

2nd National Virtual Moot court Competition 2021

Moot Proposition

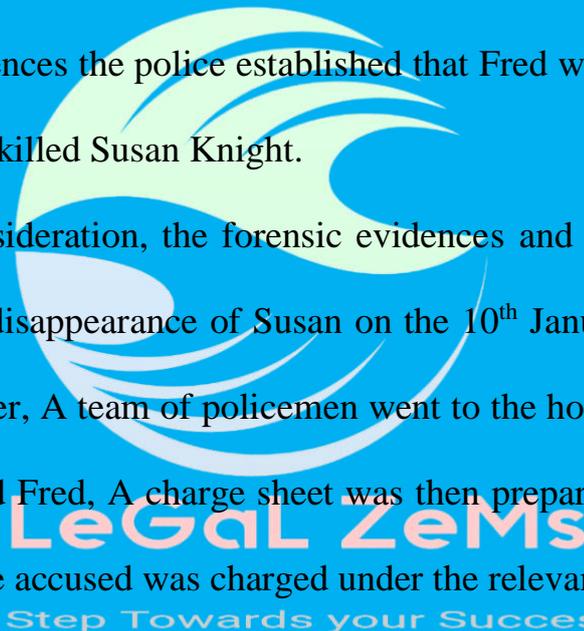
1. Susan Knight (Deceased); 18 years of age, a student of 12th standard of BAPS International School, Capital Island. She resided with her mother name Olivia Knight, father named Tom Knight, and her younger brother named Daniel Knight. She was one of the brightest students of her class, and she was known for her gentle and soft spoken nature. She was an ideal child for her parents as she was having an amiable nature.
2. Tom Knight (Suspect No 1), He was well-known Doctor by profession in SIIMS hospital of Capital Island. He has been working there since 15 years. He shared an amicable relationship with his family; he was very close to his daughter.
3. Fred Rockwell (Accused No 1), he was a compounder in the SIIMS Hospital and belongs to Schedule Caste. He resided with his mother and the only bread earner of the family. He and his mother was tenant of Mr. Clay Wilson at H. No. 142/11, Block No-F, Capital Island.
4. Fred Rockwell shared a love relation with the deceased for last 1 year, which tom knight didn't find appropriate for his daughter. Hence, tom decided to call up Fred and made him understand to stay away from his daughter by quoting "stay away or otherwise you'll face consequences".
5. On 9th January 2020 at 7.45A.M., Susan went to her school as per daily routine; apparently she did not attend the school that day and went missing.

When she did not come back to her home from school, family started searching in the school and nearby places where she might go, but all in vain.

6. Tom and Olivia Knight lodged a complaint of kidnapping vide Complaint No. 0220, P.S Capital Island on 10th January 8.25 AM. They alleged that her boyfriend, identified as Fred Rockwell, might have kidnapped Susan Knight. A complaint has been registered and an investigation launched into the kidnapping of Susan Knight and her kin's allegations.
7. During Investigation, Investigating Officer Alec Hardy found Dead Body on 12th January 2020 at 4.42 PM. The body was blooded and dirty on an idyllic beach, a small, lively beach on the capital Island. The forensic team dug up the area and retrieved the body of a female in her mid-eighteen. There was jewellery worn by her which was sent for identification. The body was sent to SIIMS Hospital, for a post mortem while preliminary report concluded that the death was a due to strangulation with ligature material. There was some ligature marks on neck & purplish red discoloration of the skin on her body & the female has sexual intercourse before her death. The hair on the body was extracted and was then sent for a DNA analysis. Upon comparison with a sample taken from Susan's hairbrush, it was concluded beyond doubt that the body was that of Susan Knight. A First Investigation Report was filed on 12 January 2020 by the investigating Officer.

