



Moot Court Society, Faculty of Law

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In Collaboration With

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Presents

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विधिशास्त्रार्थ

VGU RANKA

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MOOT PROBLEM

MOOT PROBLEM

Simranpreet Kaur @ Guddi is a daughter of Harpal Singh who is a member of Panchayat and her daughter Guddi studies in 8th Standard and resides at Block 7, Mansar, State of Kingsthan and she is 12 Years old. Kingsthan was not a much-developed village and here people are having orthodox thinking.

Munna Singh is the neighbour of Guddi and he regards Guddi as her daughter. Everyone in Mansar respects Munna Singh a lot, because of his connections with politician's and high dignitaries he worked a lot for the development of Mansar, even Harpal Singh regards Munna Singh a lot.

10 days before the commission of offence Harpal Singh, father of Guddi had a fight with Munna Singh because Munna Singh saw Guddi with a boy in a compromising situation. Munna Singh got very angry as he regarded Guddi as her daughter, after which he slapped her very hard and took her from there. As the matter was related with one of the members of Panchayat, he has to give resignation from the Member of Panchayat and the composition of the newly elected panchayat directed him to take care of his daughter or else, next time he with his family has to leave the village. Harpal Singh felt very ashamed.

On 03.11.2019, in the evening Guddi went to the house of her classmate and cousin, Gurpreet Kaur. At about 05:00 p.m., she left from there to return to her house. She was accompanied to some distance by Gurpreet. When she crossed pakka water house, Gurpreet left her on her own. Simranpreet Kaur was last seen with Munna Singh, a 35-year-old neighbour. She was seen walking, holding his finger. When Simranpreet Kaur did not reach her house, search was carried on. Some persons then found her dead body in the agricultural field belonging to Munna Singh situated in front of his house. The dead body was found near a tree and some cotton crop was found near the dead body along with some empty and partially broken bottles of liquor were also found. Some dry leaves were found in her hair. In her hand some strands of human hair were also noticed. It was fully smeared with blood.

MOOT PROBLEM

It was also found that there was bleeding from vulva and the legs were also stained with blood. Body was in state of rigor mortis. There were multiple marks of contusions and abrasions on the neck. Face also had some abrasions. Abrasions over elbows and knuckle were present. There were impressions of teeth on the lips. These were all ante mortem in nature. Although external injuries were found on the neck which were said to be the cause of death of the deceased, according to the doctor, the death took place because of loss of blood.

Lastly, the FIR was lodged by the Harpal Singh @ Father of Simranpreet Kaur on 15.11.2019 against Munna Singh and was charged for Kidnapping, Rape and Murder of his daughter.

ANNEXURE -1

MEDICAL EXAMINATION REPORT

SMJ MEDICAL HOSPITAL

01	Name of Victim	Simrapreet Kaur
02	Sex	Female
03	Age	12 Years
04	Height	120 Cm
05	Weight	40 Kg
06	Habits	NA
07	Home Address	Block 7 Mansar, State of Kingsthan
08	Time of Event	Approx. 2 Weeks Ago
09	Identification Marks	Mole on right thigh
10	By	K. Kumar
11	Clothes	Pink top and Black Jeans
12	General Physical Examination	Minute piece of glasses was found in the lower abdomen
13	Emotional/ Mental Status	STABLE
14	BP	High; Pulse:Low
15	Respiration	Normal
16	Height	No Change
17	Weight	No Change
18	Nutrition	NA
19	Signs of intoxication by drugs &/ or alcohol	Partially intoxicated; Alcohol Found

ANNEXURE -1

MEDICAL EXAMINATION REPORT

SMJ MEDICAL HOSPITAL

20	<i>Examination of clothes (if same as those worn at the time of assault).</i>	<i>For Evidence of Semen, Blood Stains etc.</i>
21	<i>Stains on the body (including Pubic Hairs & Fingernails)</i>	<ul style="list-style-type: none">• <i>Blood Stains</i>• <i>Vagina Swabs</i>• <i>Photographs</i>• <i>Blood DNA</i>• <i>Hair/ Nail/ Semen samples</i>
22	<i>Abdominal Examination with Special. Ref. to pregnancy</i>	<i>Swelling at Internal and External parts of Vulva. Partial damaged on Sexual Organs</i>
21	<i>Injuries on Body</i>	<i>With special. reference to signs of struggle & including the age of injuries there is a history of buccal/anal penetration & bite marks, so appropriate swabs have been taken as indicated.</i>

