

2nd AMITY NATIONAL TRIAL ADVOCACY

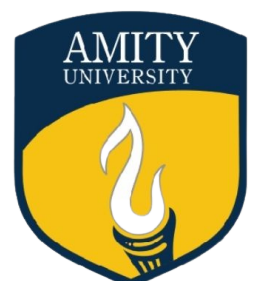
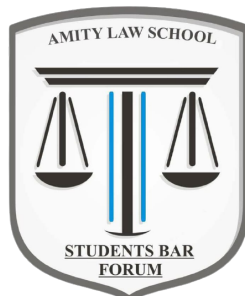
TOURNAMENT

OCTOBER 12th - 14th

2022



FULL MOOT PROBLEM



MOOT PROBLEM

I) The Union of Indiana is an independent country situated in South East Asia. Earlier a British colony, it got its independence in the year 1947 and since then, it has been a “sovereign, socialist, secular, democratic republic” with each organ of its governance that is the legislature, executive and judiciary deriving its power and authorities from its Constitution which had come into force on 26th January, 1950 which is a few months less than the third independence day of the country. Considering the social economic dimensions of the country, the constitution framers had always favored affirmative action in support of females and other disadvantaged communities or groups of our society.

II) The Indiana Penal Code, 1860 is the general penal statute of Indiana. Enacted in 1860, it is a comprehensive code designed to meet all substantive features of criminal law. The Act came into force in the year 1862 and since then amended many times. At present, the Act is enhanced by other special criminal provisions.

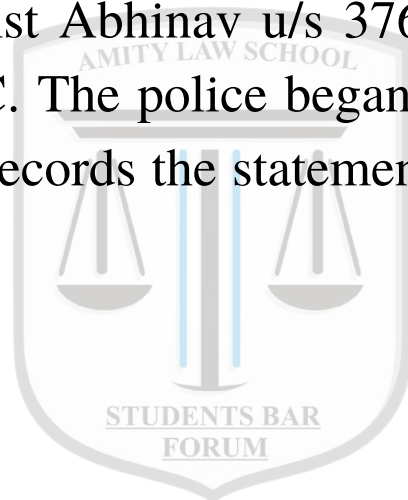
III) Abhinav, a 25 yr old engineer working in YT techno Solutions, Delhi met Soumya, a 24 yr old banker from Mumbai on a social media platform during the May of 2020 when the Corona-virus pandemic was in full swing. The two started chatting with each other occasionally and slowly formed a romantic relationship with each other. The two met a few times in person till January 2021 when Soumya had a transfer to Delhi and both of them decided to have a live-in relationship. Soumya was initially reluctant for a live-in due to hesitation of getting physical but on being assured of marriage by Abhinav by the end of 2021 or start of 2022 as may be feasible for both of them considering their job prospects and approval from family members. The two rented a 1-BHK flat in SS colony, Nangloi, New Delhi considering I) the fact that the place was ideal for both of them in lieu of their work locations and also economically viable. Abhinav had produced an alleged marriage certificate which presented Abhinav and Soumya as a married couple, as according to the norms of the housing society apartments could not be rented to bachelors.

IV) Both of them were initially living amicably with each but soon the two started fighting over petty issues. Soumya was unhappy with the kind of locality they were living in since in her opinion, it was not up to her standard and it was not safe enough for her to come out during the night time in this area. This was one of the major reasons of constant fights between the couple along with the fact that Abhinav was always dodging the question of marriage.

V) In February 2022, Abhinav bought a new 3-BHK apartment in Punjabi Bagh West, New Delhi Abhinav decided to purchase the house in his name because of economic reasons whereas he continued to take household expenditure from Soumya. Abhinav and Soumya moved into the flat and Abhinav invited two of his friends Aman and Rahul for a housewarming party. Even after shifting, the relationship between the two did not improve and rather deteriorated further. Soumya started demanding Abhinav to transfer the home in her name and the same was denied by him despite Soumya emphasizing on the fact that she too helping financially to run the household .

Soumya would constantly allege that Abhinav has fooled her into a live-in and that he had no intention of marrying her despite establishing physical relationship on basis of the same.

VI) On the morning of April 30, 2022, Soumya, in a shabby condition (hit on head, sleeves torn) reached the Punjabi Bagh West police station to lodge complaint against Abhinav u/s 376, 420, 406, 463, 464, 466 of IPC. The police began investigation on the matter and records the statements of all possible witnesses.

