

19th Kshan

Momenta-a-Vita National Trial And Appellate Moot
Court Competition 2023-24

15th, 16th & 17th March, 2024

G.H Raisonni Law College, Nagpur, Maharashtra
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Moot Proposition

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- Shlok Dixit is a businessman in Nagpur and Isha Agnihotri was a Philosophy student and a *mehndi* artist at Nagpur. They were in a love affair for almost 2 years. Isha turned 18 in June 2021 after which their marriage got solemnised in a temple. Since then, they lived as husband and wife for about 8 months and then they separated due to constant quarrels between them. Isha was living with her parents since last 1 year.
- On 04/10/2023, Isha informed her mother that Shlok was constantly forcing her to come back and stay with him. Allegedly he also threatened to kill her if she didn't come back. Also, Shlok used to call and harass Isha's younger sister Reema about the same.
- On 05/10/2023 Isha and her mother went to drop off Reema to the railway station as she had a train for Pune. After Reema departed, at around 9 p.m., Isha received a call on her mobile phone from Shlok, who asked to see her. After thinking for some time, she informed her mother about the same and left to meet him.
- When Isha didn't revert back to her mother's calls or texts, her mother got worried about her so, she called Isha's father and told him about what is concerning her, to which he said that "Isha and Shlok are married, after all. If they are resolving their issues, then what's the harm in it!". After hearing this she was still worried but eventually stopped calling her daughter and was waiting for her to return.
- After some more time had passed and when Isha did not return, her parents got worried and tried to go and find her and found her dead body lying on the street at a distance from a *kirana* shop. The police station was informed of the same. The PI carried out a Spot and Seizure Panchnama, recovered the alleged weapon involved in the crime (knife), collected the required samples and sent them for the analysis. Consequently an F.I.R. was registered.

- The IO also sent the dead body for postmortem, recorded statements of witnesses, found and arrested the accused i.e. Shlok. The accused allegedly claimed that at the relevant time of the incident he was involved in the closing of the butcher shop run by him and his uncle. The reports from the experts, in respect to the injuries to the deceased and the seized articles, were also collected. The investigation was completed and the chargesheet was filed in the court of Hon'ble Sessions Judge, Nagpur.

DRAFTED BY MCA STUDENT COMMITTEE

ABUZAIN SHEIKH

DISHA KAMWANI

PRANAV SALVIKAR

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FORM IF5

FINAL FORM / REPORT
(Under Section 173 CR. P.C.)

IN THE COURT OF SESSIONS JUDGE

1. *Dist: Nagpur *P.S. Maukapur *Year 2023 *FIR No: 0547 *Date: 06/10/2023
2. Final Report/Charge-Sheet No: 102 3. *Date: 28/12/2023
4. (i) *Act: IPC *Section: 302
(ii) *Act: *Section:
(iii) *Act: *Section:
(iv) *Other Acts and Sections:
5. *Type of final Report: Charge-Sheet/Untraced/Unoccurred/Not Charge-Sheet for want of evidence: Chargesheet
6. *If F.R. unoccurred: False / Mistake of fact / Mistake of law/Non-cognizable/Civil nature:.....
7. *If supplementary or original: Original
8. Name of the I.O. Rajdeep Shinde Rank Inspector (PF)
(a) Name of Complainant / Informant: Mrs. Sushma Agnihotri
(b) Father's / Husband's Name: Mr. Shankar Prasad Agnihotri
10. Date of properties / Articles / Documents recovered / seized during investigation and relied upon (separate list can be attached, if necessary).

Sl. No	Property description	Estimated value (in Rs.)	P.S. property Register No.	From whom/where recovered or seized	Disposal
1	2	3	4	5	6
1	<u>Victim's clothes</u>			<u>Victim's Body</u>	
2	<u>Knife</u>			<u>As per Pauchnama</u>	
3	<u>Molite</u>			<u>near victim's body</u>	

11. Particulars of accused persons charge-sheeted:
(use separate sheet for each accused)

Sl.No. A1

- (i). *Name: Shlok Dixit Whether verified Yes
- (ii). Father's/Husband's Name: Chanderkant Dixit
- (iii). Date/Year of Birth: 09/05/1999
- (iv). Sex: Male (v) Nationality Indian
- (vi). Passport No: Date of issue
- Place of Issue
- (vii). Religion: (viii) Whether SC/ST
- (ix). Occupation: Business
- (x). Address: Katal Road, Maukapur, Nagpur
- Whether verified: Yes
- (xi). * Provisional Criminal No.:
- (xii). *Regular Criminal no:
- (if known)
- (xiii). Date of arrest: 08/10/2023
- (xiv). *Date of release on bail Not released
- (xv). *Date on which forwarded to Court:
- (xvi). *Under Acts & Sections:
- (xvii). *Name(s) and Address(es) of sureties:
- (xviii). Previous convictions with case references:
- (xix). *Status of the accused:

Forwarded / Bailed by Police / Under Police Custody / Bailed by Court / In judicial
Custody / Absconding / proclaimed Offender:

12. Particulars of accused persons – Not charge sheeted (suspected):
(separate sheet for each suspect)

Sl. No.

(i). *Name: Whether verified.....

(ii). Father's/Husband's Name:

(iii). Date/Year of Birth :

(iv). Sex: (v) Nationality:

(vi). Passport No. Date of Issue

Place of Issue

(vii). Religion: whether SC/ST:

(ix). Occupation:

(x). Address:

Whether verified

(xi). *Provisional Criminal No:

(xii). *Suspicion approved: Yes/No

(xiii). *Status of the accused

Bailed by Police / Bailed by Court / in judicial custody / Absconding / proclaimed offender

/ Not arrested:

(xiv). Under Acts and Sections:

(xv). Any special remarks including reasons for not charge sheeting:

13. Particulars of witnesses to be examined:

Sl. No.	Name	Father's/Husband's Name	Date/year of birth	Occupation	Address	Type of evidence to be tendered.
1	2	3	4	5	6	7
1.	Sushma Agnihotri.	Shankar Prasad Agnihotri.	16/4/85	Business.		Oral.
2.	Rishi Raudhawa	Sunil Raudhawa	28/2/81			Oral.

