



South Calcutta Law College Moot Court Society

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MOOT PROPOSITION

1. The state of Indiana is a Sovereign, Socialist, Secular, Democratic and Republic country. 'Sanchita Anand' a resident of Opel Trident Apartment, flat no. 13, Arjundaspeth, Travipur, Akhandarashtra, Indiana, aged about 26 years of age is pursuing a degree in M. Tech from H.B.B.A Institute of Chemical Engineering. It is further to be noticed that Sanchita Anand was duly protected under the provisions of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Jayesh Mehta, a Police officer posted at the Police Station of Rambahadur Daspath, is working in the capacity of the A.S.I, aged about 34 years, knew the prosecutrix for a very long time and during this time period, both of them had developed a love affair.
2. Jayesh Mehta had been married to one Shalini Shukla for past 4 years and still developed an affair with Sanchita Anand. Both the parties were involved in the said affair that too being fully aware about the facts and circumstances along with the standings and views of their families. Initially, they both were good friends and later on developed an affair and out of love and affection, Jayesh Mehta had promised Sanchita Anand that he'll divorce his current wife and then marry her. As they had known each-other for a long time and had developed an affair which also resulted in marriage promises being made, both of them had also engaged in sexual activities and the said sexual relations only came into action when Jayesh Mehta had proposed that he will eventually marry the prosecutrix.
3. Jayesh Mehta and Sanchita Anand had been involved in a relationship with each other and marital promises were made. But the families of the two would have never agreed for the same due to cultural differences and also due to the fact that Jayesh Mehta was already married to someone else. When things got more serious amongst them, the prosecutrix insisted on getting married as soon as possible but Jayesh would always say that divorce would take time and that he is just waiting for the right moment to do so.
4. After repeatedly insisting on getting married did not work out for the prosecutrix, she opted the path of blackmailing Jayesh to divorce his wife or else she would expose their affair to the world which would eventually result in his family getting destroyed and him losing his job in the Police. In order to avoid all this, Jayesh produced a stamp paper with his and his wife's signature on it which stated that they both have divorced each-other. After seeing this, the prosecutrix was calmed and had started the preparations of their marriage by informing her parents about Jayesh Mehta.

5. After getting to know about this, her family tried to convince her that this marriage cannot happen due to the cultural differences and differences in their family background but she insisted that she wants to marry him as he had even divorced his wife for her. When asked about a proof of the same, she produced a copy of the affidavit done on the stamp paper bearing signatures of Jayesh Mehta and his wife and upon pursuance of the same, it was explained to the prosecutrix by her parents and her brother that the said affidavit has no legal standing and that it is fake.
6. The prosecutrix refused to believe her family and eventually contacted Jayesh Narke in order to know the truth. When the prosecutrix tried to contact him, she was surprised to see that he had been constantly avoiding her and not answering her calls or messages. Due to this reason, the prosecutrix tried to approach Jayesh Mehta at the Arjundaspeth Police Station on 22/08/2023 where he denied everything the family of the prosecutrix had told her about the said document. After this, the prosecutrix started insisting that they get married the next day but Jayesh Mehta refused to.
7. It was later on revealed to the prosecutrix on the same day that Jayesh is still living with his wife and her suspicion of them not getting a divorce grew. After this, she again approached Jayesh at the night of 22/08/2023 and warned him that if he does not marry her tomorrow and leave his wife, she would burn herself to death. The very next day of this incident, the prosecutrix was admitted to a hospital nearby for treatment of burn injuries. It was revealed that the prosecutrix had suffered a total of 45% of burn injuries which could have caused her death if she had not been treated on time or would have even amounted to higher amount of burn and then death if she was not saved by Jayesh.
8. Later on, the prosecutrix had recorded a statement on 25/08/2023 thereby stating that the said burn injury was caused to her in an accident which occurred while she was engaged in some practical chemical experiment in the laboratory of the H.B.B.A College and the experiment got out of control but later on, on 27/08/2023, the prosecutrix changed her statement and implicated the accused for the said burn. She said that upon approaching Jayesh and confronting him on the night of 22/08/2023, he lost his temper and said that he is done with the prosecutrix and does not want to see her ever again. He further said that if the prosecutrix does not burn herself as she is threatening to, he would himself kill her by registering false offences against her and put her in jail. He further gave the prosecutrix a lighter and asked her to burn herself with the help of it. To her shock and surprise, Jayesh had refused to marry the prosecutrix and she had no idea what to do next. In this despaired state of mind, the prosecutrix, on the very next day went to meet Jayesh and ask for his final decision as the deadline given by her was approaching its end. Jayesh refused to marry the prosecutrix and said that he did not care what she did now as long as she stayed clear of him, and due to this, the prosecutrix poured petrol on herself and lit herself ablaze in front of Jayesh with the help of the same lighter which was given to her by him. *Vide* this statement, the prosecutrix had filed a FIR against Jayesh Mehta.
9. In accordance with this FIR, offences punishable under Section 376, Section 90, section 420 and Section 306 of the Indian Penal Code, 1860 along with offences punishable under section 3(2)(v) of the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 *vide* crime no. 777/2023 were registered against Jayesh Mehta. After registration of the said offences, the police had arrested

the accused and a chargesheet *vide* no. 666/2023 was filed before the Hon'ble District and Sessions Judge 3, Travipur who found the accused guilty on all charges thereby sentencing him for a rigorous imprisonment of 12 years for offences mentioned above concurrently, and subsequently, the accused was also removed from his job from police on the basis of violation of terms and conditions of the code of conduct.

10. In accordance with all the aforementioned facts and figures, file an appeal before the Hon'ble High Court of Judicature at Travipura against the conviction granted by the Learned District and Sessions Judge 3, Travipur on the following issues:

- I.** Is the accused liable to be punished under Section 376 of the Indian Penal Code, 1860?
- II.** Is the accused liable to be punished under Section 306 of the Indian Penal Code, 1860?
- III.** Is the accused liable to be punished under Section 90 of the Indian Penal Code, 1860?
- IV.** Can the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 be applicable to the accused?

NOTE FOR THE PARTICIPANTS

- 1.** The Indian Legal system with all its laws and judgements applies as it is to the country of Indiana. The Supreme Court and the High Court has the same powers and functions as that of the Supreme Court and High Court of India.
- 2.** The laws of the country of Indiana are in **PARI-MATERIA** with the laws of India.

NOTE: This Moot Proposition has been drafted by **Ms. Shruti Bhaskar** (Batch: 2020 – 2025). Any attempt to contact her regarding help (other than clarification) may lead to disqualification.