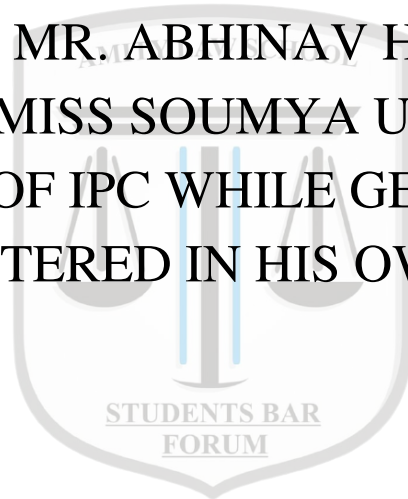


ISSUES

I) WHETHER ABHINAV IS LIABLE FOR THE RAPE OF SOUMYA U/S 376

II) WHETHER ABHINAV IS LIABLE FOR FORGERY U/S 420, 463, 464, 466. IPC?

III) WHETHER MR. ABHINAV HAS DEFRAUDED MISS SOUMYA UNDER SECTION 406 OF IPC WHILE GETTING THE HOUSE REGISTERED IN HIS OWN NAME.



ARREST MEMO

P.F No _____ (SEW _____ C.R.L.J _____)

1. P.S & Case Reference: _____ Date: 30/04/22

2. Name and Address of the Arrestee: Mr. Abhinav Singh

B-12, Aloft Residency, Punjabi Bagh West, New Delhi-110026

3. Date. Time & Place of Arrest: · 30/04/22 1:30 pm, Aloft residence Punjabi Bagh West

4. Name & Designation of Officer affecting arrest: Karanpreet Singh, Police Inspector

5. Ground of the arrest: Arrested on the charge of rape and forgery u/s 376 and 420, 406, 463, 464, 466 of IPC

6. Place of Detention: Punjabi Bagh West Police Station, New Delhi 110026

7. Description role of the arrestee:

(I) Height: 180 cm

(II) Complex ion: Fair

(III) Identification Mark: Black color spot as Birth Mark on mid of forehead

(IV) Built: Perfectly built, strong posture

(V) Face: Oval faced

(VI) Age: 27

(VII) Profession: Engineer

(VIII) Education: Graduate

(IX) Physical Peculiarities if any: NO

8. Details of injuries notice on the body of the arrestee at the time of arrest: glass cut injuries on forehead and deep nail marks on the back.

9. Serious ailment of disease if any: No

10. Special mention if any: NO

FIRST INFORMATION REPORT (U/s 154 Cr.PC)

Dist: West Delhi

PS: Punjabi Bagh West, New Delhi

Year: 2022

F.I.R. No: DKLN2211/2022

Date: 30th April 2022

1. Acts and Sections

I. Act: Indiana Penal Code,
1860 _____ Section: 376

II Act: Indiana Penal Code, 1860 _____
Section 420, 406, 463, 464, 466.

2. Occurrence of Offence:

a) Day: Saturday Date: From January, 2021.

c) Information Received at P.S Date: 30th April
2022 Time: 11:30 PM

c) Daily dairy Reference: Entry No. DD No.
BQNPO _____

3.Type of information: Oral

4.Place of occurrence:

a) Address: 36/12 SS Colony Nangloi and B-12, Aloft Residency, Punjabi Bagh West, New Delhi-110026

5.Complainant I information:

a) Name: Soumya Garg

b) Father's/Husband's Name: Mr Rajan Garg

c) Date / Year of Birth: 25th December 1996

d) Nationality: Indian

e) Occupation: Banker

f) Address: B-12, Aloft Residency, Punjabi Bagh West, New Delhi-110026

6.Details of known I suspected I unknown I accused with full particulars

Mr Abhinav Singh s/o Late Mr Dharmendra Singh, Age 27 years Works at YT Techno Solutions, New Delhi

7.Reasons for delay in reporting by the complainant /Informant - Repeated assurance by accused of marriage

CHARGESHEET
(U/s 173 Cr.PC)

IN THE COURT OF THE SESSIONS JUDGE,
TIS HAZARI

Dist.: West Delhi, P. S: Punjabi Bagh West Police
Station, Year 2022

FIR No.: DKLN2211/2022, Date: 10th January
2020

Final Report/Charge-Sheet No: 2211/2022

Date: July 31st, 2022

Name address & occupation of complainant or
informant: Soumya Garg

B-12, Aloft Residency, Punjabi Bagh West, New
Delhi-110026

Name and address of accused person not sent up of
trail: Abhinav Singh

B-12, Aloft Residency, Punjabi Bagh West, New
Delhi-110026

Chargers of Information: u/s 376, 420, 406, 463,
464, 466 of IPC

Magistrate: _____

Particulars of witnesses to be examined:

S/No.

