



MARATHWADA MITRA MANDAL'S

## SHANKARRAO CHAVAN LAW COLLEGE, PUNE

(Affiliated to Savitribai Phule Pune University & Approved by Bar Council of India and Government of Maharashtra)

[Accredited with 'A' Grade by NAAC]

### Intra Collegiate Moot Court Competition (2024-25) Rules and Guidelines

Dear Students,

Moot Court Association (MCA) is excited to announce the Intra Collegiate Moot Court Competition for the academic year 2024-25.

To ensure the smooth conduct of the event, please take note of the following rules and guidelines:

#### 1. Date of the Competition

The competition shall be held on **September 28<sup>th</sup>, 2024**.

#### 2. Eligibility

Participants must be enrolled in either the five-year or three-year law course at MM Shankarrao Chavan Law College, Pune.

#### 3. Registration and Mandatory Participation

3.1 The last date for registration is **August 24<sup>th</sup>, 2024**.

3.2 Participation in the competition is mandatory for all registered students.

3.3 Absence without a valid reason will result in disciplinary action.

3.4 Link for Registration: <https://forms.gle/JJzC9MxZjQQz2Xcv5>

#### 4. Competition Format

4.1 There shall be only one round.

4.2 Participants shall individually present their case against the opponent. There shall not be a 'team' for presenting the case.

4.3 Sides to be represented will be determined through a draw of lots.

4.4 Opponents will be declared on the day of the exchange of the memorial.

#### 5. Time Limits

5.1 Each participant will be allowed 10 minutes for oral arguments and 5 minutes for rebuttal.

5.2 Participants shall strictly follow the time limit. Extending arguments without the permission of panel judge may lead to deduction in marks.

#### 6. Memorial Submission

6.1 Hardcopies of memorials (three copies) must be submitted on **September 13, 2024 between 12:30 pm and 01:00pm** in Class Room No. 501.

6.2 Late submission will result in negative marking (one mark per day).

**7. Particulars of Memorials**

**7.1** Memorials shall be written in English.

**7.2** Memorials shall consist of the following:

- a. Cover Page
- b. Table of Contents
- c. Index of Authorities
- d. List of Abbreviations
- e. List of Sources
- f. Statement of Jurisdiction
- g. Statement of Relevant Facts
- h. Statement of Issues
- i. Summary of Arguments
- j. Arguments Advanced
- k. Prayer

**7.3 Anonymity**

- a. Students should not disclose their names or include them in the memorial.
- b. Each student will be assigned a team code after registration, which must be mentioned on the memorial.

**7.4 Copies of Memorials**

- a. Students must submit three copies of the memorial for the side allotted to them by the draw of lots.
- b. Attendance at the draw of lots is mandatory.

**7.5 Formatting Requirements**

- a. Memorials should be typed on A4 Size paper, with a 1.5-inch margin from the left side and a 1-inch margin from the right side, top and bottom.
- b. Font: Times New Roman, Font Size: 12, and Line Spacing: 1.5.
- c. The total pages of the memorial should not exceed 25 pages.
- d. Page numbering should be at the bottom middle of each page.
- e. The cover page must be BLUE for the Petitioner/Appellant and RED for the Respondent/Defendant.
- f. The cover page of the memorial must include: The case title, Identity as Petitioner/Appellant or Respondent/Defendant and Code Number (Top Right Corner).
- g. Plagiarism is strictly forbidden. This includes copy-pasting texts without citing and/or not providing references to the original source(s).
- h. The submission of hard copies of case laws and compendium is at the discretion of students.

**8. Draw of Lots**

The draw to determine the presenting side will take place on **August 27, 2024**.

## MM SCLC INTRA-COLLEGIATE MOOT COMPETITION 2024-25

### 9. Official Language and Dress Code

9.1 The Language for written submissions and oral arguments is English.

9.2 The dress code is as prescribed by the Bar Council of India.

### 10. External Representation

Participants in this competition may represent the college in external moot court contests. The top 30 students from the Intra Collegiate Moot Court Competition will be given priority for these opportunities.

