



3rd UPES NATIONAL TRIAL ADVOCACY MOOT COURT COMPETITION, 2017

THE TRIAL ADVOCACY PROBLEM'17

1. Rani Singh, 26, is the daughter of Mr. Hari Mehta, aged 78 years. She works as an Assistant Managing Director at her father's office, who is one of the richest businessmen in the city.
2. Rajesh Singh, aged 27, resides in Indra Colony, Sehradun. He is an independent businessman and CEO of a tech-startup "ChaloDilli.com". Rajesh and Rani have known each other since their college days and eventually got married in the year 2014.
3. Both Rajesh and Rani were conscious about their careers and therefore decided not to have children and rather enjoy their time as life partners. After two years of their marriage, they mutually decided to raise their family. Unfortunately, Rajesh discovered that Rani cannot conceive a child, which Rajesh presupposed was because of her weight. During this time, Rajesh also suffered heavy losses in his business and was in urgent need of money.
4. Rajesh was in the worst phase of his life. Neither his professional nor his personal life was yielding him any satisfaction. He used to remain frustrated with his wife and refrained from spending time with her. He, also at times avoided talking to her.
5. Dr. Tapan, 29, resident of Surya Colony, Sehradun, is a dear friend of Rajesh, since college days. Dr. Tapan used to study medicine in College of Medicine, University of Sehradun, whereas, Rani and Rajesh were students of Management Studies in the same University, though, different college. However, Dr. Tapan was infatuated towards Rani since the first day he met her in college, but he never told about his feelings to either Rani or Rajesh.



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6. As they were working in the same city after graduation, Rajesh and Dr. Tapan became very close friends. As Dr. Tapan used to visit Rajesh's home quite often, Rani also became friends with Dr. Tapan. Dr. Tapan, by profession, is a medical professor as well as a Research Associate in the Research and Development Department of the well renowned -'Alpine Hospital & Institute of Medical Sciences' in Sehradun.

7. Dr. Tapan and Rajesh used to frequently hangout at the 'Blue Ocean' Restro-bar and talk generally about their family, careers and life. On 15th November, 2016, in the evening, when they both were not drunk and were discussing about the recent loss to Rajesh's start-up business, Rajesh mentioned about the enormous property and wealth of his father-in-law which is to be inherited by Rani, his only legal heir. He also told him that the poor old man was not keeping well these days. Dr. Tapan told him that everyone has problems in their lives, and he himself is facing problem because of a new 'sexually arousing drug' on which he is working currently. Dr. Tapan mentioned that he will provide good money to that person who will let him perform biological experiments with this drug. Also, he discussed about the procedural burden as to the clinical trial which he had to conduct for getting his product registered. Rajesh told Dr. Tapan to try his drugs onto Rani saying "as she is useless to me now, maybe she could be of some use to you."

8. Rani, seeing her married life going into ruins, decides to cure her medical problem. She visits Dr. Tapan on 16th November, 2016, as suggested by her husband, to discuss about the possible cure for her problem. Dr. Tapan, in the first meeting, gained her confidence and asked her to visit again to know about some other possible measures that she may consider. He did not refer her to a medical practitioner. On 17th November, 2016, Rani visited Dr. Tapan again. He again



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discussed with her about the medical problem and thus the future usage of certain drugs on her body hoping for a successful treatment. Dr. Tapan asks Rani to sign the consent agreement.

9. Dr. Tapan thus started the treatment and prescribed certain allopathic medicines which were to be taken after meals daily. Rani used to visit Dr. Tapan thrice a week for a 3 hours sitting. As told by Dr. Tapan, for the treatment, she was given anesthesia so that she does not feel pain which she would otherwise feel in her uterus and abdominal region.
10. Under the cover, Dr. Tapan had actually started his experiments on Rani. However, after few days he realized that the drugs are causing negative impacts on her body. She constantly complained of headache, body ache, fatigue and depression.
11. On 28th November, 2016, Dr. Tapan discusses the entire situation with Rajesh and also tells him that the sexually arousing drugs are negatively impacting her. Rajesh, however, asks him to continue the process and said that "I have full faith in you".
12. Dr. Tapan continued the treatment for next two weeks despite the occurrence of major side effects. On 12th December, 2016 she rang up her colleague and good friend, Deepali, in her office and asked to pick her up from Dr. Tapan's laboratory. Deepali reached the lab at around 6 P.M. and waited for some time. She went inside the R&D department and inquired about Dr. Tapan. To her surprise, she saw Dr. Tapan and Rani in a compromising position. She immediately went inside and found Rani in a semi-unconscious state. Deepali, somehow took her home and told her everything that she saw in the lab. Rani assured her that she will handle it with her husband's help who was out on a business trip and would only return after 3 days. After a while, Rani messaged Dr. Tapan on phone saying, "I will see you."



