug addict or a peddler, or administered the drugs to Daina that could have led her to take such a drastic step.

Daina had informed her friends of being physically assaulted. She also revealed to her friends that he was persistently threatening her if she informs the police he will kill her. Peter never let Daina talk to her parents. Peter has had a record of cheating seven women and duping around Rs. 25 lakh in the past. Peter was earlier married to Marry, an air hostess and has not got a divorce decree yet and his 9-years old son and illicit relationship with Margarate surfaced later.

Peter had lied about partying with Daina and a common friend at their home on the night before the Diana killed herself. Peter and Sara were partying at Dora Dora (a pub in Octta) till 2.30 a.m. and then the girl went home. The girl whose name is Sara left only in the morning. CCTV footage of the pub has confirmed this. Peter even fought with Sara. Daina's friend Suzen during interrogation added that Daina had recently learnt of Peter being married earlier and having a relationship with another girls. She also said that Daina wanted to file a case with the police but now, "the accused planned the murder and successfully portrayed it as suicide."

The Police interrogated the accused ex- girl friend(Margarate ).She explained how they started dating each other in the first place, she added, "I met Peter in mid-2011. I didn't know that he had married just a few months ago. I got to know about it only after three years. If I knew about it earlier, I would have never got involved with him. Peter had told me that his wife stayed abroad. In early 2014, he informed me that their divorce was in process. Later, he told me they had divorced but I didn't ask him to show me the legal documents."

Margarate, (the accused ex-girlfriend) used to visit Daina and assault her. She used to threaten Daina because of which she was disturbed too. When Daina used to tell the accused about this, he used to switch off his phone and not visit her. At this juncture Margarate's father reportedly informed to the Police that his daughter had taken a loan of Rs 30 lakh for the company that she and Peter had set up together in 2011. He demanded that Peter should pay the money. Having

informed by the father of Margarate, from thereon, Margarate maintains the distance with the accused, she would meet him only when he came to return the money.

Margarate said, "I've been called the 'other woman' and held responsible for Daina and Peter's relationship turning sour but not many know that Peter and I had been together for five years. Daina came into his life 10 months ago and they started seeing each other without my knowledge," Margarate further said "Peter had an events management company and wanted me to come on board. Afterwards we launched another company. We started out as business partners and then got into a relationship. Over the years I've invested over Rs 30 lakh in the business." Margarate then quit the company following this despite her hefty investment in the business that according to her included her own earnings and also her father's. Margarate said "I'm heavily in debt now and have people calling me everyday to repay loans, EMIs and interests."

Sam was the first person to have entered the locked flat in the apartment from the neighbouring flat. Sam works as a cook at Kuldip Gupta's house had spotted a distressed Peter outside his flat accompanied by a key maker. In his detailed statement to the police, Sam said he asked Peter if there was a problem to which he replied that Daina was not answering the door. Sam suggested that he can manage to enter the house from Gupta's balcony. When Peter consented to the idea and asked the cook to do so, Sam climbed over the balcony railing and made his way through the duct into Peter and Daina's house. Sam told the police that he opened the sliding doors and upon reaching the hall saw Daina hanging from the ceiling fan. After opening the door, he assisted Peter to bring down Daina and then helped him to rush her to the hospital.

During the interrogation Peter revealed, "Diana didn't have a joint account with me. All the accounts were with her mother. In fact, I was the first one to open her solo account because she never had anything of her own. She wouldn't have any answer to my questions. I even got her Aadhar card made. She didn't even have a passport." Peter also revealed that Daina was depressed because of the several loans she had taken. He stated, "She had done well for herself, then how come she didn't have a single property in her name? She was in depression and had several loans on her name before I entered her life. Her EMIs were not paid on time either. A 23-year old Daina couldn't handle that pressure. I knew her for eight months and it was too less time

to get into someone's personal zone. We started staying together three months ago. That's when I learnt about the financial stress and depression she was going through." Further he revealed, "My engagement was covered in news papers. It was in full media glare." About divorce he stated, "It was a mutual separation and the divorce came through in 2013."