Name

Occupation/Introduction

Type of Evidence to be rendered

1)

Abhinav Singh

Accused

Police Statement

2)

Soumya Garg

Complainant

Police Statement

3)

Aman

Friend of Abhinav

Police Statement

4)

Rahul

Friend of Abhinav

Police Statement



5)

Rajni

House Help

Police Statement

6)

Harjot Singh

Investigation Officer

Police Statement

Brief facts of the case(to be treated as the statement of the investigating officer):

1. Mr Abhinav Singh aged 27 years and Ms Soumya Garg aged 26 years were in a live in relationship since 2021. Abhinav had promised Soumya of getting married which was the reason why she had consented for the live in relation.

2. Both of them used to initially reside in SS Colony, Nangloi in a 1-BHK flat. Both used to fight almost daily on a variety of issues with the major ones being delay in marriage and the kind of locality they were living in. Soumya did not consider her then residence to be safe and worthy for her.

Soon, Abhinav bought a new house in Aloft Residency, Punjabi Bagh West in his name and both of them shifted their in February 2022.

3. Even now their relation did not improve and their fights continued. Despite repeated requests from Soumya, Abhinav refused to transfer the new residence in her name and also did not make any attempt of moving forward in their relation as far as marriage was concerned.

4. On the morning of April 30, 2022, Soumya, in a shabby condition (hit on head, sleeves torn) reached the Punjabi Bagh West police station to lodge complaint against Abhinav u/s 376, 376 , 420, 406, 463, 464, 466 of IPC. The F.I.R was registered and the accused was arrested on the same day at 1:30 pm.

5. The investigation began which led to the discovery of evidence attached herein (Marriage Certificate) and recording of statements from witnesses (attached herein).

6. The accused is in judicial Custody.

Signature of the Investigating officer
submitting the Final Report / Charge Sheet

Name: Harjot Singh



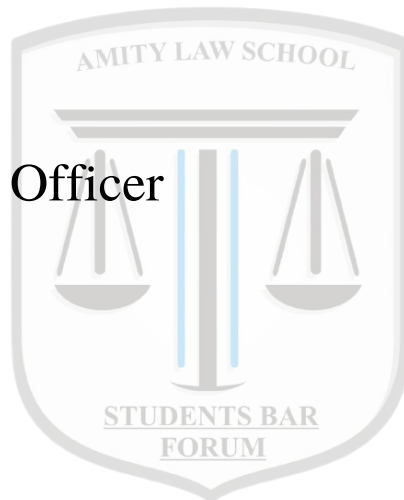
WITNESS BIFURCATION

DEFENCE'S WITNESSES:

1. Abhinav
2. Aman
3. Rahul

PROSECUTION'S WITNESSES:

1. Soumya
2. Rajni
3. Investigating Officer



STATEMENT OF WITNESESS AS RECORDED BY POLICE

1) Abhinav Singh (Accused)

I am Abhinav Singhs S/o Late Mr Dharmendra Singh works as an engineer at YT Techno Solutions. I met Soumya on a social media platform in May 2020 during the pandemic. Initially we used to chat occasionally but due to the restrains on travelling and work from home during that time, were started to chat often. As the restrictions began easing, we started meeting in person at least once a month. Sometimes, Soumya would travel to Delhi and at other occasions it was me who would go to Mumbai. It was a matter of joy for us when Soumya got transferred to Delhi. Soon both of us mutually decided to have a live-in relationship since we already knew each other since long and were hence ready for a physical and emotional partnership with each other. I loved herlot and hence assured her at that time that I will definitely marry her once I am more stable in terms of my career and family dynamics. Due to limited finances, we took a flat on rent in Nangloi area.

Though the flat was small, it was situated in a safe locality which had guards at all of its 3 gates. Electricity was also not an issue in this area. However, soon Soumya started complaining of the fact that she was unhappy with the kind of area we were living in as it was not a typical urban area consisting of shopping malls, well planned super markets , etc plus she did not feel safe in this area when alone at night. I would always explain to her that it was a safe area and the best they could afford at that time but she was stubborn to understand the same. Soon around December 2021, I got promoted and hence also got good increment on my salary. As I was viewing my future with Soumya, I decided to now invest my savings into buying a new home for us. By January 2022 after securing the needful home loan, I bought a new house in Aloft Punjabi Bagh West. In February 2022, we shifted to the new apartment. I was anticipating that at least now our fights would decrease but Soumya would still try to create issues over petty matters. She was always forcing me for marriage.