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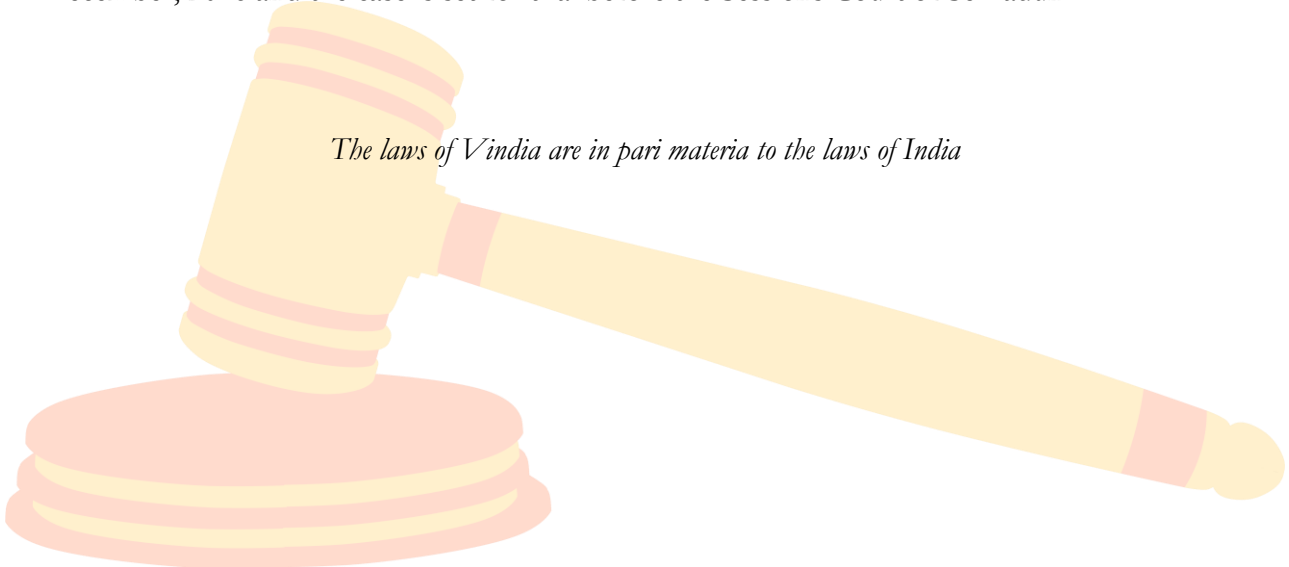
13. On 16th December, when Rajesh returned joyfully from a profitable business trip, Rani narrated the ordeal to him. Rajesh reacted calmly and assured her that he will talk to Dr. Tapan about this. Later, in the evening she was informed about her father's death due to heart failure, which made her even more upset.
14. The very next day, Rajesh and Dr. Tapan meet at Blue-Ocean. They discussed about the inevitable death of Rani's father the previous night. Dr. Tapan who seemed a little more upset told him about the entire incident that occurred in the presence of Rani's friend. Worried about the consequences, Dr. Tapan told Rajesh, "We will have to pave the right way." Rajesh replied assuring to manage all the financial accounts.
15. Rajesh came back from the bar and assured her wife that there were some misunderstandings. Dr. Tapan is a reputed doctor and would definitely not do such act with his friend's wife. He also mentioned that Deepali is unnecessarily trying to befool you.
16. On 18th December, Rani became unconscious and fell down. To handle the situation Rajesh urgently called Dr. Tapan on phone and asked him to come immediately. Dr. Tapan along with his nurse came to Rajesh's place. While the nurse made the entries, Dr. Tapan hurried upstairs. After examining her condition, he injected Rani with 0.25 mg of insulin to bring her in conscious state. After a few minutes, she gained her consciousness while Dr. Tapan and Rajesh discussed some things. Subsequently, Rajesh left for his business trip. Dr. Tapan also left.