8. The investigation started on 12th January 2020 with the police questioning the family members regarding the last known whereabouts of Susan. Tom was considered a suspect but he was soon ruled out once he established his alibi. He also told them that the last person to have possibly seen Susan was Fred as they had been in a relationship and they also alleged him of her kidnapping in the Complaint.
9. When investigating officer questioned Fred regarding his last meeting with Susan, he was evasive and told he met Susan about one month before. When officer Hardy suspected Fred tending to evade he decided to question Fred's Mother about the whereabouts of Fred of last 2 days. Fred's mother told them Fred was not at his home since last 2 days and also he came home today morning only.
10. The investigation then led to the BAPS International School, where Susan knight was a student, Officer Hardy questioned Susan's teachers, her friends and security guard. Security guard told officers that he saw Susan outside the school the day she went missing; he added that she went towards a black Scorpio car with tinted glass, CI03 CAW 9009 and car drove off as soon as she sat in there.
11. One of the Susan's Teachers told police that Susan was a bright student yet she was always afraid of her father, she further added that once Susan was hit by her father for reaching late to home from school, which made Tom a suspect once again for the police.

12. In further Investigation, Officer Hardy went to the SIIMS hospital regarding the whereabouts of Dr. Tom and compounder Fred. From hospital staff they found out that on 11th January both Dr Tom and Fred was not present in the hospital and they were marked absent in the biometric fingerprint attendance system. Further, police recovered the ligature material with some blood stain on it in the hospital locker of Fred. That material was then sent for examination to the laboratory.
13. Soon lab confirmed that the blood stain was of Susan Knight, On the basis of all these evidences the police established that Fred was the only person who might have killed Susan Knight.
14. Taking into consideration, the forensic evidences and the circumstances surrounding the disappearance of Susan on the 10th January 2020 and her subsequent murder, A team of policemen went to the hospital on 25th May 2020 and arrested Fred, A charge sheet was then prepared on 28th August 2020 in which the accused was charged under the relevant provisions.
15. The charge sheet was filed by the police on 30th August 2020 and the trial was conducted by the Hon'ble Sessions Court of Capital Island. On the basis of the witness testimonies and the evidences in the case, the Hon'ble Sessions Court convicted Accused No 1 Fred Rockwell and sentence him Life Imprisonment u/s 364, 376 & Death Penalty under Section 302 with Rs. 5, 00,000/- fine. The Judgment was passed on 30th October 2020.



Aggrieved by this order, the accused approach before the Hon'ble High Court at Capital Island.

Argue the case on the basis of the given facts on behalf of the Prosecution and the Defense.

Note: - Laws of Republic of Delta are Pari-Materia to Laws of Republic of India.



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FIRST INFORMATION REPORT

(U/s 154 of Cr.PC)

1) **District : Capital Island; PS: Capital Island ; Year : 2020**

2) **FIR No : 667/2020**

3) **Date of occurrence : 12/01/2020 at 06.42 P.M.**

4) **General Diary Reference entry : 12/01/2020**

5) **Type of Information : Oral**

6) **Place of Occurrence : Idyllic Beach, Capital Island**

7) **Distance from police station : 2.5 Km west**

8) **Complainant/Informant**

I. Name: Alec Hardy

II. Father's Name :

III. Age : 38

IV. UID No.: --

V. Occupation : Investigation Officer

VI. Acts :

i. Fred Rockwell u/s 302,376,364 of Delta Penal Code.

VII. Address :

S. No.	Address Type	Address
1.	Present Address	H. No. 444/03, Block B (1), Capital Island, Delta

2.	Permanent Address	H. No. 444/03, Block B(1), Capital Island, Delta
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VIII. Phone Number : 001-2209910

IX. Details of Known/suspected/unknown accused with full particulars:

S. No	Name	Occupation	Relative's Name	Mobile No	Address
1.	Fred Rockwell	Compounder (SIIMS Hospital)	Mother - Liz	--	H. No. 142/11, Block No- F, Capital Island.

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X. FIR Contents: On 12th January 2020, at 4.42 PM a dead body of an unidentified female was recovered based on a beach. The same was sent for a post mortem and a few hair samples were sent for DNA testing to determine the identity of the deceased. The Pre- Post mortem report dated 13th January 2020 concluded that death was due to strangulation by a ligature material and genital injury which suggest the rape.

