

**JAIPUR NATIONAL UNIVERSITY NATIONAL TRIAL ADVOCACY
AND JUDGEMENT WRITING COMPETITION, 2023**
CLARIFICATION / DEFECTS

1. How and which is Sarita Razdan a complainant?

Answer:- Sarita Razdan is not a complainant.

2. As, the whereabouts of Ballu Pathak are unknown so how he can be a witness?

Answer:- Ballu Pathak is not a witness.

3. In the moot proposition it is stated Jamshed Razdan was money launderer where as point 10 in Characters involved it states he was a victim and deceased. Please Clarify.

Answer:- Jamshed is not a victim and deceased. Kindly consider the facts to be final.

4. The last paragraph no charges on money laundering are framed by CBI, so are the teams free to make such charges.

Answer:- Irrelevant. It is the discretion of team.

5. How the three accused charged for kidnapping as Sarah was an adult?

Answer:- Refer to Paragraph 5.

6. Whether Ballu Pathak knew that drugs were present in the truck?

Answer:- Subject to interpretation.

7. Will any distinction be provided for the participants about the witness, such as who can be the prosecution witness and who can be the defence witness from the 22 characters mentioned in the proposition?

Answer:- No such distinction will be provided or is necessary. Any of the people who are mentioned can be called as a witness by either side. However, certain witnesses cannot help the prosecution's case while certain other witnesses cannot support the Defence. Neither of the party would summon a witness that weakens its case. Furthermore, prosecution

is free to drop a witness, in which case it would be open for the defence to call the same person as its witness. The indicated witnesses are only tentative and they are mostly prosecution's witnesses.

8. Does the Competition rules allow bringing the accused as a witness following the procedural aspects mentioned in Cr.P.C, 1908?

Answer:- First it is Crpc, 1973 not 1908. Therefore, participant can call accused as a witness with respect to the provisions of Cr.P.C.

9. The defence must represent all the five accused, namely Billa, Sohan, Raju, Manoj (alias Mannu), and Mitesh or only Billa, Sohan, and Raju as Page. 03 Characters involved mention them as witnesses rather than an accused?

Answer:- It is discretion of the team.

10. Under the head of MEMORIAL, in point number 7(E) in the document for rules and regulations, it is stated that the Memorial should consist of Issues, however, when it comes to a criminal trial the issues are generally framed as "whether accused is guilty of the charge?". So, our query was that whether we are expected to frame such direct issues based on the charges, or we are expected to frame mixed issues based on loopholes in the facts?

Answer:- The Issue simply is whether accused are guilty or not-guilty of the charges. Once the accused pleads not-guilty and claims trial, the issues is whether or not the accused is guilty as charged or not.

11. The 2nd query is related to title of the suit. Whom are we supposed to mention as the prosecution? Can we get guidance for the title of suit, or are we expected to figure that on our own? Please, let us know if we are supposed to figure that out.

Answer:- The title has to be made according to the facts of the trial proposition.

12. Do we necessarily have to count charge over all offences mentioned on the 4th page of the proposition, or we have the liberty to select a few and frame our arguments accordingly?

Answer:- The participants will be asked to examine the entire frame of the charges and if they feel that the issues in some of the charges are strong in their favour, then make their memo on that basis.

13. Of all the offences mentioned of on the 4th page of the proposition, some are triable by Sessions Court, some by JMFC and some by special courts under specific enactments. So, kindly guide us with that, as for the competition, which forum is being set up. Or are we supposed to figure that out?

Answer :- Figure out which court will be the most appropriate court to try all offences.

14. For the purposes of the competition will we be given additional evidence such as and including:-

A. All Three FIR's

Answer:- Part III summarizes the content of the FIRs and the circumstances they were registered in. This has also been done in order to remove a lot of formal police witnesses who are otherwise on the List of Witnesses. On the particulars of the FIR and the Investigation, the Investigation Officers can be questioned at the time of their cross-examination.

B. The charge Sheet

Answer:- Part IV of the Trial Proposition summarizes the chargesheet as well as how the investigation progressed, part of which is, in practice, told by the Investigation Officer to the Public Prosecutor informally. It is generally not known to the Defense. So much of Part IV is part of the chargesheet.

C. DDR

Answer:- Daily Diary is not part of the chargesheet and cannot be looked into except by the court in special circumstances. That said, the DD entries only reflect how the investigation progressed, which has also been summarized in the Trial Proposition. Furthermore, the IO can be cross-examined on the particulars of the investigation anyway.

D. Confessions of the accused in police custody

Answer:- The statements recorded by the police under Section 161 do not have any evidentiary value, so what the witnesses say on the record during their Examination-in-Chief is all that is admissible as evidence unless the defence confronts them with some part of their statement to the police. However, what has been told by which witness to the police has also been indicated by the Trial Proposition. There are no confessions really except for what Raju tells the police to protect himself.

E. Forensic Evidence, etc

Answer:- The Expert Witnesses will testify with regard to the forensic evidence at the time of their Examination-in-Chief. What the forensic evidence concludes has been summarized in the Trial Proposition. The Defense is free to cross-examine the experts on the mode and method of arriving at the forensic conclusions drawn.

15. And If the participating teams will be provided with such evidence, when will we be made aware of them?

Answer:- There will be no further documents supplied except a tentative list of witnesses prepared by the prosecution to be supplied to the defense. The prosecution will be free to drop any witnesses from the list at any time during the trial, after which it will be open for the Defense to call such witnesses as a Defense Witness in support of its case, if the Defense so wishes.

16. This Case will be present before which court of law? Is it UP's trial Court of which district or it goes to CBI court?

Answer:- No Clarification required, Trial Proposition itself explanatory.

17. What all crimes are mentioned in the last paragraph of the proposition?

Answer:- The Matter is Sub-Judice before the court of law and the list of charges are not exhaustive.

18. In which court the trial is going on.

Answer:- No Clarification required, Trial Proposition itself explanatory.

19. In which state the crime was committed.

Answer:- No Clarification required, Trial Proposition itself explanatory.

20. Which complaint did Sarita Razdan file? And how did her husband (Jamshed) die?

Answer:- Please Refer to Para -25 of the Trial Proposition.

21. Whether the researchers have to write a judgment according to standards of a Trial Court, High Court or Supreme Court?

Answer:- Session Court and It's Equivalent.

CLARIFICATION ON RULES

DRESS CODE

“Advocate’s Attire (Black and White Formal with Neck Band along with Advocate’s Gown) is compulsory.....” Can be read as “Advocate’s Attire (Black and White Formal with Neck Band/ Black Tie along with Advocate’s Gown) is compulsory.....”

WITNESSES

The Participant can make their Prosecution Witness and Defence Witness among the list provided herewith :-

1. BILLA
2. SOHAN JOHAR
3. RAJU SOOD
4. SHANKAR SHARMA
5. ISKANDER MAZID
6. GEETA
7. MANNU
8. SSP JAY KUMAR BHARADWAJ
9. SHO BAJRANGI CHOWKSEE
10. MITESH BHATIA
11. SADANAND KUMAR

NOTE:-

The participants will have to inform the organisers about their requirement of witnesses 70 minutes before the commencement of the round. The participants may need to use a person for multiple characters of the Trial Proposition.