14. If F.R. is false, indicate action taken or proposed to be taken u/s 182/211 I.P.C.:

.....

15. Result of Laboratory Analysis:

As given in the report of Chemical Analysis.

(ANNEXURE-1)
FIRST INFORMATION REPORT

(Under Section 154 CR.P.C.)

1. **District:** Nagpur **P.S:** Mankapur **Year:** 2023 **FIR No:** 0547

Date and Time of FIR: 06/10/2023 03:51 A.M

2.

S. No Acts	Sections
Indian Penal Code	302

3. **Offence:**

a) **Occurrence of offence:**

Day: Thursday **Date from:** 05/10/2023 **Date To:** 05/10/2023

Time Period: **Time From:** 22:30 **Time To:** 22:30

b) **Information Received at P.S.** **Date:** 05/10/2023 **Time:** 23:15

c) **General Diary Reference Entry No:** 007 **Date & Time:** 06/10/2023

4. **Type of Information:** Oral

5. **Place of Occurrence:**

a) **Direction and distance from P.S.:** 1Km North **Beat No:**

b) **Address:** Gajanan Nagar, Bajediya, kirana Shop Alley, Mankapur, Nagpur

c) **In case, outside the limit of this Police Station,**

Name of P.S **District (State)**

6. **Complainant/Informant:**

a) **Name:** Mrs. Sushma Agnihotri

b) **Father's/Husband Name:** Mr. Shankar Prasad Agnihotri

c) **Year of Birth:** 1985 d) **Nationality:** India e) **UID No:**

f) **Passport No:** **Date of Issue:** **Place of Issue:**

g) **Id Details:**

S. No ID Type	ID Number
1. Aadhar Card	7865 4323 4569

h) Address:

S. No	Address Type	Address
1	Permanent Address	Shivnagar Ingole Layout, Godhani Road, Mankapur Nagpur, Mankapur, Nagpur City, Maharashtra, India

i) Occupation: Business

j) Phone No / Mobile No:

7. Details of known /suspected/unknown accused with full particulars:

S. No	Name	Alias	Relatives Name	Present Address
1	Shlok Chandrakant Dixit			Katol Road, Mankapur, Nagpur City, Maharashtra

8. Reason for delay in reporting by the complainant/informant:

9. Particulars of Properties of Interest:

10. Total Value of Property In (In Rs):

11. Inquest Report/U.D Case No , If any:

12. First Information Contents:

The complainant, Mrs. Sushma Agnihotri, Age 38, Occupation: Photography.
Residence: Shivnagar Ingole Layout, Godhani Road, Mankapur Nagpur, Mankapur, Nagpur City, Maharashtra, India, have come and registered complaint about the murder of her elder daughter Isha. Details suggest that the deceased girl, Isha, and the accused, Shlok, husband and wife, were consistently suspicious of each other. This led to Isha residing with her parents for about a year. However, in recent days, the accused pressured her to reunite, but she resisted. Fuelled by anger, the accused husband, fatally attacked her with a sharp weapon, resulting in the filing of a case under Section 302.

13. Action Taken:

Since the above information reveals commission of offence u/s as mentioned at item No. 2

- a) Registered case & took up the investigation: Rajdeep Shinde (PI)/POCD81894
- b) Directed (Name of IO): Rank:
- c) Refused Investigation Due to
- d) Transfer to P.S on Point of Jurisdiction: District:

F.I.R Read over to the complainant/Informant, admitted to be correctly recorded and a copy given to the complainant/ informant free of cost

R.O.A.C

14. Signature/Thumb Impression of the complainant/ Informant:



15. Date and Time of Dispatch to the Court:



Signature Of Officer in Charge, Police Station

Name: Rajdeep Shinde

Rank: Inspector **No.** POCD81894

Panch Name:

1. Devansh Ahuja, Age 27 years, Occ.- chemist, Res. 203, Mankapur, Nagpur, P.S.
Mankapur
2. Sunny Gupta, Age- 32 years, Occu- Bank Clerk, Res. 207, Mankapur, Nagpur, P.S.
Mankapur

Through a notice letter to the above Panchas, were summoned at Takdhi Nagpur, The Panch voluntarily appeared and informed about Entry No. 25 on 05/10/2023, Time 23:55 hrs. Sushma Agnihotri, age 38 years informed that her daughter is found dead. When we and the police station staff arrived at the location, we found a girl approximately 20 years old lying in a pool of blood. We inquired around the area. The deceased, Mrs. Isha Dixit, was identified by her mother, stating, "This is our daughter, Isha Shlok Dixit, aged 19 years, residing at Shivnagar, Godhani Road," thus confirming her identity. After requesting the Panchas, the Namudra Panchas willingly consented to appear, and the Pancha Samaj documented the Panchanama at the crime scene as follows.

We guided the Panchas to the location of the incident. It's situated behind on the road from Godhani Main Road to Sant Gajanan, near K. D. R Heights Apartment, on a regular road. When we showed the deceased girl's body to her parents, who had come to the scene, they clearly said, "This is our daughter Isha," confirming her identity without any doubt.

Upon close examination of the scene in the presence of the Panchas, a lifeless body of a young girl was discovered lying on the tarmac road, surrounded by a pool of blood. The location is on the left side of the road when moving from Godhani Main Road to Sant Gajanan Nagar. The orientation of the body places the head towards the east and the feet towards the west. One hand is tucked in, while the other rests outward. The deceased is attired in a white kurta with blue floral patterns and a blue salwar. A mobile phone with broken screen was found near the waist. The examination reveals a visible wound on the deceased's hand, with a throat cut in an east-west direction.

