

CHECKMATE 2014

ARMY INSTITUTE OF LAW

MOOT PROPOSITION

1. Aman Singh was born in a family of doctors in Indore. He was a brilliant student since his childhood. He aspired to be a doctor just like his parents. After passing his 12th boards with flying colors, he appeared for several medical entrance exams including AIIMS. Despite the fact that he could not clear AIIMS he was still happy as he managed to secure a seat in HMT Medical College, Bhopal, Madhya Pradesh. Filled with joy and enthusiasm, he joined the college on 27th July 2012. He was given a hostel accommodation with a roommate named Vicky Pandey, who was a rich businessman's son and had availed a paid seat. From the very beginning the two of them did not get along very well as Vicky was an alcoholic and used to create a lot of ruckus after getting drunk. He used to lose control over his senses and would get involved in brawls. However, due to shortage of rooms they were left with no other option but to bear with each other.
2. As their classes started, the first year students became busy with their studies. They used to have classes from 9 am to 5 pm, after which they had to do self-study till late at night. Despite the grueling routine Aman was still happy and was doing fairly well in his studies. The Professors were very impressed with him as he was one of the vigilant students in the class. He was also very popular amongst the students and soon he made a lot of friends and was elected as the class representative.
3. Everything went well for the initial one month, as the seniors had not arrived. To check the menace of ragging the administration, in its wisdom, kept the joining of the senior students after one month. However, on their arrival it became a nightmare for the juniors. The juniors were frequently ragged at every nook and corner of the college. From mental to physical, junior students were subjected to all kinds of humiliation and torture. Mayank and Sahil, two second year students were well-known trouble makers. There were previous complaints of ragging against them. However, the lackadaisical attitude of the authorities further emboldened their spirits. They ragged students with impunity. Aman was also one of their victims. He was asked to strip naked and dance and he refused to do the same. This enraged them and they gave him a sound beating. He became stressed and started having nightmares. He even informed his parents to which they advised him that it was only a matter of time after which everything

would be fine. Although, he was extremely depressed, he did not complain about it. When the ragging became unbearable, he along with his friends, decided to complain to the Dean.

4. The college authorities did not take the complaint seriously. The ragging continued and worsened day by day.
5. Things became serious and when Aman could not bear it anymore, he decided to end his life by splitting his wrist. Fortunately, he was saved as he was taken to the hospital in time. However, this time the college authorities took a serious note of incident. Since there were previous complaints against Mayank and Sahil who were known trouble makers, the college constituted an anti- ragging committee which fined them with Rs.5000/- and let them off with a warning. After this, the ragging almost stopped in the hostels for some time and the juniors heaved a sigh of relief. Things resumed back to normal. Aman was back to his usual self and got engrossed with his studies. In the meanwhile, Vicky became friends with Mayank and Sahil as they enjoyed the common habit of drinking.
6. As time passed, Aman became friends with a second year student called Ragini who used to help him out with his studies. Very soon, they became intimate with each other. This did not go down well with the second years students. Vicky also had a liking for Ragini but due to his vice of drinking he was often disliked by the girls. He often used to have heated arguments over Ragini with Aman which sometimes used to become physical. Aman and Ragini continued to be in relationship for sometime, however, Ragini lost interest in him and broke up with him. Aman could not bear this shock and became extremely depressed. Now he also started drinking.
7. On the night of 28th August 2013 at 8:00 pm when Vicky, Mayank and Sahil were sitting together and having alcohol Vicky in an inebriated state told his seniors that it was Aman who had instigated the other students to complain against them. This enraged the three of them and they decided to teach all the juniors, especially Aman, a lesson. At 9:00 pm the trio went to the single wing of the hostel and asked all the juniors to assemble before them. After this they started beating up Aman. During the beating he was given a severe blow on his ear and his head. However, the boy's warden Mr. Chand arrived on the spot and drove them away. They left the scene threatening with dire consequences. Next day, an inquiry was conducted qua the incident. Vicky, Mayank and Sahil, fearing expulsion, went and apologized to Aman. Aman accepted their apology and things became normal.
8. On 28th September 2013, Aman saw Ragini going out with another boy. He was extremely distressed to see this. On 29th September morning, Aman was found hanging in his room. His parents and the police were informed about the death. The police sent the body for postmortem examination and conducted

search in the room. During the search, the police found that there was splattered blood on the floor and footwear marks on the wall. The police also recovered a broken Samsung Galaxy S4 mobile phone from under the bed which belonged to Sahil. The blood stains were collected and sent for forensic examination. The police, upon searching, found that in his diary he had written as to how awful his life had become because of his seniors. He also wished that *“If his seniors Maynak and Sahil had never been born the world would have been a great place to live”*. He had also written that it is extremely difficult to stay with Vicky because of his habits. Aman even feared for his life because of Vicky’s unpredictable nature. Vicky in his recorded statement before the police stated that he had left his room at 11:30 pm and had gone to stay with Ramesh, his friend.