ANNEXURE - 2

AUTOPSY REPORT

DECEASED: Simranpreet Kaur

SEX: FEMALE

AGE: 12 Years

DATE AND HOUR OF DEATH: Approx. 03.11.2019 & 11:00 PM

DATE AND HOUR OF AUTOPSY: 17.11.2019 & 12:00 PM

PATHOLOGIST: DR. K KUMAR

FINAL DIAGNOSES:

- 12-Year-old girl found dead in an agricultural field with alcohol in her body;*
- First rape and then Murder Done.*

SIGNIFICANT FINDING

- Head Injury*
- Blood Loss from Vulva*

ADDITIONAL PERSONNEL PRESENT AT AUTOPSY: Female Medical Practitioner Only

IDENTIFICATION: Mole on right thigh

ANNEXURE - 3

FIRST INFORMATION REPORT (F.I.R.)

(UNDER SECTION 154 OF THE CRIMINAL PROCEDURE CODE)

Personal details of the Complainant / Informant:

Name: Mr. Harpal Singh

Father's / Husband's Name: Late Shri. Khetrapal Singh

Address: Block 7 Mansar, State of Kingsthan

Phone Number & Fax: 9414XXXXXXX

Email: XXXXXXXXXXXX

Place of Occurrence: Mansar

Distance from the Police Station: 7 Km

Direction from the Police Station: North

Date of Occurrence: 07.11.2019

Offence:

Nature of the offence: Kidnap, Rape & Murder

Section (To be decided/written by Office only): Sections 363, 376, 377, 302 of Indian Penal Code & Section 6 of POCSO Act.

Particulars of the property(in case one has got stolen): NA

Description of the accused: Munna Singh s/o Dhunni Singh

Caste: Unknown aged 35 is resident of Block 5 Mansar, State of Kingsthan.

Details of witnesses (if any) – Mr. Harpaal Singh s/o Late Shri Khetrapal Singh

Caste: Unknown aged 37 is resident of Block 7 Mansar, State of Kingsthan.

ANNEXURE - 3

FIRST INFORMATION REPORT (F.I.R.)

(UNDER SECTION 154 OF THE CRIMINAL PROCEDURE CODE)

Complaint: Briefly lay down the facts regarding the incident reported in an accurate way.

It is humbly requested that my Daughter Simranpreet Kaur aged 12 Years is missing from dated 07.11.2019. On that day she went to study with her cousin Gurpreet Kaur. She told me that she will come back till 6:30 PM but she did not return till 8:00 PM. I contacted Gurpreet's father to inquire about Simranpreet.

He told me that Simran left his house with Gurpreet Approx. at 6:00 PM. Then I requested him to ask Gurpreet about Simranpreet that is when he told me that Gurpreet left her with Mr. Munna Singh who is your neighbour. Thereafter I tried to search for Gurpreet and tried to contact Munna Singh but I couldn't find anything. Later I went to Munna's house, the house was locked and I didn't find Munna even I called Munna but nobody answered.

And thereafter I visited the Police Station to register an F.I.R of kidnapping against Munna but they denied to register the F.I.R. During searching for Simranpreet I came to know from many people that she was last seen with Munna.

Hence it is requested to take suitable action as per the complaint given by me.

Complainant: Harpal

*Signature of Station In-charge
(Inspector)*

ANNEXURE - 4

WITNESS STATEMENTS

(UNDER SECTION 161 OF CODE OF CRIMINAL PROCEDURE)

PW 1: Mr. Dev Kumar

Occupation: Investigating Officer

Age: 35

Sex: Male

Statement: On 15.11.2019 an FIR was filed by Harpal Singh father of Simranpreet Kaur @ Guddi that his daughter is missing from 07.11.2019. He is a resident of Mansar, State of Kingsthan. After the registration of FIR which was filed against Munna Singh, resident of Mansar, State of Kingsthan, and investigation was done upon which police report has been submitted which is marked as Annexure No.05. During the investigation I found that Munna Singh is a respectable and law-abiding citizen of society. Also, that Munna Singh considered Guddi as her daughter.