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17. Next morning, on 19th December, Deepali came to Singh's residence to wish her friend on her birthday but found her dead body on the floor. In a situation of panic, she immediately called up the Police. On the basis of Deepali's statements and First Information Report, police arrested Rajesh Singh and Dr. Tapan Das for the charges of Murder under section 302 and criminal conspiracy under section 120B of Vindian Penal Code.
18. Charge sheet was filed by Lalla Ram (I.O) before the Chief Judicial Magistrate on 27th December, 2016 and the case is set for trial before the Sessions Court of Sehradun.

The laws of Vindia are in pari materia to the laws of India

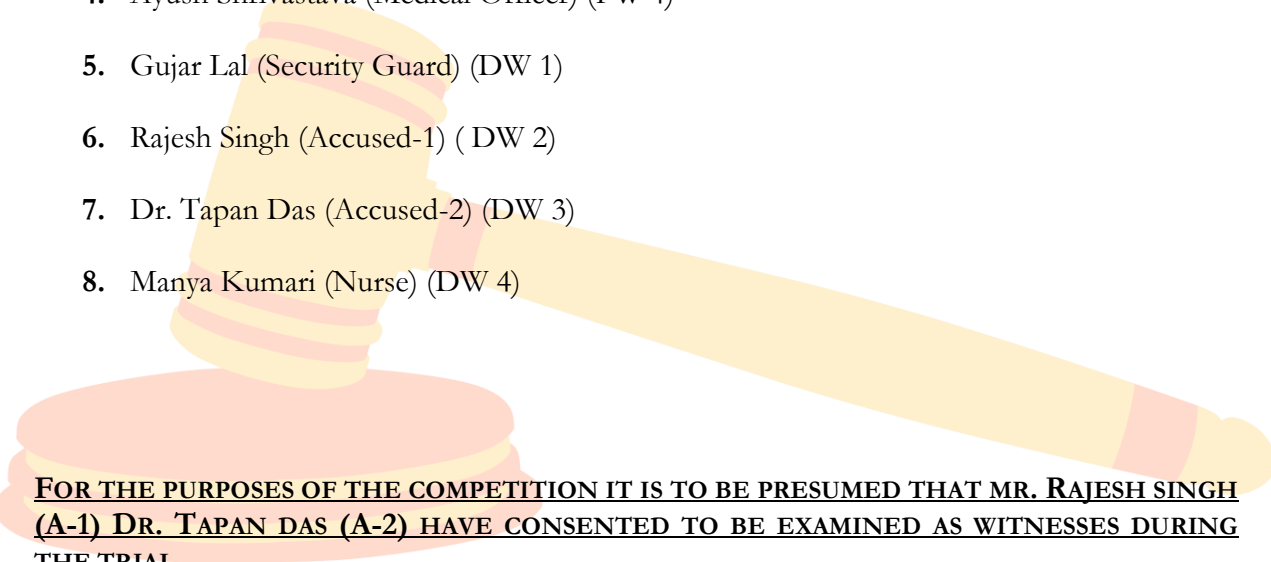




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LIST OF WITNESSES

1. Deepali Bajaj (PW 1)
2. Surender Singh (Bartender) (PW 2)
3. Hardik P. (Investigation Officer) (PW 3)
4. Ayush Shrivastava (Medical Officer) (PW 4)
5. Gujar Lal (Security Guard) (DW 1)
6. Rajesh Singh (Accused-1) (DW 2)
7. Dr. Tapan Das (Accused-2) (DW 3)
8. Manya Kumari (Nurse) (DW 4)



FOR THE PURPOSES OF THE COMPETITION IT IS TO BE PRESUMED THAT MR. RAJESH SINGH (A-1) DR. TAPAN DAS (A-2) HAVE CONSENTED TO BE EXAMINED AS WITNESSES DURING THE TRIAL

THE TEAMS ARE REQUIRED TO EXAMINE ALL THE 4 WITNESSES WITHIN THE TIME ALLOTTED TO THEM.