XI. FIR read to the complainant/ informant, admitted to be correctly recorded and a copy given to the complainant/ informant free of cost.

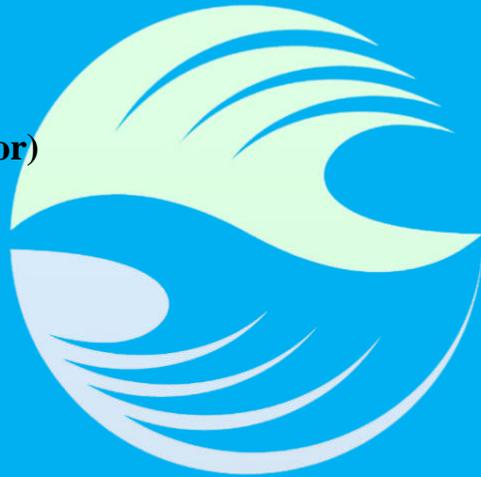
XII. Signature/thumb impression of Complainant/ Informant: Mr. Alec Hardy

Signature of Officer-in-charge, Police Station:

Sd/-

Shrin Paul

(Senior Police Inspector)



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STATEMENTS**Tom Knight (Suspect No 1)**

I am Tom Knight, 38 years old, married to Olivia Knight. I am a doctor by profession and currently working in SIIMS Hospital. I am a person who is happy in his personal as well as in professional life. I am happily married to my wife and we have 2 children named Susan Knight and Daniel Knight. Susan's death has really left me shattered and broken. I don't know how am I going to cope up with her loss but I have to for the sake of my family.

Susan was very dear to me, she was my little princess. On 9th of January 2020, when she went missing and did not come back to home, I was really worried and I made every effort to find her out, I searched her in her school, near a cafe. Even I called all of her friends but all of them said they did not see her that day. I was really shattered by hearing this. And I along with my wife and my son waited for her all night thinking she might come up and hug all of us. But unfortunately this didn't happen. Then on 10th January 2020 we lodged a Complaint in the police station of kidnapping because somewhere I was certain that it is Fred who did this kidnapping of my daughter. Because one day I saw Susan with Fred in a café. On that very evening I asked Susan about Fred she told me that she loves that guy and they are in a relationship, by hearing this my anger went on a very high level, and I called Fred and told him to stay away from my daughter otherwise he'll face consequences.

I know Fred Rockwell, as he is a compounder in my Hospital only and he is not of a good character. That is why I wanted him to stay away from my daughter. After this incident I felt that Susan was not talking to me even ignoring me at our dinner table as well. This made the situation even worse. When I got to know that police found the dead body of Susan, I went in shock; I was not in my senses when I heard this. I did not want to believe it.

I'm just so very confused about what is going on. My whole world is falling apart. I still don't believe that Fred murdered my Susan .The circumstances were such that it strongly points to the fact that Fred in fact the murderer.

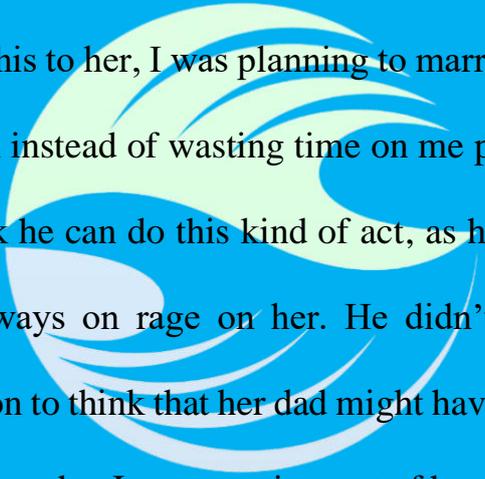
I don't know what more to say. I just want justice to be served. Whoever is responsible for the death of my daughter should be severely punished.