While I had the intention to marry her, I had to consider the fact that I am the only son of my parents and also the sole earning member of my family. I had recently bought a house for both of us and even have to pay for my younger brother's college admission and hostel. I wanted to have a wedding party with full pomp and show and hence would always ask her to wait but she was least concerned. To assure her that I was serious about her, I invited two of my friends Aman and Rahul for a small house warming and also to introduce them to Soumya. When they had visited us, she left no chance to demean me and insulted me for not marrying her and being a miser despite the fact that the house had been bought by me with the intention of making it our marital home. She cracked a joke in front of my friends, stating that "ispe to bahut paisa hai par mere liye koi feeling nahi mujhko to ghar me co-owner tak nahi bnaya". It was after this meeting that she started demanding a share in the house. I loved her a lot but the greed with which she would demand the same was too much to take for me.

Despite having similar incomes, she did not give even a penny in buying the apartment or even in furnishing it. While applying for home loan, I had told her that we could take it together since then they would get tax benefits also but she ignored the same demand. On the morning of 30th April, we broke into a massive fight as she overheard me talking to my brother about the expenses related to his study. She started shouting saying that when u can afford his education in a prestigious institution, there was no way in which he could deny her marriage citing financial issues. She started abusing my family and throwing around the show pieces in our room. I tried to stop her but she started to pierce her long nails in my back. She then threatened me of filing rape case and by the time I could reply, she barged out of the room saying that I am going to the police station. I held her elbow to stop her but she ran away to the police station. I deemed it right to not go behind her considering that she was not in a good mental state. I had never thought that she would stoop down to such a level.

2) Soumya (complainant/victim)

My name is Soumya and I am a banker. I met Abhinav on a social media platform during May 2020. We bonded over a period of time and started meeting in person once the travel restrictions began easing. We would meet at least once a month whereby we would visit places together and bond over coffee. However, the long distance relationship was hard and hence when I got the chance to seek transfer, I left Mumbai and came to Delhi in January 2021. We discussed at length about the prospects of a live-in relationship. I was hesitant initially because I have had terrible experience with regards to dating and relationships before. I did not want to get physically involved with someone who did not care about my feelings and was not interested in marrying me but was just using me for time pass. I was frank with him on this point. He specifically said to me “I love u Soumya and will marry you by early 2022 as by then I will be at a better position financially and emotionally.

We will have a wedding which though might not be full of pomp and show but would be memorable for both of us.” I was convinced after this statement and hence we began living together in SS colony, Nangloi. I faced a lot of issues in that area since it was a semi urban set up whereby I had never lived earlier. It was a herculean task for me to come back late from work or even enjoy my life as before in Mumbai. This issue became the seed of our sour relation. We would fight constantly over it but could not afford to shift from there due to financial constraints. Soon, Abhinav got promoted and hence received an increment. We discussed that instead of renting another place, we could buy an apartment as we were soon going to marry anyways. Abhinav showed reluctance for the same citing issues at his place like his brother’s college related expenses, mother’s expenses, etc. He specifically said, “Buying a house right now will not be wise since we have known each for hardly a year and trust for getting married builds over a long time.”

This was a shocker for me as he had promised me of marriage earlier. Our fights increased and became much messy. Soon, he did agree to buy the house from an investment point of view for our future. He took a home loan for the same and bought a 3-BHK apartment in Aloft Residence, Punjabi Bagh West. I was the one who had guided him about the home loan procedure. I had suggested him to make me a co-borrower for all financial benefits. However, he said that he did not want to overburden me. This reiterated my trust in him but when the time of paying EMI(s) came, it was me who was paying the same most of the time as he had excuses like brother's education, etc. We even had fights over it. Once, he invited his friends Aman and Rahul to our place. I was happy as I thought he was introducing me to his friend but I was completely wrong. His friend Aman had almost no conversation with me despite my repeated attempts for the same. Rahul was initially cordial to me. He started with appreciating the decor of our house and then moved to the financial part.