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ANNEXURE- 1

FIRST INFORMATION REPORT

(Under S.154 Cr. PC)

FIR No. 149/16

P.S. Indra Colony, Sehradun, Ruttrakhand

Date: 19.12.2016

Under sec: 302, 120B of the Vindian Penal Code.

Offence committed at: Rajesh Singh, husband of Ms. Rani Singh, Sehradun's House and Residence

Time of commission of Offence: 19.12.2016

Day: Monday

Time: Committed in the morning at Rajesh Singh and Rani Singh's House

Action of investigation: Immediate

Type of Information: Oral (through phone)

Address of Police Station: - Plot No. 2, Indra Colony, Sehradun, Ruttrakhand

Details of the Informant

Name of the Informant: Ms. Deepali Bajaj D/o Ram Prasad Bajaj, R/o H. No. 698, Sector 16, Gomti Nagar, Sehradun

Occupation: Deputy Manager, Mehta Traders Pvt. Ltd.



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Details of the accused

Names of the accused:

1. Rajesh Singh S/o Mr. Utkarsh Singh R/o 354, Indra Colony, Sehradun
2. Dr. Tapan Das S/o Dr. Saransh Das R/o 20A, Surya Colony, Sehradun.

Occupation: Accused-I: Businessman Accused- II: Medical Professor and Research Associate

Time of registration of Complaint: F.I.R lodged at 11:00 A.M.

Statement of Ms. Deepali Bajaj D/o Ram Prasad Bajaj, R/o H. No. 698, Sector 16, Gomati Nagar, Sehradun

On 20th November 2016, I was about to leave the office when I got a call from Rani. She sounded dull and drowsy. She told me to pick her up on my way back, to which I agreed. I reached Dr. Tapan's Lab by 6:45 PM. I waited for some time but had no clue of Rani. When I enquired with the assistant, he said that Dr. Tapan and Rani are inside the testing room and it has been more than 3 hours. This compelled me to see things by myself and thus, I rushed into the room. To my utter surprise, I saw Dr. Tapan and Rani in a compromising position. Seeing me Dr. Tapan got away and ran into the washroom. I observed that Rani was in a semi-unconscious state and looked ill. I did not enquire her about the state of things there and took her home straight away.

After dropping her at her home and talking to her, I saw her the next time on 30th November 2016 when I paid her a surprise visit as it was her birthday. I saw her lying on the floor, all cold and still. I have a suspicion on Dr. Tapan and Rajesh because Rajesh always had an eye on her property and Dr. Tapan certainly did not want Rani to disclose his negative activities.



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On the basis of such written report lodged, the said crime has been registered and has been taken up for investigation.

Action taken (since the above information reveals commission of offence(s) u/s mentioned under item no. 2; Sub Inspector has taken up the investigation.

F.I.R. read over to complainant admitted to be correctly recorded and a copy of which has been provided to the complainant free of cost.