### 11. Rule Modifications

The institution reserves the right to modify any rules, guidelines, or competition dates.

### IMPORTANT DATES:

<b>Last date of Registration</b>	August 24, 2024 <a href="https://forms.gle/JJzC9MxZjQQz2Xcv5">https://forms.gle/JJzC9MxZjQQz2Xcv5</a>
<b>Draw of lots</b>	August 27, 2024
<b>Submission of Memorial</b>	September 13, 2024 12:30 pm to 01:00 pm - Class Room No. 501
<b>The Competition</b>	September 28, 2024
<b>Declaration of opponents and Exchange of memorial</b>	September 24, 2024

**Eligible students are encouraged to participate actively in this competition.**

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**Intra Collegiate Moot Court Competition (2024-25)**  
**Moot Problem**

1. Jhulera is a village in Daliya district, the capital of Purva Pradesh in the country of Indiana. Indiana is a sovereign democratic republic with a common law system and its own criminal and evidence laws.
2. Mr. Rakesh and Mr. Bhushan are neighbours, having adjacent bungalows and living in Jhulera village. Mr. Rakesh is the elected Sarpanch (village head), while Mr. Bhushan is a police Sub-Inspector who is presently posted in the local police station of his own village on medical grounds owing to his mother's ill health.
3. Relations between the two neighbors have been sour for the past couple of years, with their families frequently quarreling over plot boundaries. Sometimes, these disputes have escalated into fistfights, causing serious injuries and threats to destroy each other's families. Villagers have had to intervene to de-escalate the situation. Despite this, their influential positions have kept the incidents out of police records.
4. Apart from the usual feuds between Mr. Rakesh and Mr. Bhushan, the villagers were heavily troubled because of a rising drug problem that had majorly affected the youth of Jhulera. Multiple families were battling the issue while their children found themselves addicted to the use of marijuana, which was being illegally sold across the village. Jhulera shared its boundary with another village of the neighboring state and it was strongly suspected that the marijuana was being smuggled from the neighboring state by some affluent persons. The police and the village administration had been trying hard to curb the drug menace but to no avail. They had even set up a border check-post at the village boundary, but it was suspected that the boundary was being circumvented and was of no use. The entire village was set to go for local elections in the year 2025 and with the elections just a year away, tackling the drug issue was a key agenda, put forth in the manifestos and speeches of various local leaders who were likely to contest the elections.
5. On the morning of the 12th of July 2024, there was a usual quarrel between Mr. Rakesh and Mr. Bhushan. This time, however, the matter escalated to a level where both of them pointed

their revolvers at each other. Mr. Bhushan, being in service, had a service revolver while Mr. Rakesh was also in possession of a licensed weapon. Villagers, as usual, intervened and tried to de-escalate the situation. While furiously staring at each other, Mr. Rakesh and Mr. Bhushan put their weapons down and went ahead with their daily chores.