The height of the deceased is 5.5 feet, and blood has spread on the road below. Measuring

from the feet of the deceased, electric pole no. 45-8 is situated 52 feet away and is square-shaped.

Sadguru Apartment is located on the left side beyond Namud Road, approximately 25 feet away. Blood is observed at a distance of 8.4 feet from the eyes of the deceased. The distance from the deceased's head to the intersection is 36 feet in the east direction, with Mr. Randhawa's bungalow on the left side.

The above-mentioned dead body was sent by the Investing Officer Rajdeep, in a van, to GMC, Nagpur. The details of the seized articles from the spot are as follows:

- i. 00/-- Sharp steel Knife with blood stains
 - ii. 00/-- Blood sample soaked in cloth
 - iii. 00/-- sample of mixed blood sample
 - iv. 00/-- plain soil sample
 - v. 00/-- a pair of used lady's slippers of new white colour with blood stains on them
 - vi. 00/-- 1 mobile phone, with broken screen
- 00/- Rs. 00/- five cases of the goods in question were seized.

After explaining the contents of the above sample report to the Panchas, the investigating officer took custody of and the investigation materials brought along with him.

Observing the boundaries of the said site, Mr. Randhawa's bungalow is situated in the east, while Sadguru apartments are in the west.

The Panchnama proceedings for the said incident site, as per the observed situation, commenced today on the date of 06/10/2023 at 12:05am hours under the illumination of INFLATABLE LIGHT and concluded at 02.36am hours. The process was conducted on-site. The Panchas read, observed, and verified the Panchnama and fulfilled their duties as Panchas.

(ANNEXURE-3)

PROPERTY SEARCH AND SEIZURE FORM

(search / production / recovery u/s 165 Cr. P.C.)

*Dist. Nagpur *P.S. Maukapur *Year 2023 *FIR No. / GD No. 0547 *Date 6/10/23

Acts and sections IPC 302

* Name of property seized / received: Stolen/Unclaimed/Unlawful possession / Others:
Mobile Phone, 2-vehicle & knife

Property seized / received: (a) Date: 06/10/2023 (b) Time 14:58 pm

(c) Address of place from where seized / recovered: Grajanan Nagar, Kierana Shop Alley, Maukapur, Nagpur

(d) Description of the place of seizure / recovery: Place of occurrence of offence

Person from whom seized / recovered:

Name: Father's/Husband's Name

Age: Occupation: Address:

Witnesses:

i) Name: Dheeraj Ahuja Father's/Husband's Name Satish Ahuja

Age: 27 Occupation: Business Address: 203, Maukapur, Nagpur

ii) Name: Sunny Gupta Father's/Husband's Name Hemant Gupta

Age: 31 Occupation: Bank Clerk Address: 207, Maukapur, Nagpur

Action taken/recommended for disposal of perishable property:

Action taken / recommended for keeping of valuable property:

Identification required: Yes/No

0. Details of properties seized / recovered: Use prescribed form(s) and attach.

11. Circumstances / grounds for seizure: *Relevant to present investigation.*
12. The above mentioned properties were seized in accordance with the provisions of law in the presence of the above said witnesses / ** and a copy of the seizure memo was given to the person / the occupant of the place from whom seized.
13. The following properties were packed and / or sealed and the signature of the about said witnesses obtained thereon or on the body of the property.

Sl. No.	Property	Signature obtained on the packet or on the body of the property
1	2	3
1	<i>Mobile Phone</i>	
2	<i>Security Paper</i>	
3	<i>Knife</i>	

Specimen of the seal is given below

Witness-1

Signature

Witness-2

Signature

Signature of the Investigating Officer

Name: *Rajdeep Shinde*

Rank: *PT* No. *POC.DS.1894*

Place: *Nagpur* Date: *25/10/2023*

** In case the property is seized from such a place that no receipt is required to be given to anybody, this portion of the sentence should be struck off.

(ANNEXURE-4)

FORM – IF3 - (Integrated Form)

ARREST / COURT SURRENDER MEMO

(Separate Memo for each accused)

1. *Dist: Nagpur *P.S. Mauka - pu. *Year: 2023 *FIR No. / Proceeding No. 0547... *Date: 06/10/2023
* Alphanumeric code of the Accused A1 (Write A1 to A9 for the first 9 persons, B1 for 10th persona and so on)
2. Date & Time of Arrest / Surrender: *Date 6/10/23 Time 4:30am G.D. No. 007
3. Name of the Court (if surrendered):
4. *Acts and Sections: IPC 302
5. *Arrested and sent up / Arrested and released on bail / Surrendered in court and bailed out / Surrendered in court and sent to judicial custody / Surrendered in court and remanded to Police custody (tick applicable portion).
6. Particulars of the Accused:
 - (i). *Name: Shuk Dixit
 - (ii). *Father's / Husband's Name Clauderakant Dixit
 - (iii). *First Alias:
 - (iv). *Second Aliases:
 - (v). *Other Aliases:
 - (vi). *Nationality: Indian (vii) (a) *Passport No.
(b). *Date of Issue: (c). *Place of Issue
 - (viii). *Religion (ix). *Caste / Tribe.
 - (x). *SC/ST (xi) *Occupation: Business
 - (xii). *Permanent address: Kate Road, Maukapur
Distt. Nagpur P.S. Maukapur
 - (xiii) *Present Address: Kate Road, Maukapur
Distt. Nagpur P.S. Maukapur
7. Injuries, cause of injuries and physical condition of the accused person (Indicate if medically examined):
Knife Wound on the Right Hand.