Sd/

Signature/ Thumb Impression of the Complainant/Informant

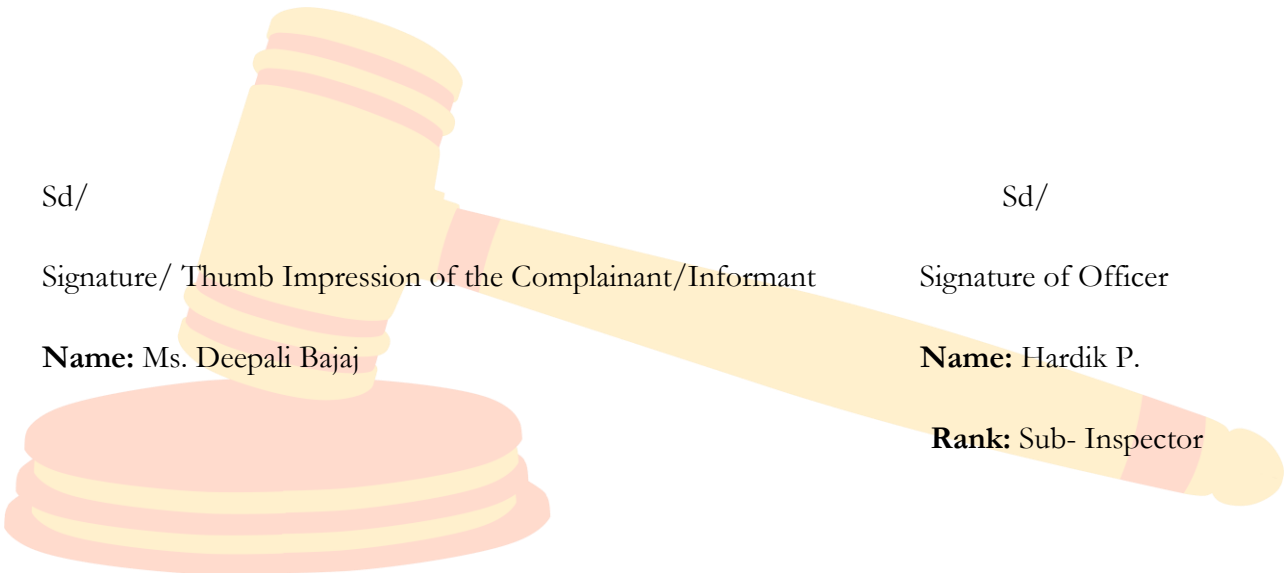
Name: Ms. Deepali Bajaj

Sd/

Signature of Officer

Name: Hardik P.

Rank: Sub- Inspector





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ANNEXURE- 2

POST MORTEM REPORT

GOVERNMENT HOSPITAL

PM No. 1234 Date: 21.12.2016

Name of Decedent: Rani Singh

Sex: Female

Age: 26

Height: 5 feet 1 inches

Weight: 57 kgs

Habits: N.A

Home Address: Indra Colony, Sehradun

Time of death: On 19/12/2016 about 25 hours before the Examination.

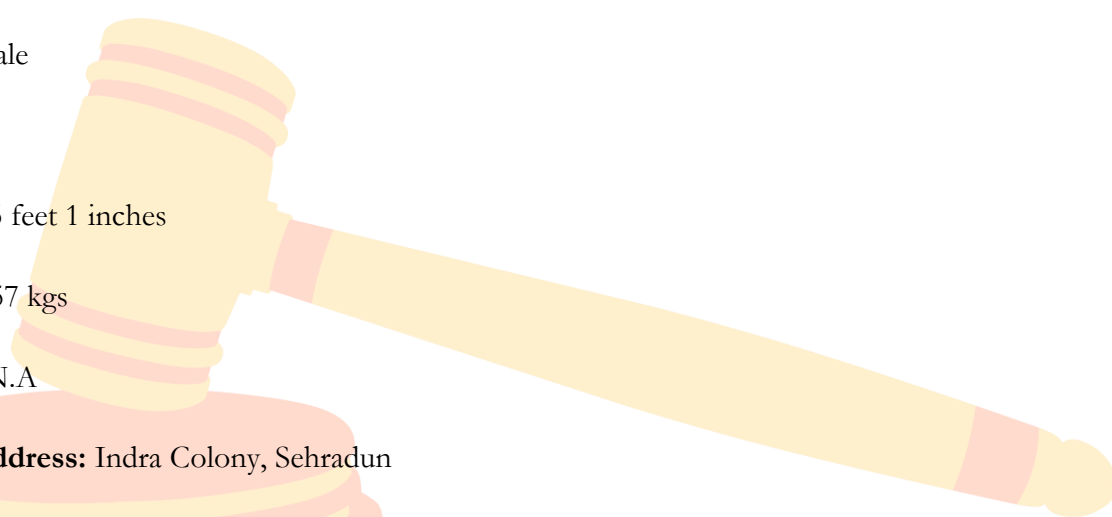
Identification Marks: mole on left cheek

By: SI Hardik P.

Clothes: White top, blue jeans.

Pathological Diagnosis Adult female suffered

The following viscera were preserved and sealed for chemical analysis:





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- a. Skull and the brain;
- b. Stomach and its contents;
- c. Upper part of the small intestine (about 30 cm in length and its contents)
- d. Liver not less than half kilogram;
- e. One kidney or half of each;
- f. 100ml blood; and
- g. Heart.

