

LATE SENIOR ADVOCATE S. R. (BABA) CHITNIS MEMORIAL MOOT COURT COMPETITION, 2018

PROBLEM NO. 1

1. Baburao (Appellant No. 1), an elderly farmer lived with his family consisting of his wife (Sumitra), son Sarja (appellant No. 2), daughter Sonali and brother Bhaurao (Appellant No. 3)
2. Vilas, a boy who lived in the same village was in love with Sonali. Baburao did not like Sonali's closeness to Vilas and had publicly warned both Vilas and Sonali to stay away from each other. On several occasions he publicly scolded Sonali and asked her to refrain from meeting Vilas.
3. Bhaurao had borrowed Rs. 10,000/- from Vilas and though he had promised to pay him immediately, he kept asking Vilas for time to repay the Rs. 10,000/-.
4. On 12th June 2016, Bhaurao invited Vilas to collect Rs. 10,000/-. Vilas reached Baburao's house around 8:30 pm, when the family had just finished their dinner. He saw Sonali from the window and signaled her to come into the backyard. Baburao, Bhaurao and Sarja on hearing whispers from the backyard went unarmed to investigate the matter. On seeing Vilas and Sonali together, Baburao lost his temper, asked Sonali to return to the house and started abusing Vilas. Vilas replied back and there was a heated argument between them. During the course of the argument, Sarja went into the house and

brought Baburao's walking stick and gave blows with the walking stick on the leg of Vilas. Bhaurao grabbed the walking stick and started beating Vilas and gave blows on Vilas's head and chest.

5. Vilas was taken to the civil hospital by the villagers, where he died four days later. The Post-mortem report confirmed that Vilas died due to injuries suffered by him on his head and due to fracture of two ribs. However, none of the injuries independently were sufficient to cause Vilas's death while they cumulatively were sufficient in the ordinary course of nature, to cause his death.
6. The First Information Report was registered under section 307 r/w section 34 of the Indian Penal Code 1860, and after the death of Vilas, the charges were altered to section 302 r/w Section 34 Indian Penal Code, 1860.
7. The Sessions Court convicted the three Appellants under section 302 r/w section 34 & sentenced them to life imprisonment for having committed the murder of Vilas.
8. Aggrieved and dissatisfied by the judgment of conviction passed by the learned Trial Judge, the Appellants have preferred the present appeal.

STATEMENT OF ISSUES

- A. Whether the Appellants can be prosecuted u/s 302 r/w section 34 of the Indian Penal Code, 1860?

- B. Whether the nature of injuries and the nature of the weapon, was such as to cause death of a person?

- C. Whether the act of the deceased amounted to grave and sudden provocation?

- D. Whether the Sessions Court was justified in sentencing the Appellants with life imprisonment in connection with the act committed by them?