8. The accused, after being informed of the grounds of arrest and his legal rights, was duly taken into custody on 06/10/2023 (date) at 4:30 am (hours) at..... (place). The following article(s) was / were found on physical search, conducted on the person of the accused, and were taken into possession for which a receipt was given to the accused. **

1 Wallet 2 Phone
3 Suit 4 Trousers
5 6

Necessary wearing apparels were left on the accused for the sake of human dignity and body protection.

The accused was cautioned to keep himself / herself covered for purpose of identification.

Intimation given to Chandrakant (Relationship) Father

** If no article found, 'Nil' may be indicated in the blank space provided below:

9. Physical features, deformities and other details of the accused:

*Sex	*Date / Year of Birth	*Build	*Height in Cms.	*Complexion	*Identification Marks
1	2	3	4	5	6
Male	09/05/1999	Average	170 cms.	Fair	Male on forehead, alone left eye.

(For Modus Operandi offences only)

*Deformities / peculiarities	*Tech	*Hair	*Eye	*Habit(s)	*Dress habits
7	8	9	10	11	12
-	Intact	Black	Black	Smoking	Suit & Trousers

*Languages / Dialect	PLACE OF				
	*Burn Mark	*Leucoderma	*Mole	*Scar	*Tattoo
13	14	15	16	17	18
Hindi	-	-	Alone left eye	-	-

*Other features (19)

10. Whether finger-print taken or not?: Yes

11. Socio-economic profile of the accused showing:

(a). *Living Status: Living alone or with Family / Relation / Associate in Pucca House / Hotel / Hostel / Kachcha House / Thatched House / Slum or is homeless.

(b). *Educational qualification(s): 10th

(c). *Occupation: Business

(d). *Income Group:

- (i). Lower Income (Below Rs. 500/P.M.)
- (ii). Lower middle Income (From Rs. 501 to Rs. 1000)
- (iii). Middle Income (From Rs. 1001 to Rs. 2000)
- (iv). Upper Middle Income (From Rs. 2001 to 3000)
- (v). Upper Income (above Rs. 3000)

12. Whether the accused person, as per the observations and known Police records:

- * (a) Is dangerous Yes/No
- * (b) Previously escaped any bail Yes/No
- * (c) Is generally armed Yes/No
- (d) Operates with accomplices Yes/No
- (e) Has past criminal records Yes/No
- (f) Is recidivist Yes/No
- * (g) Is likely to escape bail Yes/No
- * (h) If released on bail, is likely to commit another crime Immediately or threaten the victims / witnesses. Yes/No
- * (i). Is wanted in any other case Yes/No

R. Sunde

Signature of the Investigating officer with:

Name: Rajdeep Sunde

Rank: PI

Number, if any: POCD 81894

Date: 06/10/2023

Place Nagpur

(ANNEXURE-5)

MEMORANDUM PANCHNAMA

P.S. Mankapur, Nagpur City

Date: 09/10/2023

In the Crime No. 0547/23 in the offence under Sec.302 I.P.C. We, along with the Police Officials, the accused, sat in the mobile van bearing No. as MH31CY9987. As told by the accused, the driver of the vehicle took the road of Tower Line and then continued his vehicle straight ahead. Opposite A-One General Stores, crossed Godhani Road and went to Zingabai Takli road to the right, after going a short distance, as told by the accused, turn left on the road leading to Incredible Park, after a short distance, the accused asked to stop the car, and the accused, police staff, we and the Panch witnesses got down from the car. And the accused showed the place on the side of the road where Isha was murdered. As told by the accused, we came back to Godhani Road on the same road, took a right turn, stopped the vehicle at some distance on the other side of the road and got down from the vehicle along with all and the mentioned accused. Then the accused came forward to the vacant plot in front of the police station and pointed to the place where the knife was thrown on the vacant plot facing A-One General Stores. At that place, a steel knife was seen lying covered with blood as stated by the accused in his confessional statement. The following is the description of said knife, after taking possession of the same and inspecting it before the Panchas.

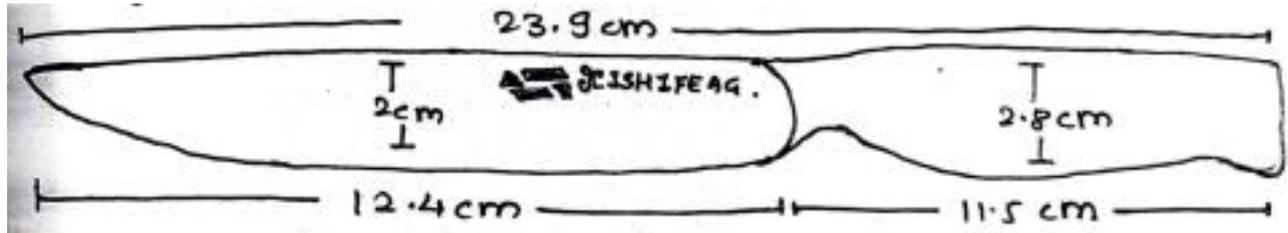
The description of the knife used in the offense by accused Shlok Chandrakant Dixit aged 24 years is as follows: 1) A sharp knife, stained with blood and having a total length of 24 cm. Fist length 12 cm., width 2.5 cm. (middle), leaf width 2 cm. (Middle), the total length of the leaf is 12 cm. Rs 100/- is the total cost of knife.

Boundary of said Memorandum Panchnama site is as to the East of Godhani Road is approximately 100 feet west of Phoenix Mansion Apartment and to the North is the road leading towards Mankapur Police Station and to the South is an open vacant plot.

The said Memorandum Panchnama proceedings are completed today dated 09/10/2023 at 16.37 hrs. The said Pancha's read the Panchnama and signed as a Panch Witness.

(ANNEXURE-6)
EXAMINATION OF WEAPON

This is certified for examination of object brought by P.C. Jayant Gaikwad B.N. 2339 P.S. Mankapur, Dist. Nagpur on date 20/10/23 at 1:20 PM examined by Dr. Robin D'Souza.