6. At around 11:00 a.m., Mr. Bhushan allegedly received a tip-off that a car carrying a contraband of marijuana was about to pass the village border at about 11.30 a.m. The village border check-post was about 9 kilometers from the police station and Mr. Bhushan promptly scrambled to intercept the contraband. Considering the urgency, he did not inform any superior officer and reached the check-post with only a constable, who was the driver of his police jeep.
7. Upon reaching the check-post, Mr, Bhushan was waiting alongside a set of barricades blocking the road. Just about at 11:40 a.m. a multi-passenger vehicle came forth from the neighboring village. Mr. Bhushan was surprised to see that the vehicle was being driven by none other than his neighbor Mr. Rakesh.
8. Mr. Bhushan stopped the vehicle and demanded that Mr. Rakesh open the boot of his vehicle for checking. Mr. Rakesh declined stating that he was not bound to listen to a subordinate officer and tried to signal Mr. Bhushan to step aside. Mr. Bhushan insisted that the Sarpanch let his car be checked. There were two other men who were employed on the border check-post who intervened and requested Mr. Rakesh to open his car boot, while ensuring that they will be the ones who will check the vehicle and not Mr. Bhushan.
9. Mr. Rakesh opened the car boot and the two workers stumbled upon a container. Just when the men were about to open the lid of the container, Mr. Rakesh suddenly hit the accelerator and tried to flee away. Mr. Bhushan instantly drew his service revolver and fired 3 rounds at the vehicle, one of which hit Mr. Rakesh in the chest and he collapsed on the wheel. The vehicle rammed into a pole and the persons on the check post along with Mr. Bhushan and his driver rushed towards the car. All of them found Mr. Rakesh lying in a pool of blood and rushed him to the village hospital, where he died soon after.
10. Mr. Bhushan filed a preliminary report wherein it was stated that Mr. Rakesh was found to be carrying around 5 kgs of marijuana in his vehicle and when he tried flee away, Mr. Bhushan fired at him to stop him from evading arrest.

- 11.** The entire village suspected foul-play on part of Mr. Bhushan and thought of the episode as one act of vengeance. Mrs. Radhika, Mr. Rakesh's wife filed a First Information Report with the local police station alleging that this was a premeditated murder and Mr. Bhushan had used his position to portray the entire episode as a drug bust. With the villagers coming out on the street, the higher authorities suspended Mr. Bhushan and were investigating the matter.
- 12.** During the course of investigation, Mr. Bhushan was interrogated multiple times as to how he got the information of the contraband, but he claimed that he was not bound to disclose the same. He produced the statements of two Panchas, i.e., the two check-post workers who had signed the seizure memo. The Panchas, namely, Mr. Mahesh and Mr. Mayur were found to have been actively campaigning for one Mr. Ajay, who was Mr. Rakesh's political opponent. There was a major contradiction in the statements of Mr. Mahesh and Mr. Mayur, as to the quantity of the marijuana seized from Mr. Rakesh.
- 13.** The police, based on the investigation conducted, filed a charge sheet against Mr. Bhushan, Mr. Mahesh and Mr. Mayur for offences under Sections 103, 201, 229 and r/w Section 3 (5) of the Indian Nyaya Sanhita, 2023.
- 14.** During the trial, Mr. Bhushan claimed that he was exempt from disclosing the source of his information while also claiming that since he was acting under lawful authority, the death of Mr. Rakesh was merely an accident and Mr. Bhushan's case, therefore fell under the general exceptions.
- 15.** The prosecution on the other hand, put forth a case that there was no tip-off of any kind to Mr. Bhushan and he had planned the entire episode with Mr. Mahesh and Mr. Mayur. The trial court, based on circumstantial evidence, convicted Mr. Bhushan for the offence under section 103 and Mr. Mayur and Mr. Mahesh for the offences under section 201 & 229 of the Indian Nyaya Sanhita, 2023.
- 16.** Aggrieved by the decision, the convicts have filed an appeal before the Appellate Court and the appellate court has framed the following issues:

  - a.** Whether the conviction of Mr. Bhushan, Mr. Mayur & Mr. Mahesh is liable to be set aside?
  - b.** Whether Mr. Bhushan was exempt from disclosing the source of information which led him to execute the alleged drug bust even in a case where the entire plot appears to have

been concocted?

- c. Whether the incident of Mr. Rakesh dying by Mr. Bhushan's bullet falls within the general exceptions as laid out under the Indiana Nyaya Sanhita, 2023.

**Note:**

1. All names, references, and events in this moot proposition are fictional and created solely for academic purposes. Any resemblance to actual names or events is purely coincidental.
2. The participants may refer to and rely on all laws, rules, regulations, and legislation in force in India as of the date of publication of this moot proposition.

**If you have any questions or need further clarification about the moot problem, please write to [mca@scl.edu.in](mailto:mca@scl.edu.in) by 15.08.2024.**

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