9. The watchman of the hostel in his statement stated that around 11 pm he had seen Vicky and three unidentified men enter the hostel that night who had left after 20 minutes. He also stated that the three men, who resembled Mayank, Vicky and Sahil, enter the hostel around 11:35 pm and they had left at 12:30 am.
10. In the postmortem report the time of death was determined to be between 11 pm to 12 am. There were ligature marks around his neck. There were also bruises and the right ear drum was ruptured and head injuries. The cause of death was determined to have been caused by asphyxiation. Initially, the police termed it as suicide. However, when his parents and friends sat on a ‘dharna’ alleging that Aman was murdered, the police registered a case against Mayank, Vicky and Sahil and they were arrested under S.302 IPC r/w S. 34 IPC, S. 326, IPC. The accused in their statements have denied to have killed Aman. They admitted that they had merely slapped him but never beaten him to such an extent that he died. Moreover, Mayank and Sahil claimed that between 10 pm to 1 am they had gone to watch a late night matinee show in the nearby Elantra Mall which was just 1.5 K.M away from the hostel. They even produced multiplex tickets to substantiate their claim. Vicky, on the other hand, claimed that he was in the library from 9 pm to 12 pm. He showed the library register as a proof of his presence in the library. However, in the register only his entry at 9 pm was made but there was nothing that indicated the time of exit.
11. The accused were asked to undergo a narco-analysis test which was inconclusive. Moreover, the DNA report of Mayank and Sahil came out to be negative. Vicky, however, refused to submit for the narco-analysis test and or the blood test. He took the plea of Article 20 (3) of the Constitution of India. The mobile records of the accused showed their location at Elantra mall between 11:15 pm to 2 am.
12. The case is on trial before the Court of Sessions. Argue from both sides.

ANNEXURE

1. POST MORTEM REPORT

a.	Eyes	Bloodshot
b.	Pupils	Dilated
c.	Skin	Red in color with abrasion on the thigh and black eye
d.	Blood	Traces of opium found in the blood. Small bleeding sites on the lips, eyelids and inside the mouth.
e.	Neck	‘V’ shaped bruise on the neck and face bruised & rigor mortis of the muscles
f.	Shoulder (Scapula)	Dislocated
g.	Right for arm	Radius and Ulna fractured
h.	Second and third vertebrae injured	
i.	Adams Apple (Thoracic cartilage)	Broken
j.	Cause of death	Asphyxiation

2. STATEMENTS GIVEN TO POLICE UNDER SECTION 161 Cr.PC

1. **Vicky:** I am a first year student, aged 19 years, studying in HMT Medical College, Bhopal and I was Aman's roommate. On 28th September, I was present in the library from 9 pm to 12 am. I was not present in my room. I did not kill Aman. My entry in the library register is there which shows that I came to the library at 9 pm. I was in a hurry; therefore, I forgot to make the entry of the time when I left the library. From the library, I went to my friend's house Ramesh and returned in the morning to find Aman's dead

body hanging. I immediately raised an alarm and informed the warden, who then informed the college authorities and the police. That day Aman was disturbed on seeing Ragini going out with another boy. I consoled him and then went to the library.

2. **Mayank:** I am a second year student, aged 21 studying at HMT Medical College, Bhopal. I had gone out with Sahil to the Elantra Mall to watch a matinée show on the night of 28th September. The show was from 10 pm to 1 am. We have tickets to support our claim. We returned back to our rooms at 2 am. We came to know of Aman's death at 10 am in the morning. We are innocent.
3. **Sahil:** I am a second year student, aged 20 years studying at HMT Medical College, Bhopal. I had gone out with Mayank to watch an evening matinee show on 28th September night at 9:30 pm. We came back to our hostel around 1:30 am in the morning. We came to know of Aman's suicide next morning at around 10:00 am from Vicky. I had lost my mobile phone on 28th September, 2013 and was about to lodge an FIR the very next day. We are innocent.
4. **Mr. Sukhi Ram:** I am aged 62 yrs, and have been working as a watchman for the past 30 yrs in HMT Medical College. My duty is outside the single wing where the first year students are staying. The seniors stay in the double wing. On the night of 28th September, I saw three people, who resembled Mayank, Sahil and a third man enter the single wing and felt suspicious of their presence. When I persued them they vanished from there. I searched for them but could not find them. However, at around 11:30 pm. I saw Mayank running away from the hostel. Next day, at 9:45 am I learnt about the suicide of Aman. He was a good boy, however, very temperamental by nature and prone to depression. On the night of 28th September also he was looking depressed, I don't know for what reason.
5. **Ragini:** I am aged 21 yrs, studying in the second year of HMT Medical College. I was never in love with Aman. I used to listen to all his troubles, which he misunderstood as love for him. On seeing me with other boys he used to get angry and depressed. I, therefore, decided to end my relationship with him. On the night of 28th September he saw me with my boyfriend Sushant and became agitated. I tried to pacify him, but all my efforts were futile. He even apologized for his past behavior and said that he would die if I do not love him back. He was creating a scene so I decided to leave with Sushant from there, I am sorry for his death.

DISCLAIMER

All characters in the above moot proposition are fictional. Any resemblance to any person living or dead is purely coincidental and unintentional.