1. Name of the weapon; (One) Knife.
2. Nature of weapon: Sharp, Cutting pointed.
3. Type of weapon: Dangerous weapon, if used as a weapon of offence.
4. Edges: One sharp edge and one blunt edge.
5. Identification Mark: Brand name on one side of blade
6. Description: A metallic knife with Dimensions as follows:

Part of Weapon: Length Breadth Thickness

Blade 12.4 c.m. 2 c.m. 0.2 c.m

Handle 11.5 c.m. 2.8 c.m 1 c.m

Dried Blood Stains Present All Over the Weapon.

1. Injuries possible: laceration, stab injury.
2. Type of injury possible: Maybe simple or grievous injury

Answer of query:

1. Injuries mentioned on deceased may be possible with above mentioned weapon 2. Yes, death may be possible.

Examination of weapon and answer of query.

Given on dated: 23/10/2023 at 3:00pm. Advice from chemical analysis for stain on knife.

Weapon sealed and handed to P.C. Jayant Gaikwad.

Robin

Dr. Robin D'Souza
Regional Forensic Science Laboratory,
Nagpur, Maharashtra

(ANNEXURE-7)
CHEMICAL ANALYSER REPORT

To,
Police Inspector,
Police Station: Mankapur,
District: Nagpur

Your Letter No. **4388/23** Dated: **08/12/2023**

Regarding: Five (5) parcels in connection with C.R. No. **0547/23** of P.S. Mankapur,
under Section 302 of IPC, was duly received in this office on **09/10/23**.

Description of Parcel(s):

Five (5) sealed parcels, seal intact and as per copy sent.

Description of Articles Contained in Parcel(s):

- 1) Knife labelled **A1**
- 2) Blood-Soaked Cloth of the Victim labelled **B1**
- 3) Nail clippings labelled **B2**
- 4) Blood soil labelled **B3**
- 5) Blood-soaked clothes of the Accused labelled **C1**
- 6) Fingerprints of the Accused labelled **C2**

Result of Analysis:

- Exhibit A1 is stained with blood on blade.
- Result of further examination of Exhibit A1 has been given separately.
- Exhibit B1 and B2 are stained with blood.
- Blood detected on Exhibits A1, B1, B3 are of same person i.e. victim
- Blood detected on Exhibit C1 is inconclusive as it is both, of human as well as of animal.
- Blood group of the blood detected on A1 cannot be determined as results are inconclusive.
- Fingerprints detected on Exhibit A1 are a match with Exhibit C2

Analysis started on: 18/11/2023

Analysis completed on: 08/12/2023

(ANNEXURE-8)
POST MORTEM REPORT

Memorandum of a Post Mortem examination held at GMC, Nagpur.

On the body of: **Mrs. Isha Dixit District:** Nagpur

Conducted by: Dr Shivani Dandekar

A. General Particulars:

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. (a) By whom was the corpus sent? | Police Station Mankapur |
| (b) Name of the place from which sent | Mankapur, Nagpur |
| (c) Distance of place from which sent | 9 km |
| 2. By whom was the corpus brought? | PI Rajdeep Shinde |
| 3. By whom identified? | PC Jayant Gaikwad |
| 4. The date, hour and minute when received? | 06/10/2023 at 03.20 p.m. |
| (a) The date, hour and minute of conducting
Post-Mortem examination. | 07/10/2023 at 02.30 p.m. |
| (b) The date hour and minute of ending
Post-Mortem examination. | 07/10/2023 at 04.00 p.m. |
| 5. Substance of accompanying Report from
Police Officer Or Magistrate, together with
the date of death if known Supposed cause
death or reason for examination. | As per Police Inquest Panchnama
and Requisition Report,
Date & Time of Death is: of
05/10/2023 before 10.48 p.m.
Supposed cause of death:
Homicide |
| 6. If not examined at Dispensary or Hospital- | |
| (a) Name of place where examined | |
| (b) Distance from Dispensary or Hospital | |
| NA | |
| (c) Reason, why the body was to not sent
to the Dispensary or Hospital | |

B. External Examination:

- | | |
|----------------------------------------------------|------------------------------------------------------------------------|
| 7. Sex, apparent age, Race or Caste | Female, 20 years, Hindu |
| Description of clothes and
ornament on the body | white coloured printed kurta, blue
pants all covered in blood & mud |

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 8. Condition of clothes-
Whether wet with water, stained with
blood or soiled with vomit or
faecal matter | Dried blood and mud stains
present over the clothes |
| 9. Special marks on the skin such as scars,
tattoo etc. Any information or other marks
of identification State of teeth | “wings” symbol tattoo on the
right forearm.
Teeth- Intact |
| In newly born infants the length and
(if possible)the weight of the hair, nails
and umbilical cord its length whether
placenta is attached or not, is present
its size and conditions. | NA |
| 10. Condition of Body

Whether well-nourished thin, emaciated,
warm or cold. | Average built, cold |
| 11. Rigor Mortis well marked, slight or
absent, whether present in the whole
body or part only. | Present and generalised. |
| 12. Extent and signs of decomposition presence,
Mortem liquidity of buttocks joints,
back and thighs on any other part. | No signs of decomposition. Post-
Post Mortem lividity present. |
| 13. Features- whether swollen , state of eyes,
position of tongue, nature or fluid if any,
oozing from mouth, nostrils or ear | Natural, eyes partially closed,
mouth partially open, cornea
hazy, pupils dilated, blood oozing
out of nostrils & mouth. |
| 14. Condition of skin- marks of blood etc. | dried blood stains present over
Face and body. |
| 15. Injuries to external genitals,
indication of purging | No injury, no purging. |

16. Position of limbs especially of arms and of fingers in suspected drowning the presence or absence of sand or earth within the nails or on the skin of hands and feet. Upper and lower extremities straight.
17. Surface wounds and injuries their nature position dimensions (measured) and directions to be accurately stated their probable age and causes to be noted chop and stab wounds all over the body

if bruises be present, what is the condition of the subcutaneous tissues?