The friend of Peter Sandy stated that Daina and Peter had their ups and downs but looked very much in love. Diana and Peter were young and new in their relationship.

Producer Henry said he had offered a show to Daina, but she was not keen to accept the offer because of the trouble in her personal life. "She was having trouble in her personal life. She had distanced us from her so we don't know exactly what happened. She was away from her family...we used to meet her everyday. As friends we know she was having problem," Henry said.

After investigation, Peter was put to trial before the Sessions Court, where he pleaded not guilty and claimed trial. Sessions Court convicted accused (Peter) under Sec.302, 323, section 506 of IPC, 1860 and sentenced him to life imprisonment. He was awarded rigorous imprisonment for 2 yrs under section 506 of IPC and imprisonment for 1yr under section 323 of IPC. Both the sentences were to run concurrently. During the trial Peter was on bail.

Accused, aggrieved by the aforesaid judgment, appealed before the High Court seeking acquittal. The High Court adjudicated in favour of the accused by acquitting him from the charges under Section 302, Sec 323, Sec.506 of IPC, 1860 and dismissed the appeal of the State, being bereft of any substance. It was held that under the circumstances of the case the Sessions Court had wrongly held the accused liable under Sec. 302, 323 and Section 506. The High Court did not observe any substantial evidence against accused which reflect that he had an intention to commit the offence of planned murder under Sec. 302 was not surfaced. The High Court also held that the offence of Sec. 323 and Sec.506 was not made out against the accused as there is no strong evidence surfaced in this matter.

Aggrieved by the said judgment of the High Court acquitting the accused, the State filed an appeal before the Supreme Court on the ground that High Court has failed to take the notice of intention was present as the victim knew that the accused had the relation with other women and she was supposed go to the police against the accused so the accused had murdered the victim and portrayed as suicide. The State appealed for considering the offence as heinous and to award life imprisonment under Section 302, Section 323 and Section 506.

The case is listed for arguments before the Supreme Court of Yangistan on 14 October, 2016.

## **COMPETITION RULES AND REGULATIONS**

### **I.ELIGIBILITY**

The Competition is open for students pursuing three/ five year LL.B. Degree Course from any recognized Law College/University subject to fulfillment of the registration formalities. One team should participate from the college/institution/university.

II. LANGUAGE: The Competition shall be conducted in the **English language** only.

III. TEAM COMPOSITION: Each team shall consist of three members, (**two speakers and one researcher**).

IV. REGISTRATION: In order to confirm participation, teams of every Institution should register themselves. Early bird registration limited to 32 teams only. The registration process consists of the following two Steps:

**Step one:** Each Team is required to fill in the online Registration form at this address **IMS Law College, A-8 B, IMS Campus, Institutional Area, Sector-62, Noida (201303)** and send the Demand Draft details to **moot2016@imsnoida.com** by **30 August, 2016**. Subject of the mail should bear "Registration Form for National Moot Court Competition 2016." The details for Demand Draft transactions are given hereunder:

The Demand Draft shall be drawn in the favour of '**IMS Law College, Noida**', Payable at **New Delhi**,

**Online Transfer** -For RGTS: A/C No: 008594600000316, Bank Name: Yes bank, Branch: Sector-27, Atta Noida, IFSC: YESB0000085, Name: IMS Law College.

### **Step Two:**

Original Demand Draft and the authorization letter should be sent by **20 September, 2016** to the address of the IMS Law College and "Registration Form National Moot Court Competition-2016" should scribe on the envelope. The address is as under: **IMS Law College, A-8, B IMS Campus, Institutional Area Sector 62 Noida, 201303**.

### **Registration Fee:**

Rs.4000/-(Rupees Four Thousand only) for each participating team which would be consisting of 3 members .No additional member shall be permitted.