Fred Rockwell (Accused No 1)

I am Fred Rockwell, 23 years old, live with my mother only at H. No. 142/11, Block No-F, and Capital Island. I am a compounder in SIIMS Hospital, Capital Island. I have my mother with me in the name of family, my father left us when I was 5 years old. I have been working in SIIMS Hospital since last 10 years. I was in a relationship with Susan Knight from last 1 year, I loved her so much, and she was most loving, understanding girl. She used to tell me how she was always afraid from her dad, because her dad used to hit her many a times on very pity matters. She often told me that her dad was of aggressive nature and a habitual drinker too. She didn't feel safe at her home; she wants to stay with me.

As I got to know about the incident that Susan is missing, it was shocking news for me. I wanted to find her out, so I decided to find her out on my own. For two long days I was out from my house just to find my love of my life. When I came back to town I heard the depressing news of her death, I couldn't believe this. This cannot happen; I mean how one could kill such a girl who was so nice to everybody. She rarely had any enemies in this town.

It was unbelievable that police is suspecting me for her killing, but I swear even in my dreams I cannot think of doing such act to her. After all I loved her so much, why would I do this to her, I was planning to marry her after she would've attain adulthood. I think instead of wasting time on me police should investigate about her dad, as I think he can do this kind of act, as he did not liked me to be her partner, he was always on rage on her. He didn't even talk to her with etiquettes. I have a reason to think that her dad might have killed her as he did not like me and she was happy that I was a major part of her life. Therefore I think to teach me a lesson; he did this brutal thing to his own daughter.


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Security Guard

I am Dale, 32 years old; I am a security guard of BAPS International School. I am working here from 2 years. I know Susan Knight because she used to greet me daily whenever she passes by. Apart from few students, nobody even say good morning to me as I was just a security guard. But Ms. Susan was different, she never treated me as a security guard, instead she always helped me, sometimes she gave her lunch to me for my kids. She was very kind hearted person I've seen

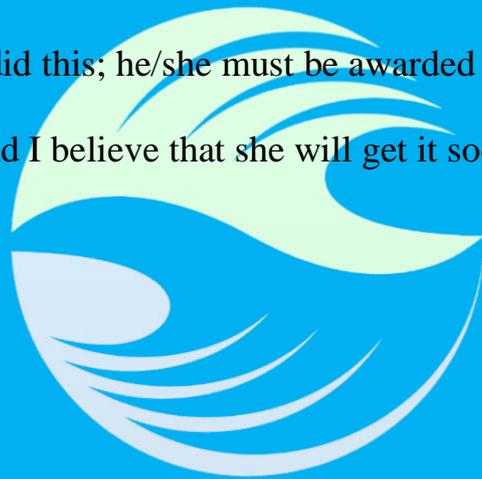
in this school. I don't think anybody could have any sort of problem with her, she was sweet with everybody.

The day she went missing I saw Susan at the school gate but it was very unusual to see that she didn't enter into the school; she never did this kind of act. But that day instead of school she went towards a Black Scorpio car which have tinted glass, therefore I couldn't see the driver of that car, but I noticed the car number because it was unusual to see such thing. The number of car is CI03 CAW 9009.

I often saw Fred outside the school; he often comes to meet Susan.

I just want whosoever did this; he/she must be awarded with capital punishment.

She deserves justice, and I believe that she will get it soon.



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POST MORTEM REPORT

Post Mortem Report No. 4120

Date and Hour of Receipt of Inquest Paper and Dead Body: 12th January, 2020
at 5:15 PM

Date and Hour of Starting Autopsy: 12th January, 2020, 05:55 PM

Date and Hour of Concluding Autopsy: 14th January 2020, 9:15 PM

Body Brought and Identified by: Inspector Alec Hardy.