External Examination

The body is that of a female measuring 154.94 cm and weighing 57 kilograms. The body is athletic and consistent with the age of 26 years. The scalp is round. The nose is long. The mouth and lips are red. The tongue is white and long. Total no. of teeth present is 31 and is white. The ears are bilateral prominent. Clothed with a white top, blue jeans and red sneakers. Full rigor mortis. The scalp hair is brown and long. The corneas are cloudy. The irises are grey. The mouth contains natural teeth. The ears, nose and mouth show no abnormalities. The neck is not of normal configuration and there are palpable masses. The extremities are symmetrical and normally developed. Identifying marks include a birthmark on the upper thigh and a mole on the left cheek. There is evidence of emergency medical intervention in any form whatsoever.

Internal Examination

The organs occupy normal positions, and all the internal organs are in a state of autolysis. There are no adhesions or mass lesions.

Head and Neck: Brain weighs 1300 grams. Normal



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Cardiovascular System: The heart weighs 420 grams and is normal.

Respiratory System: The Right lung weighs 390 grams and left weighs 395 grams.

Digestive System and Liver:

The stomach is empty.

The liver weighs 1500 grams.

The gallbladder contains 9cc of bile Genitourinary System; the right and left kidney weighs 150 and 170 grams respectively.

The calyces, pelvis and ureters are patent and unremarkable. The urinary bladder contains approximately 656 cc of urine.

- The intestines are unremarkable and carry partially digested mater.
- There are slight traces of decomposition.
- The viscera have been preserved.

Postmortem Concluded at: December 21, 2016 at 1500 hours

Opinion: Death due to overdose of Methylphenidate and Pramipexole

Sd/-

Dr. Ayush Shrivastava

Medical Officer



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ANNEXURE- 3

REPORT OF INVESTIGATION OFFICER

In the Court of the Chief Judicial Magistrate, Sehradun

1. **District:** Sehradun PS: Indra Colony, **Year:** 2016, **FIR No.** 149/16 Date: 02.12.2016
2. **Charge sheet No.** 213/2016
3. **Date:** 27/12/2016
4. **Acts/ Section(s):** IPC, 1860: Sections 302 and 120B
5. **Charge sheet against:** (i) Rajesh Singh
(ii) Tapan Das
6. Offence as mentioned did occur as per the contents of the FIR.
7. Original Charge sheet, supplementary to follow against the rest of the accused.
8. **I.O.:** Hardik P.; Rank: Sub Inspector
9. **Complainant:** Ms. Deepali Bajaj
10. Particulars of accused persons charge sheeted:

Sl. No.	Name of the Accused	Accused Status
1.	Rajesh Singh	In Judicial Custody
2.	Tapan Das	In Custody
11. FIR is not false.



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12. **Result of the Post Mortem Report:** Death caused due to overdose of Methylphenidate and Pramipexole.

13. **Brief facts of the case:**

Rani and Rajesh were married in 2014 and Tapan is Rajesh's close friend. On 19th December, 2016, Rani's friend Deepali called the PS Indra Colony and informed about the murder of Rani, resident of Indra Colony. The body was sent for post mortem on the same day. We started the investigation of the house. We found a glass of wine kept on the table, near which the dead body was lying. The time of death according to the post mortem report was around 8 am in the morning. The last entry in the guard's register was of Dr. Tapan of which exit entry was not made. On the basis of chain of circumstances that were investigated, we obtained the warrant to arrest Rajesh and Tapan. During the investigation, we have recorded statements of the witnesses: Deepali, Tapan, Rajesh, Guard, the bartender of the Blue- Ocean Resto-bar. It is clear from the statements of witnesses that Rani and Rajesh were not having good relations these days, and also that Rajesh and Tapan were upset about something. Drawing a reasonable nexus between the witness statements and the chain of events, we have charged Rajesh and Tapan for criminal conspiracy and for the murder of Mrs. Rani.

14. Therefore there is possible cause that the accused be tried for the offences punishable under sections 302 and 120B of Vindian Penal Code

Notice served and dispatched.

Sd/-

Sunil Tyagi

Circle Inspector

Sd/-

Hardik P.