It was also discovered during the investigation that a lady who was relative of Munna Singh filed a complaint regarding sexual abuse committed by Munna Singh on her daughter aged 10 Years but later F.R. was filed in it. From the place of dead body only an empty alcohol bottle was found, which was manufactured within Mansar, the place where the dead body was found, which belongs to Munna Singh. While examining Gurpreet Kaur, who was the friend of deceased she said that the deceased was a very good girl and she is in a friendship with a boy was from the same vicinity. During interrogation of Gurpreet Kaur, she told that once deceased told her that Munna Uncle, many a times tried to improperly touch her. Gurpreet told that last time she saw deceased with Munna Singh.

On 17th Nov 2019, a phone call from a resident Ananat, who was also a neighbour of Harpal Singh, called and informed me that the dead body of a girl child as approx. 12 years was found from the agricultural field belonging to Munna and asked me to come and verify the same. Then I went to the Agricultural field with Harpal Singh and verified that the body was Simranpreet Then I send the body for Medical Examination. As per my investigation, I have submitted the Chargesheet against Munna Singh under following section 363, 376, 377, 302 of Indian Penal Code 1860 and Sec. 6 of POCSO Act, 2012.

ANNEXURE - 4

WITNESS STATEMENTS

(UNDER SECTION 161 OF CODE OF CRIMINAL PROCEDURE)

PW 2: Dr. K. Kumar

Occupation: Pathologist

Age: 41

Sex: Female

I have examined the body of deceased; it was found from the body that rigorous rape has been committed over deceased. Also, bruises and injuries were found over various parts of bodies. Small amount of Intoxication i.e. alcohol was found in her body. Date and Hour of the Death was 03.11.2019 at 11 Pm. Also from examination of Internal Organs, it was found that repetitive sexual intercourse has been committed over deceased from last 3 months.

PW 3: Gurpreet Kaur

Occupation: Student

Age: 12

Sex: Female

Statement: I am Gurpreet R/o Block 15 Mansar, State of Kingsthan. I am a good friend of Simranpreet and we study in the same class. I'm still in shock to hear about this incident. I have come to know this incident by my father. She was very friendly and a supportive friend. She did not have any enemies and she talk to everybody nicely. On 03rd November Simranpreet came to my house to study and approx. 6 PM. I accompanied her till some distance and then I left her with Munna Uncle because he was her neighbour and he said that he will drop Simran at her home and Simran agreed because she knows him, and later I came back to my house. Once Guddi told me about her relation with a boy who lived in the same vicinity and worked in a local brewery. She was once caught by her Uncle @ Munna Singh in the compromising situation with the same boy. She also told me that once her father and Munna Uncle had a fight over this issue.

PW 4: Mr. Harpaal Singh

Occupation: Businessman

Age: 36

Sex: Male

Statement: I am Harpaal R/o Block 7 Mansar, State of Kingsthan. I am Father of Simranpreet. She was very sincere and punctual. She always came back home before 7:00 PM if she ever goes outside the house alone. On 03th November Simran went to study at Gurpreet's house. She told us that she will come back till 6:30 PM but she did not return till 8:00 PM. I contacted Gurpreet's father to ask

ANNEXURE - 4

WITNESS STATEMENTS

(UNDER SECTION 161 OF CODE OF CRIMINAL PROCEDURE)

about Simran. He told that she left his house with Gurpreet approx. 6:00 PM. Then I requested him to ask Gurpreet about Simran then he told me that Gurpreet left her with Mr. Munna who is your neighbour. Thereafter I tried to search Simranpreet and tried to contact Munna but I couldn't find anything, then I went to Munna's house, there the house was locked and I didn't find him there. And thereafter I visited the Police Station but they denied to register the F.I.R.

DW 1: Munna Singh (Accused)

Occupation: Private Job

Age: 35

Sex: Male

Statement: I am Munna Singh r/o Block 5 Mansar, State of Kingsihan. I am very shocked to hear about Simranpreet. She was a very lovely child and daughter like figure to me. On the date of 03rd November, 2019; I was going at my sister's house and in the way I saw Guddi with Gurpreet and asked them where they were going on which Guddi replied that she is going to her home to which I replied come with me, I will drop you at your home and in the middle of the way I will buy you an ice cream to which Gurpreet responded OK Uncle from now you will drop Guddi to her home. During the way to home, I saw a boy who I caught with Guddi in compromising situation. Guddi insisted me that Uncle from hereafter I will go on my own with my friend, but for safe concern I refused Guddi and took her and dropped at her house. Because of some urgent work I had to leave immediately for my sister's house in Vasant Kunj and in the hurry my Phone got discharged. All I know that I am very spiritual person; son of god and I don't have anything to do with Guddi, except shower her with my blessing.