Forms received after the deadline i.e. 20 September, 2016 may not be considered for registration.

## **V CRITERIA FOR MEMORIAL EVALUATION**

Teams have to prepare Memorials for both the sides.

The teams must send soft copy on or before **24 September, 2016** to moot2016@imsnoida.com. In addition 6(Six) hard copies of the memorials from each side should reach at the College address by **30 September, 2016**.

## **VI COMPETITIONS RULES AND REGULATIONS**

### **Format of Memorials**

The memorial shall not exceed 30 typed A4 size pages.

Color of the cover page must be **Blue** in case of Appellant and **Red** in case of Respondent.

Body of Memorial shall include:

The cover Page of the memorial must state the Cause Title

Table of Contents

List of Abbreviations

Index of Authorities/ Table of cases

Statement of Jurisdiction

Statement of Facts

Statement of Issues

Summary of Arguments

Arguments advance/detailed arguments

Prayer

The font of the body of the memorial should be Times New Roman, size 12, line spacing 1.5 & headings should be 14. The font of the footnotes should be Times New Roman, size 10.

Memorials should be spiral bound.

Memorial should have one inch margin on all sides of each page.

Page should be numbered at the bottom middle.

The memorial should not contain any photographs/sketches/exhibits/affidavits etc.

All memorials received within time schedule will be evaluated by the Memorial Evaluation Committee (MEC) to be constituted by the IMS Law College, Noida.

The evaluation will be done on the following parameters

a. Knowledge of Facts & Law	20
b. Extent & use of research	20
c. Proper & Articulate Analysis	20
d. Clarity & Organization	10
e. Evidence of Original thought	10
f. Correct Format & Citation	10
g. Grammar & Style	10

Evaluation done by the MEC shall be final and binding.

**Note:**

- Identity of the Institution should not be revealed anywhere in the memorial as well as in any Annexure.
- Violation of this provision will result in penalties including disqualification. The Organizer's decision shall be final in this regard. The memorials shall not contain any plagiarised material from any source.
- All references must be duly quoted in form of references/footnotes.
- A penalty of 2 marks per side shall be levied in case of non-compliance.
- A penalty of 1 mark per side shall be levied in case the team uses wrong cover page for each side of memorial.
- No difference between Soft Copy and Hard Copy of Memorial: The hard copy of memorial must be exact replica of the soft copy submitted with the Organizers. Any difference in the same will result in disqualification from the Competition.
- **Penalty for Late Submission:**
  - a. A penalty of 1 mark per hour per side shall be deducted in case of delay in submission of soft copy of memorial.
  - b. A further penalty of 1 mark per day per side shall be levied in case of delay in submission of hard copy of memorial.

**VII ROUNDS**

**Draw of lots**

Each team will be provided with a Team Code on reporting to the venue. After the draw of lots, each team will be assigned a side (appellant/respondent). Fixtures of the team will be pre-determined based on the team codes.

**Elimination Round**

This will be a knock-out round. Each team is allowed 20 minutes to represent their case. Each team shall represent their case. Each team shall represent only one side as decided during the

draw of lots. The winner of each court-room will be decided on the basis of the scores awarded by the judges in this round and the marks awarded by MEC.

**Note: The top eight teams selected after this round will proceed to the quarter-finals.**

### **Quarter Finals**

The top four teams selected after this round will proceed to the semi-final.

### **Semi Finals**

The top two teams selected after this round will proceed to the finals. 30 minutes shall be provided to each team.

### **Final Round**

The final round shall take place between the winners of the semi-final round. 30 minutes shall be provided to each team.

## **VIII PROCEDURE AND MARKING OF COURT ROUNDS**

Each team will get a total of 30 minutes to present its case. This includes the time for rebuttal but not sur-rebuttal.

The division of time per speaker is left to the discretion of the team.

The arguments should be confined to the issues presented in the memorial.

The researcher needs to be present with the speakers during all the rounds.