Sub Inspector



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ANNEXURE- 4

STATEMENTS OF WITNESSES

1. DEEPALI

Name: Ms. Deepali Bajaj

Age: 27

Residence: H. No. 698, Sector 16, Gomati Nagar, Sehradun

Daughter of: Ram Prasad Bajaj

Working as: Deputy Manager, Mehta Traders Pvt. Ltd.

I am Deepali Bajaj and I work as a Deputy Manager in Mehta Traders Pvt. Ltd. I have known Rani for the past six years when I joined here. She was a very good friend of mine and used to share most of her things with me. We were not just friends, we had a special connection. Like she told me when she fell for Rajesh and when they decided to get married, she told me all of it. But from last some time, she was very upset and dull. She did not participate in business meetings and also looked physically weak. I enquired as a good friend and she told me that nothing was going right in her life. She was unable to give Rajesh what he wanted. And she was very upset about this. So I suggested her to consult a good medical practitioner. It was here she told me that she was already visiting Dr. Tapan, who happens to be Rajesh's friend. I don't know him but I've met him a few times. He was an established doctor who was doing some research on sexual drugs.



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On 12th December, 2016, I was about to leave the office when I got a call from Rani. She sounded dull and drowsy. She told me to pick her up on my way back, to which I agreed. I reached Dr. Tapan's Lab by 6:45 PM. I waited for some time but had no clue of Rani. When I enquired with the assistant, he said that Dr. Tapan and Rani are inside the testing room and it has been more than 3 hours. This compelled me to see things by myself and thus, I rushed into the room. To my utter surprise, I saw Dr. Tapan and Rani in a compromising position. Seeing me, Dr. Tapan got away and ran into the washroom. I observed that Rani was in a semi-unconscious state and looked ill. I did not enquire her about the state of things there and took her home straight away.

On reaching home, I told her what I saw and she seemed depressed by that. I suggested her to tell all of this to Rajesh, to which she replied that she'll tell him once he comes back from his business trip. She told me he was going to come after 7-8 days. I arranged her a dinner and then left the place. For the next few days she did not come to the office and did not reply to texts frequently. I was a little worried about her and so I decided to make a surprise visit on her birthday, 19th December, 2016. I swear that was the darkest day of my life. I saw my beloved friend lying on the floor, all cold and still. I called the police informing them about her death and told them that it must have been Dr. Tapan and Rajesh who killed her. Rajesh had an eye on her property and Dr. Tapan certainly did not want Rani to disclose his negative activities.



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2. BARTENDER

Name: Mr. Surender Singh

Age: 32

Residence: Flat no. 332, High Rise building, Sector 14, Sehradun

Son of: Jitender Singh

Place of work: Bartender, Blue Ocean Bar.

I am Surender Singh and I work as a Bartender at the Blue Ocean Bar. I have been working there for past 5 years. Rajesh sir and Dr. Tapan sir are frequent visitors at our Bar. They have been regular even before I joined this place. I work in the night shift from 7PM to 1AM, until the Bar closes down. I have overheard both of them talking, just like other customers. They specially used to take drinks from me and did not like it from any other Bartender. So mostly I used to attend them. But I must say, over all these years, neither of them got drunk heavily. They actually came there to relax.

For past some time, I saw Rajesh sir upset and Dr. Tapan sir consoling him. I did not ask them what the matter was because I thought it would be intruding in their personal space. On 17th December 2016, I saw both of them very upset and I couldn't resist from asking. Dr. Tapan sir told me that Rajesh sir's father-in-law is no more. But after some time, they started discussing something about Rani Ma'am. I don't know what were they talking but I heard something like "We have to settle her once and for all." After that, both of them ordered a few more drinks and told me to move away, as they wanted to talk something important.



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3. GUARD

Name: Gujar Lal

Age: 44 years

Residence: Sai Niwas, Village Peepli, Dist. Sehradun

Son of: Bansi Lal

Working as: Security Guard, Indra Colony

I am Gujar Lal and I work as a security guard at Indra Colony, Sehradun. I have been working there for the past 13 years. I work in the day night shift from 2PM to 12 AM. I am provided with a register to maintain the in-and-out commuters of the colony. No one is allowed to enter the colony without putting an entry in the register. I have submitted the copy of the register to the police.