ANNEXURE - 5

CHARGE SHEET

(UNDER SECTION 173 CR.PC.)

IN THE COURT OF JAGATPURA, STATE OF KANGASTAN

State vs. Munna Singh s/o Dhunni Singh

01	Name of the Branch	Ramnagariya
	F.I.R. No.	IC-09/2019
	Year	2020
	Date	15.11.2019
02	Final Report / Charge Sheet No.	05427/2020
03	Date	10.03.2020
04	Section(s) of Law	Sections 363, 376, 377, 302 of Indian Penal Code, Section 6 of POCSO Act.
05	Type of Final Report	Charge Sheet
06	If Final Report Un- occurred false/ Mistake of Fact/ Mistake of Law/ Non- Cognizable/ Civil Nature	Not Applicable
07	If Chargesheet Original / Supplementary	Original Charge Sheet
08	Name of Investigating Officer	Shri. Dev Kumar
09	Name of the Complainant/ Informant	XXXXXXXXXX
10	Details of properties/ Articles/ Documents recovered/ Seized during Investigation and relied upon:	Black Bag, Dry Leaves, One Alcohol Bottle

ANNEXURE - 5

CHARGE SHEET

(UNDER SECTION 173 CR.PC.)

Particulars of accused persons charge sheeted: (A-1)

01	Name	Munna
02	Whether Verified	Verified
03	Father's Name	Dhunni
04	Age	35 Years
05	Sex	Male
06	Nationality	Indian
07	Passport No.	NA
08	Place of Issue	NA
09	Date of Issue	NA
10	Religion	Hindu
11	Occupation	NA
12	Address (Present/ Permanent)	Block 5 Mansar, Jagatpura, State of Kingsthan
13	Whether Verified	Yes
14	Provisional Criminal No.	NA
15	Regular Criminal No.	NA
16	Date of Arrest	10.12.2019
17	Date of Release on Bail	Not Granted
18	Under Acts & Sections (of Chargesheet)	Sections 363, 376, 377 & 302 of Indian Penal Code, Section 6 of POCSO Act.
19	Name (s) of bailer/ sureties and address	NA

ANNEXURE - 5

CHARGE SHEET

(UNDER SECTION 173 CR.PC.)

20	<i>Previous convictions with case reference</i>	NA
21	<i>Status of Accused</i>	Judicial Custody
22	<i>Particulars of witnesses examined</i>	XXXXXXXXXXXX
23	<i>List of Documents</i>	XXXXXXXXXXXX
24	<i>List of Material Objects</i>	XXXXXXXXXXXX
25	<i>If F.I.R.is false, action taken</i>	Not Applicable.
26	<i>Charge</i>	<ul style="list-style-type: none">• Investigation has brought on record that the accused Munna kidnapped Simranpreet with the intention of raping and murdering her. The accused raped her on 03.11.2019 and after that murdered her on the same day and with the intention of hiding the dead body and put the dead body in own Agricultural Field. Therefore, further charge sheet should be filed under the following sections against the accused person.• The sanction for prosecution against the aforesaid accused persons under the above-mentioned section has been obtained from the competent authority.• All the aforesaid offences have been committed within the jurisdiction of this Hon'ble Court. Hence, this Hon'ble Court has got jurisdiction to try the above offences.• It is therefore, prayed that this Hon'ble court may be pleased to take cognizance of the offences as mentioned above against the aforesaid accused persons and issue due process against the accused person.

ANNEXURE - 5

CHARGE SHEET

(UNDER SECTION 173 CR.PC.)

27	<i>List of Enclosures</i>	<ul style="list-style-type: none">• <i>Annexure 1 (Medical Report)</i>• <i>Annexure 2 (Autopsy Report)</i>• <i>Annexure 3 (F.I.R)</i>• <i>Annexure 4 (Witten Statement)</i>• <i>Annexure 5 (Police Report)</i>
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Dev Kumar

Dy. Supdt. of Police



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TRIAL ADVOCACY
COMPETITION, 2022

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