Maximum scores for the court rounds will be 100 marks per speaker. The court rounds will be judged on the following parameters:

- |  |    |
|--|----|
| a. Knowledge of Law                            | 20 |
| b. Application of law to facts                 | 20 |
| c. Ingenuity & ability to answer the questions | 20 |
| d. Style, Poise, Courtesy & Demeanor           | 20 |
| e. Time Management                             | 10 |
| f. Organization                                | 10 |

## **IX DRESS CODE**

**Inside the Court Room the participants shall be in Formals.**

**Female(s):** White Salwar and Kurta/White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.

**Boys:** White Shirt, Black Trouser and Black Tie along with Black Blazer and Black Shoes.

**Categories of Awards:**

Winner of the Final Round will be given the “Best Team” award.

Runner-up of the Final Round will be given the “Runner Up” award.

Team with the highest memorial scores will be given the “Best Memorial” award.

“Best Mooter” award shall be determined on the basis of the total marks secured during the court rounds.

In addition to the above, certificates will be issued to all the participants.

**X ACCOMODATION AND FOOD**

The registration fee includes complimentary breakfast, lunch and high tea for participants. Accommodation has to be borne by the participants itself only. No TA/DA will be given to the Participants.

**XI QUERIES AND CLARIFICATIONS**

In case of any questions related to problems or clarifications.

Regarding the competition, feel free to contact the following:

E-mail: moot2016@imsnoida.com

**Contact IMS LAW COLLEGE NATIONAL MOOT COURT COMPETITION  
CONVENER**

**Dr. Niti Sinha**

**HOD, Professor, IMS Law College**

**Associate Conveners**

**Dr. Shilpa**

**Assistant Professor**

**Mr. Sudhakaran 9718475650**

**Assistant Professor**

**Mr. Inderjeet 9211329028**

**Assistant Professor**

## **X GENERAL INFORMATION**

**Venue:**“IMS LAW COLLEGE NATIONAL MOOT COURT COMPETITION-2016”held at IMS Law College,A-8, B IMS Campus, Institutional Area Sector 62 Noida, 201303.

**Postal Address:**

IMS Law College,A-8, B IMS Campus, Institutional Area Sector 62 Noida, 201303.

**E-mail:** moot2016@imsnoida.com

## **XI AWARDS AND CERTIFICATES**

**Winning Team Award:** The winning team will receive a trophy and prizes.

**Runner up Team Award:** The runner up team will receive a trophy and prizes.

Best Mooter shall receive a trophy.

The team with the Best Memorials will receive a prize.

**REGISTRATION FORM**

(Please fill this form in block letter only)

**Institution Details**

Name \_\_\_\_\_

\_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Contact No \_\_\_\_\_

Email id \_\_\_\_\_

**Team Details**

**Speaker 1**

Name \_\_\_\_\_

Contact No \_\_\_\_\_

Email id \_\_\_\_\_

**Speaker 2**

Name \_\_\_\_\_

Contact No \_\_\_\_\_

Email id \_\_\_\_\_

**Researcher**

Name \_\_\_\_\_

Contact No \_\_\_\_\_

Email id \_\_\_\_\_

## CONTACT PERSON

(A member of the team to whom all communication related to the Competition shall be made)

Name \_\_\_\_\_

Contact No \_\_\_\_\_

Email id \_\_\_\_\_

## REGISTRATION FEE

Please find enclosed Demand Draft \_\_\_\_\_ dated \_\_\_\_\_ and drawn on \_\_\_\_\_ in favour of 'IMS Law College, Noida', Payable at New Delhi for an amount of Rupees Rs.4000/- (Rupees Four Thousand only) as registration fee for the above captioned Competition.

### Online Transfer

For RGTS: A/C No: 008594600000316

Bank Name: Yes bank

Branch: Sector-27, Atta Noida

IFSC: YESB0000085

Name: IMS Law College

(Signature and Seal of the Head of the Institution)