18. Other injuries discovered by external examination or palpation, such as fractures, etc.

Can you say definitely the injuries shown against serial nos 17 and 18 are ante mortem injuries? yes, injuries no. 1-54 are ante-mortem injuries.

C. Internal Examination:

19. Head-

- (i) Injuries under the scalp, their nature Intact
- (ii) Skull-Vault and Base- describe Intact
fractures their dimensions, directions etc.
- (iii) Brain: The appearance of its coverings, Meninges intact.
Size, weight and general condition of the Brain matter - pale
Organ itself and any abnormality found
In Its examination to be carefully noted.

20. Thorax-

- (a) Wall, ribs cartilages Intact
- (b) Plevao 150cc of blood and blood clots present in right side of pleural cavity.
- (c) Larynx Trachea and Bronchi Pale mucosa, epiglottis, trachea

	and oesophagus are cut at
	the
	level of c2-c3.
(d) Right lung	Punctured wound present over arterio-lateral aspect of size 1.5x0.5 cm
(e) Left lung	Intact, pale
(f) Pericardium	Intact, pale
(g) Heart with Weight Blood &	blood clots present
(h) Large Vessels	
(i) Additional Remarks	NIL
21. Abdomen	
Walls	Stab wounds & internal bleeding
Peritoneum	Penetrating wound and hematoma present.
Cavity	1000cc of blood and blood clots present.
Buccal Cavity Teeth, tongue and pharynx	Intact, Mucosa- pale.
Oesophagus	Cut at the level of c2-c3
Stomach and its contents	
Small intestine and its contents	Gases and faeces present, pale.
Large intestine and its contents	Gases and faeces present, pale
Liver (with weight) and gallbladder	Punctured wound present over anterior surface of right lobe of liver of 0.2x0.5 cm
Pancreas and Suprarenal	Intact, pale
Spleen with weight	Intact, pale
Kidneys with weight	Intact, pale
Bladder Intact,	Empty
Organs of generation	Intact, congested. Uterus-nongravid

Additional remarks with where possible
medical officer's deduction from the state
of contents of stomach as to the time of
death and last meal. NIL

State which viscera (if and) have been
retention and also quote the numbers on
the bottle containing the same Viscera present and preserved.
blood sample collected and sealed

22. Spine and Spinal Cord Body of c2 cervical vertebra is cut
anteriorly

(a) Whether the ante-mortem injuries
found on the dead body were
sufficient in the ordinary course
of nature to cause death? Yes

(b) If yes, which of the injuries were
individually sufficient in the
ordinary course of nature to
cause death? Injury No. 5,6,27,28,29

Opinion as to the probable cause of the death- **Haemorrhage & shock due to 54 injuries sustained.**

Date: 07/10/2023

Place: GMC, Nagpur

Signature: 
Name of M.O.: Dr. Shivani Dandekar
Designation: Forensic Pathologist
SEAL

Received by I.O.



Signature:

Name: Rajdeep Shinde

Rank: PI

P.S.: Mankapur, Nagpur

Date of Collection: 10/10/2023

(ANNEXURE-9)

STATEMENT OF MOTHER OF VICTIM

(The statement is to be considered also as the oral report attached to the FIR)

(PROSECUTION WITNESS - 1)

- I Sushma Agnihotri, Age 38 Years, Occupation - Photography, Res. Plot no. 88. Shivnagar, Gole Lay Out, Godhani Road, Nagpur.
- I live at the above address with my husband Shri Shankar Prasad Agnihotri, age 38 years, photography, and two daughters namely Isha, aged 20 years, Occupation: Education and Reema, aged 17 years Occupation: Education.
- My daughter Isha was studying in the first year of her philosophy degree. Similarly, she was a professional photographer and a professional Mehendi artist. She had a love affair since last 2 years with Shlok, Aged 24 Yrs, R/o Katol Road, Mankapur, Nagpur.
- They got married around July 2021 after she turned 18. And since then, they lived together for about 8 months. But he kept doubting her and he also had hit her once or twice. And there was a constant quarrel between them. Hence, she was staying with us for about 1 year.
- For the last three days, she was worried sick and didn't even eat properly. Shlok was also harassing our younger daughter Reema by calling her on her mobile and talking about Isha. On 04/10/2023 at 05.00 PM. Isha told me that Shlok was constantly putting pressure on her to be with her and threatening to kill her if she didn't. Sometime after that at 09:30 PM. Isha left home saying that she was going to Sai Mandir to get mehndi done in someone's house. And she called me sometime around 11:30 PM. Saying that she would return the next morning i.e., on 05/10/2023.
- On 05/10/2023 at 05:00 AM. Isha came to our house around 8:00 am., she said that she had lost her phone and went to the police station to file a report. She came back home in the evening at 07:00 P.M. Along with her was her friend's moped two-wheeler. As my younger daughter Reema had a kirtan program in Pune, Isha and I went to railway station to drop her off. After Reema departed at around 9:00 P.M. Isha received a call on her mobile phone from Shlok, he was asking her to meet after sometime she informed me about the same and left to meet him.

- After some time, I called and texted Isha but she didn't revert back to my calls and texts, I got worried about her. So, I called my husband and told him about what is bothering me to which my husband said that Isha and Shlok are married after all and if they are resolving their issues then what's the harm in it!. After hearing this I was still worried but eventually I stopped calling her and was waiting for her to return.
- When Isha didn't return home for so long, me and my husband got worried and went out searching for her. Upon reaching Godhani Road, we found a girl lying on the ground in a pool of blood, with the same clothes as Isha's. We went forward to take a closer look and found out that it was our daughter. We panicked and grabbed ourselves to go to the police station and registered FIR. My daughter was killed brutally by her husband Shlok. He is a danger to our family and hence, he should not be released on bail.