4. ACCUSED-1

Name: Rajesh Singh

Age: 29

Residence: 354, Indra Colony, Sehradun

My name is Rajesh and I married Rani in the year 2014. Rani and I had a healthy relationship. There had been some rough moments, mostly due to her problems, but we have always managed to get through those. Rani had started the treatment under Dr. Tapan only after considering all its effects and with her full consent, believing that it will help both of us in reviving our marriage. The treatment had been going great and she faced no problems until Deepali misguided her



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about Dr. Tapan's intention. When Rani told me about the session, I immediately confronted Dr. Tapan. Once he explained me the whole procedure, I was certain that Deepali had some misunderstandings.

The next day Rani became unconscious therefore I immediately called Dr. Tapan to the house, believing that Rani's state must have been caused due to some or the other side effects of the clinical trial.

As soon as Dr. Tapan came, he gave her some medicine which helped her regain her consciousness. By that time I was already late for my flight to Mumbai where I had an urgent meeting with some of the prospective foreign clients who were visiting Vindia only for 1 day. Rani convinced me that she was fine and that I must not miss such an important opportunity. Believing her, I left the house.

5. ACCUSED - 2

Name: Dr. Tapan Das

Age: 29

Residence: 20A Surya Colony, Sehradun

I had known Rani and Rajesh since my college days and had remained in contact with them since then. Rajesh and I used to meet quite often and always discussed our problems with each other. Rajesh had told me about Rani's problems a several times and when I got the opportunity to research on a drug for a problem similar to hers, I was excited to tell the news to Rajesh. As expected, Rajesh was more than happy to let Rani try the drug. I did not directly ask him for the same, since the process involved strict doctor-patient physical contacts, but they could be



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enough to make Rajesh concerned. However, believing in me Rajesh offered to help me by talking to Rani for her consent for the clinical trial.

On the first session I made sure that everything was happening with her full consent. She told me that she was desperate to make her marriage work and was ready to take any drug for this. We had a long talk about her marriage and her expectations from this trial, and once I was satisfied that I could really help her, I started the trial with her. She came to the clinic in the University three times a week for the process. After some sessions, her health started to deteriorate, however when I explained to Rajesh that this could be because of the fact that her body is taking some time in accepting the drugs, he asked me to continue the experiment.

Once during the process, one of her friends barged into the office while I was checking the effect of the medicine that I had just injected in her. Her friend misunderstood the situation to be some explicit advancement by me and tried to take Rani with her, who was in a semi-unconscious state at the time. I tried my best to explain everything to her but she was not ready to listen. However, I cleared everything out with Rajesh, as soon as he returned from his business trip. He trusted me completely and therefore allowed me to continue with my trial.

The next day, I received a call from Rajesh stating that Rani had become unconscious. I immediately took my kit and rushed to their house with a nurse. On reaching their, I found that there was nothing serious and this was just another reaction of the drug. I injected a small dose of insulin and she regained her health instantaneously. Once assured that she was okay, Rajesh and I, along with the nurse, left the house.



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6. NURSE

Name: Manya Kumari

Age: 29

Residence: 20A Surya Colony, Sehradun

My name is Manya Kumari and I work as a nurse at Alpine Hospital. I have been working there for the past 3 years. I have assisted Dr. Tapan since then. I must say he is a very curious learner and looks forward to discover new drugs and cure patients. Mrs. Rani started visiting the clinic for last 1 month. Dr. Tapan usually visits the patients in my presence but after few initial meetings, he started her treatment in private. He usually took 3-4 hours and directed me to not enter the room. Hence told me that he is working on new drugs and told me that it is legal.

One day we received a call from Mr. Rajesh stating that Rani has become unconscious. I along with Dr. Tapan immediately rushed to their house. On reaching there, we found that there was nothing serious and this was just another reaction of the drug. Dr. Tapan injected insulin to cure the patient.

***NOTE:** THE NAMES AND CHEMICAL COMPOSITION OF ALL THE DRUGS MENTIONED IN THE PROPOSITION ARE HYPOTHETICAL. THE TEAMS ARE ADVISED TO NOT GO INTO THE INTRICACIES OF THESE CHEMICALS DURING THEIR RESEARCH.