SCHEDULE OF OBSERVATION

A- GENERAL

1. **Name:** Susan Knight

2. **Age:** Approximately 18 years. **Sex:** Female

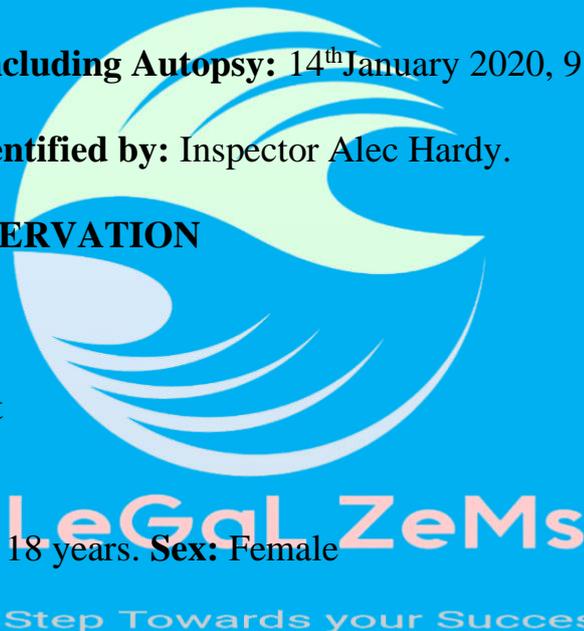
3. **Address:** H. No. 342/14, Block No-A, Capital Island.

4. **Height:** 157cm **Weight:** Unknown **Physique:** Normal.

5. **Special Identification Features:** Presence of a birth mark on right Arm.

6. **Injuries:** Fracture of hyoid bone and minor fractures are present.

B-EXTERNAL EXAMINATION



The body is that of an adult female measuring 157 cm and weight, not possible to determine. The body is normally developed and consistent with the given age of approx. 18 years. The scalp is round. The nose is long. The tongue is protruding out. Total numbers of teeth present is 28 and are white. The ears are small in size. The scalp hair is brown and scanty. There is no facial hair. The body does have round eyes with black eye -ball. The mouth contains natural teeth. The ears, nose and mouth show no abnormalities. The neck is fractured and not in normal configuration .The extremities are symmetrical and normally developed.

C-INTERNAL EXAMINATION

There have genital injuries to a great extent ,and the tongue swollen and often bruised, dark coloured and protruded. There is hemorrhage in the base of tongue. No visible injury to the skull but the hyoid bone in the neck is fractured. The adjacent muscles of the neck are lacerated. The larynx, trachea and bronchi are congested and contain frothy, bloodstained mucus. Vulval opening wide easily and witting 1 finger. Blood stained discharge inside vagina.hymen not intact. No trace of semen. swollen vagina and uterus.

D- EVIDENCE OF INJURY

1. Head and Neck

Wound no. 1 is a fracture to the hyoid bone. The wound is located on the neck.

2. Superior Region

Reddish marks can be seen on arms, lower back and shoulder.

3. Inferior Region

Wound no. 2 is a hairline fracture on the tibia (Medial Malleolus) of the left ankle. It is a minor stress fracture. There is formation of new tissue around the wound, indicating that it is an old injury.

Wound no. 1 is caused by unnatural causes whereas Wound no. 2 is natural.

Wound no. 1 is caused due to an external force or pressure upon the neck with some ligature material.

E- TIME SINCE DEATH: Taking into consideration and the surrounding in which the body was placed in, approximately 3-4 days have passed since the death of the victim.

F- OPINION: Even though there are multiple injuries on the body, only the fracture of the hyoid bone was lethal enough to cause death. The cause of death to the best of my knowledge and belief is asphyxia due to strangulation, and I suggest that rape has also committed before the death.

On 14th January, 2020 at SIIMS Hospital, Capital Island.

Signature: Dr. Elina & Dr. Ambrose

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Name and Designation: Dr. Elina & Dr. Ambrose

Sr. Doctor

Disclaimer:-

The facts stated in the present case are fictitious and have been drafted solely for the purpose of the competition. The facts, names, locations and dates bear no resemblance to any person, event or happening whether dead or alive. Any

resemblance, if any found is purely coincidental. This problem does not intend to hurt the feelings of any section of society or to offend any person.



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