

**Leguleian 2K16**  
**University Law College,**  
**Gauhati University.**

Legalese  
A Moot Court Competition

**14<sup>th</sup> September 2016 11am onwards**  
**Venue: University Law College, GU.**

### **Moot Court Case**

A young woman named Seema, (22) succumbed to injuries at a private hospital in Guwahati on June 1, 2014 due to multiple organ failure as she had developed severe health issues due to swallowing acid. The incident leading to the death of Seema occurred at Guwahati Railway Station on 1<sup>st</sup> May, 2014. The gruesome incident had set the local police on their heels as the man who threw acid had concealed his face at the time of the attack. However, investigation by Police, Guwahati Crime Branch, led to one Sanjay Sharma (26) and his accomplice Mahesh Yadav (28) who were both neighbours of deceased Seema. Sanjay allegedly flung acid on Seema at the Guwahati Railway Station when she was getting down from Rajdhani Express from Siliguri. Thereafter, Sanjay boarded the same train back to his home at Siliguri.

According to the police, Seema had secured a nursing job with the Gauhati Medical College and Hospital (GMCH) in Guwahati. Sanjay Sharma was a Hotel Management Graduate and despite his best efforts was unemployed. Sanjay's parents often used to taunt him about his failure to get a job despite completing his education and always praised Seema because of her education and career.

Sanjay used to confide in Mahesh, who was his childhood friend and used to tell him about how Seema once rejected his marriage proposal and also how his parents had ill-treated him for not being able to secure a job. Apart, they were in all praises for Seema as she could fetch a very good job in a government hospital. Mahesh treated Sanjay as his younger brother and therefore could not bear the pain of Sanjay and suggested him that he should find Seema alone and pressurise her not to accept the job offer and to accept his marriage proposal. He, further, suggested Sanjay to threaten Seema with a bottle of acid in order to pressurise her for the same. Sanjay wanted to disfigure Seema's face so as to destroy her career. To teach her a lesson, Sanjay procured a bottle of acid on April 30, 2014 as soon as he came to know that Seema was leaving for Guwahati to join her new nursing job and he boarded, along with Mahesh, the same train taken by Seema and her family members to Guwahati. On May 1, 2014, when Seema was getting down from Rajdhani Express from

Siliguri at the Guwahati Railway Station, Sanjay allegedly flung acid on her . It was Mahesh who helped Sanjay in opening the bottle and Sanjay allegedly threw the acid on her face. Subsequently, both Mahesh and Sanjay fled away easily covering their faces. Seema was taken to the hospital by her family members . The doctor immediately conducted the surgeries and opined that the injuries were grievous.

FIR was lodged. Statement of Seema was recorded. A case was registered against both the accused under Sections 302 , 326B r/w section 34 IPC, 1860. Mahesh absconded and was declared a proclaimed offender while Sanjay was arrested by police from his home at Siliguri and the bottle of acid used in the crime, were seized from his possession. After investigation, he was put to trial before the Sessions Court, at Guwahati where he pleaded not guilty and claimed trial. As per the charge sheet, Sanjay threw concentrated Sulfuric Acid at Seema as he envied her career growth. The Sessions Court held that Sanjay could not explain the scars which he had suffered as few drops of acid fell on his hands.

The Sessions Court convicted Sanjay for the offences punishable under sections 302 and 326B of Indian Penal Code 1860 and awarded him life imprisonment and seven years imprisonment and a fine of Rs.5000/- respectively for the offences . Both the sentences were to run concurrently.

Sanjay, aggrieved by the aforesaid judgment, appealed before the High Court seeking acquittal from the charges. Under the circumstances of the case, the Sessions Court had wrongly held Sanjay liable under Sec. 326B, IPC, by invoking Section 34 IPC,1860 as no common intention to commit the offence of *acid attack* under Sec. 326B could be proved, whereas, State filed appeal for demanding death penalty as the case is one of the “rarest of rare cases”

The case is listed for arguments before High Court on 14 September, 2016.

Argue for either side.

# Extempore Moot Court Competition

**Date: 14<sup>th</sup> September, 2016**

**No. of Participants:** Each team shall comprise of 3 (three) students, 2(two) speakers and 1(one) Researcher .

## **General rules:**

1. The topic for the competition has already been uploaded in the university website ***www.gu.ac.in***.
- 2.The language of the court shall be English only.
- 3.Participating teams shall be identified by their team code only.
- 4.Participants may use their laptops during their preparation time but must ensure that this does not interfere with the court proceedings.
- 5.Each team is given the opportunity to argue from one side i.e either Appellant/Petitioner or Respondent.
- 6.The time limit shall be fifteen (15) minutes for each team. This shall include oral submission by both the student counsels from the team. However, each student counsel must moot for a minimum of five (5) minutes during their oral submissions while balance time remains for the other student counsel.
- 7.The team appearing for the Applicant/Petitioner will be given two (2) minutes for rebuttal after the Respondent team completes their argument. One speaker from each team will be permitted to rebut.

8. The team appearing for the Respondent will be given two (2) minutes for rebuttal, in addition to the allotted fifteen (15) minutes time, during their arguments only. No time is sanctioned for sur- rebuttal.

9. Student counsel who do not adhere to the time limits shall be penalised with deduction in marks.

10. Any time split (for oral submission) between the two student counsels must be communicated to the bailiff prior to the beginning of the round.

### **EVALUATION OF ORAL ROUNDS**

Each Speaker will be marked on a total of 100 marks. The round total will be the aggregate of the total marks for oral submission of both speakers of each team. The following will be the marking criteria and the marks allotted to each category.

Sl.No.	Marking Criteria	Marks allocated
1	Knowledge of pertinent Laws	20
2	Application of Laws	20
3	Proficiency and adeptness in answering questions	20
4	Style, Poise, Courtesy and Demeanor	10
5	.Use of relevant Case Laws	15
6.	Organization and flow of Arguments	15

Total

100

### **AWARD OF PRIZES**

- 1) Best Team: Trophy & Prize Money Rs. 5000/-
- 2) 2<sup>nd</sup> Best Team: Trophy & Prize Money Rs. 3000/-
- 3) Best Pleader: Trophy & Prize Money Rs. 2000/-