I made light joke, saying “Abhinav pe to bahut paisa hai tabhi to khudka ghar lelia iss age meh.” Abhinav took offence of this statement and started fighting over this in front of his friends. Both of them left soon after. After this incident, our relationship further soured and became physically violent. He would often threat me of dire consequences if I would ask about marriage or exert a right over the house. On 30th April, I overheard Abhinav talking to his brother about funding his education in USA and shifting their once he is settled their to the extent that he is able to sponsor him. I was heartbroken and upon confronting him, he began shouting on me and blaming me for spoiling his life and wasting his money on the house. I specified that it was practically her who was repaying the loan. He further cursed me and said, “I never wanted to marry you, I don’t know why I was stupid enough to invest so much on u.” As I tried to run, he hit me on my head and a physical fight broke out. My clothes turned shabby and tore a bit. I soon managed to escape and come out of the apartment complex. Surjan bhaiya helped me in getting a rickshaw from which I reached the police station.

3) Aman

My name is Aman and I am Abhinav's childhood friend. I knew about his relationship with Soumya since the time they would chat online. I was invited by Abhinav for a close knit house warming to his residence in Punjabi Bagh West. He had told me that he wanted to assure Soumya about his love and dedication towards her and since he was planning to marry her, he wanted to introduce her to me. Initially Saumya seemed to be a calm and composed individual. However, sooner than anticipated, she started taunting Abhinav in front of us by calling him a miser and "loafer", "timepass", "roadside romeo" for not marrying her. Abhinav was still at his best behaviour all this time and tried to prevent her from further calling him names and exposing their relationship issues. I left along with his other friend Rahul after having dinner.

4) Rahul

I am Rahul, Abhinav's college roommate and present colleague. I knew about his relationship with Soumya since the time they had started living together. I was invited by Abhinav for a close knit house warming to his residence in Punjabi Bagh West. He was extremely happy for having bought a 3-BHK in a posh area at such age from his own earnings. The initial experience at his place was that of a usual get together between friends whereby everybody is joking and laughing. However, I noticed that Soumya was not in a good mood and was trying hard to maintain her composure. She lost her control when Abhinav was constantly talking about how hard it was to pay for such a house in these post covid times. There was an exchange of taunts between the two whereby Soumya called him using terms like loafer and miser while Abhinav was constantly taunting her for contributing less to their expenses. I left along with his other friend Aman after having dinner.

5) Rajni

My name is Rajni and I am a househelp at Soumya and Abhinav's current residence. I have been working for them from the time they had moved in together in Aloft. I used to come once a day roughly around 11:30 for cleaning and cooking. I had often heard both of them fighting over money and marriage. Once when Abhinav's friends were supposed to visit, I had heard Abhinav requesting Soumya to not speak about their personal issues in front of them while Soumya was constantly jabbering about how he had cheated her while buying the house. Such talks were common between the two. On 30th April when I had come for work, I saw Soumya running out of the house in a shabby condition while I could hear Abhinav shouting that he has destroyed his life and career because of her and that the house was only his and not her's. Soumya paid no heed to what Abhinav was saying- she just ran towards the main gate of the society where I saw Surjan (watchman) helping her in getting a rickshaw.

Alleged Marriage Certificate

REVENUE DEPARTMENT, GOVT. OF NCT OF DELHI
OFFICE OF THE DISTRICT MAGISTRATE
CERTIFICATE OF MARRIAGE
UNDER DELHI (COMPULSARY MARRIAGE REGISTRATION) ORDER-2014

Certificate No. :/28902

Issue Date : 25.02.2022

Certified that a Marriage between Mr. Abinav son of Late Mr Dharmendra Singh resident at B-12, Aloft Residency, Punjabi Bagh West, New Delhi-110026

AND

Ms. Soumya daughter of Mr. Rajan Garg resident at B-12, Aloft Residency, Punjabi Bagh West, New Delhi-110026

PHOTO
OF
GROOM

Having been solemnized at Delhi on 29.01.2022 according to the custom practiced by parties duly witnessed by:

1. Aman (Friend of Abhinav)

2. Rahul (Friend of Abhinav)

PHOTO
OF
BRIDE

Has been duly registered on 20.02.2022 at the office of marriage officer, District South Delhi at 24, Green Park Road, Delhi on the basis of particulars furnished in this office.

Signature of Bride :

Signature of Groom

:

Soumya

Digitally Signed by: Mr Rajendra Singh
Designation: Marriage Registrar
Location: South Delhi

Abinav

Date and time of Signing: 25.02.2022 at 11:52 AM

1. This certificate is valid as per Information Technology Act 2000 as amended from time to time.
2. The Authenticity of this certificate should be verified at "<<web address for verification>>". Any discrepancy in the details on this document when compared to those available on the website renders it invalid.
3. The onus of checking the legitimacy is on the users of the document.
4. In case of any discrepancy please inform the authority issuing this certificate.