(ANNEXURE-9)
STATEMENT OF RISHI RANDHAWA
(PROSECUTION WITNESS- 2)

- I am Rishi Randhawa, Age: 42, Occu.: Service, R/o Gajanan Nagar, Bajediya, Mankapur, Nagpur.
- I live at the above address, in a bungalow, outside the *Kirana* Shop Alley, with my wife and 2 children and I generally return home from work at around 9 PM.
- On 05/10/2023, at around 10:15 PM, I was standing in my Balcony. A few moments later, a man came running out of the *kirana* alley. I could not see him clearly though due to poor lighting. He was of average height, wearing shirt and trousers. I did not pay much attention to this and went inside to sleep.
- After almost half an hour, I heard some noises from the road and went to the balcony to see where the noises were coming from. I saw a crowd at a distance from my house, i was confused about the event. So, went ahead towards a crowd and saw a dead body lying there, surrounded by blood and the Police were investigating over there.
- At midnight, police officers approached my residence, as my bungalow has a CCTV camera installed at the entrance. But, unfortunately, my CCTV camera was under maintenance and hence, did not record anything.
- After that, one officer asked us if we have seen or heard anything to which, I told them that I saw a man who came running from the direction of the incident.

(ANNEXURE-10)
STATEMENT OF ACCUSED
(DEFENCE WITNESS-1)

- I am Shlok Chandrakant Dixit aged:24 and Occupation: Business, R/o Natraj Nagar, Katol Road Nagpur.
- I live at the above address with my parents Chandrakant Dixit and Jyoti Dixit.
- Isha and I were in a relationship for 2 years since 2019 and decided to marry each other and when we became mature, we got married in July 2021.
- We lived together for 8 months after marriage but things didn't work out and eventually both of us got separated.
- After our separation Isha was living in her paternal home and I didn't try to contact her since then and neither did she, both of us did not communicate.
- On 05/10/2023 in the evening I went to my Maternal Uncle's home namely Suryakant Thakur who owns a butcher shop in Khaparkheda and at around 12:30 AM we closed the shop together and I stayed there itself at his home.
- On 06/10/2023, in the early morning at around 4:30 am, police came to my uncle's house and arrested me. Upon asking, they told me that Isha was murdered and her mother has a suspicion on me.

(ANNEXURE-10)
STATEMENT OF UNCLE OF ACCUSED
(DEFENCE WITNESS – 2)

- I, Suryakant Thakur, aged 40, operate a butchery business and live near the Tehsil Office in Khaparkheda, Nagpur, Maharashtra. Additionally, my business is conveniently situated in the same locality as my residence. Shlok Dixit is my Cousin sisters Son that in relation is my nephew
- Shlok Dixit works in my shop as a butcher and is a very hardworking individual. He wasn't highly social and had only a few friends. He has been working with me since June 2020. In 2021, he got married to a girl named Isha Dixit, describing it as a love marriage. They lived together for approximately 8-9 months, but due to unforeseen reasons, Isha started living with her parents.
- After this, Shlok's focus shifted, but he continued to come to work diligently, completing his tasks and promptly returning home. Most of the time, he stayed at my house because it was challenging for me to manage everything. We used to close the shop around 11 P.M., and afterward, he would either go to his house or stay at mine.
- On 05/10/23, we were busy fulfilling a large order, which required us to work overtime. In the process, Shlok got a cut in his hand as we were working continuously and feeling exhausted. We completed the order around 12:30 A.M., and since it was too late to go home, he stayed at my residence, as he usually did. We were both very tired at that time and went to sleep.
- On 06/10/2023, at around 4.15 am, police came to my house and arrested Shlok for the alleged murder of his wife Isha Dixi

IN THE COURT OF SESSION, NAGPUR

(Presided over by X.Y.Z., Sessions Judge)

Sessions Trial No.: 713

The State of Maharashtra,

Through the Officer in-Charge,
Police Station Mankapur,
Nagpur

.....PROSECUTION

//VERSUS//

Shlok Chandrakant Dixit

Age- 24years, Occu- Business,
R/o. Godhani Road, Mankapur,
Nagpur

.....ACCUSED

CHARGED UNDER SECTION 302 OF THE INDIAN PENAL CODE, 1860

JUDGEMENT

(Delivered on this 9th Day of March, 2023)

The accused is prosecuted for the offence punishable under Section 302 of the Indian Penal Code, 1860 (IPC, for short) for committing the murder of Mrs. Isha Dixit aged 20 Years by assaulting her with knife on her face, neck, shoulder, hands, ribs, chest, etc on 05/10/2023 at about 10:30 P.M. at Mankapur, Nagpur.

It is the case of the prosecution that, the victim and the accused used to reside as husband and wife, and since 1 year prior to the incident the victim, owing to differences with the accused, had started residing at her parental house and the accused was insisting her to stay with him and also had suspicion on her character, and as such, on the aforesaid date, time and place, he assaulted the victim with a knife, resulting in her death, and thereafter her body was found by her parents and the police went to the spot immediately and prepared spot panchnama and seized the articles from the spot and found the dead body of the victim, which was sent to hospital. Subsequently, the father of the victim identified the body and the mother lodged F.I.R. against the accused and the investigation was carried out.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
1.	Whether the Prosecution further prove that, accused, on 05/10/2023 at about 10:20 P.M committed murder by intentionally causing the death of deceased Mrs Isha Dixit, aged about 20 years, by assaulting on her face, neck, shoulder, hands, ribs, chest etc. by means of knife and thereby committed an offence punishable u/s 302 of I.P.C. ?	<u>YES</u>
2.	What order ?	<u>As per final order</u>

REASONS

AS TO POINT NO. 1 AND 2

The prosecution argued that, the case of the prosecution is not solely based on circumstantial evidence, there is also an eye witness and all the facts and circumstances have been established which clearly shows that the accused has committed the crime it was also argued that post mortem report and the weapon examination also supports the case of prosecution and states that the weapon caused the injuries on the body of the victim which resulted in her death. So, also there was an injury on the right hand of the accused caused by the similar weapon. It has been further argued that looking at all the aforesaid circumstances, the prosecution has established that the accused has committed brutal murder of the deceased , therefore he may be convicted.

It was argued by the defence that the accused has been falsely implicated in the present crime, there is no direct evidence to connect the accused with the said incident and the above-mentioned eye witness have also not seen anyone clearly. It was further argued that police personnels have not conducted proper investigation and the memorandum panchnama is incomplete and vague. It has been further argued that the recovery of the weapon is from the open space, which is accessible to all. There are no independent witnesses who said anything about suspicion on the victim or harassment.

The defence also argued that in the case of circumstantial evidence, all aspects must point out toward the guilt of the accused and the entire chain of evidence should be intact. There is no link established by the prosecution to suggest that the said knife belongs to the accused. Further, it has been argued that the defence has examined Defence witness -1 (Suryakant Thakur) , In whose butcher shop the accused used to work and the testimony of this witness. Supports the fact that the accused was , at the time of the assurance, at his butcher shop from where his injury was incurred. The prosecution has failed to prove that the injury of the accused is directly linked with the weapon and incident. The injury to the accused cannot be the only circumstance to link the accused with the crime. Lastly, it was argued that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt therefore, he may be acquitted by giving benefit of doubt in interest of justice.

At the outset it would be apposite to mention that, the present case of the prosecution is totally based on circumstantial evidence since there is no eye witness. The circumstances that are sought to be placed on record by the prosecution are as under:

1. Motive
 - (a) Relationship between the accused and the victim
 - (b) Their separation
 - (c) Suspicion of the accused.
2. Statements of the Prosecution Witnesses.
 - (a) Phone call to Victim.
 - (b) Eye Witness
3. Recovery of knife and clothes, with human blood, under section 27 of the Indian Evidence Act.
4. Injury on the right hand of the accused.
5. Fingerprints of the accused on the knife

Before adverting to the aforesaid circumstances and evidence led by the prosecution to prove the circumstances it would be apposite to mention that, it is not disputed that the victim died homicidal death. Moreover, the post mortem report prepared by Dr Shivani Dandekar on 07.10.2023, shows that the clothes of the victim were having blood and mud stains and she also sustained 54 chop and stab injuries. According to the P.M report there was a punctured wound in the right lung and the external injury Nos.5, 6, 27, 28, and 29 corresponding to the internal injury were sufficient in ordinary course to cause death. It was also deposed that the knife, that was said to him along with the query, could cause the said injury. It is therefore amply clear that the victim was inflicted upon in a series of assaults by knife that caused as much as 54 injuries. Thus, the death was, no doubt, homicidal.

That the statements of witnesses are being corroborated by one another. The motive, the history between the accused and the victim, further, the recovery of the knife and the possibility of the knife causing the injuries found on the victim, and the same weapon was recovered from spot with matching fingerprints of accused, under Section 27 of the Indian Evidence Act, the accused has shown place where he hid his blood-stained clothes which were recovered by Police. Furthermore, the non-explanation of circumstances against him under Section 313 statement of the accused creates a chain of circumstances strong enough to conclude that the possibility of anyone else committing the crime is ruled out. Thus, when memorandum along with corroborated deposition, recovery panchnama, weapon examination, chemical analysis report and the postmortem report as well as the failed defence of the accused is taken into consideration. The totality of circumstances clearly land credence to the fact of culpability of the accused to the said crime.

The question that required to be determined, whether the circumstances may be doubted by the prosecution have been totally proved and whether those circumstances for a complete chain of circumstances leading to the only inference of guilt of the accused. Hence I find that the Accused is responsible for killing the victim.

Therefore, I pass the following order-

ORDER

1. Accused Shlok Dixit S/o Chandrakant Dixit is convicted under sec 235(2) of the code of criminal procedure, for the offence punishable under sec 302 of the Indian penal code, and its sentence to suffer imprisonment for life and to pay a fine of Rs. 1,00,000/- Rs. One lakh only, to be paid to the informant, in default, he shall suffer further imprisonment for two years.
2. The accused is in custody since 06/10/2023 till this date and the same be taken into consideration at appropriate time.
3. Seized *muddemal* i.e. knife, be sent to District Magistrate, Nagpur, for its disposal according to law, after the period of appeal is over.
4. Copy of the judgment be provided to the accused “free of cost”

Nagpur

Date: 16/03/2024

(XYZ)

Sessions Judge,

Nagpur

NOTE:-

1. The witness statements are taken as per the provisions of sec 161 of Cr.P.C.
2. The documents in the moot problem are merely annexures.
3. The accused and his uncle have to be examined as per the provisions of section 315 of Cr.P.C.
4. The defence witness statements are merely a suggestive statement.
5. That the teams cannot rely on the judgement for the trial rounds.
6. That the statement of facts are merely a guide so as to set the tone of the story.

List Of Witnesses To Be Examined:-

- 1) Investigating Officer
- 2) Prosecution Witness-1 (Mother Of Victim)
- 3) Prosecution Witness-2 (Resident of Locality)
- 4) Defence Witness-1 (Accused)
- 5) Defence Witness-2 (Uncle Of Accused)

Disclaimer:-

All the facts, names, character, etc stated in this moot problem are purely fiction and any resemblance with any real/ thing/ person is only co- incident and has no effect or relation to any actual event of the same kind.