

**NATIONAL MOOT COURT COMPETITION**

**15th -17th, Oct., 2020**

**10th EDITION**

**(VIRTUAL** **COMPETITION)**



**Army Institute of Law**

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|  | **MOOT PROPOSITION****CHECKMATE-2020** |   |

1. Peter Hemsworth aged 40 years was a well-known mathematician from Cambridge. He had made great strides in research and had many publications to his credit. Having taught in the UK as well as the United States for many years, he decided to move to India in 2008. He got a good job at the Advanced Centre for Mathematics in Mumbai as an Associate Professor. Besides teaching and administrative tasks, he was offered a special post for guiding Ph.D. students.
2. Alexa was daughter of an Englishman (James Courtney) and Maithili Raghuraman, a lady of Indian origin. Her parents, before her birth, had shifted to India in 1980 and had taken citizenship. Alexa was born in 1986 in Bombay (now Mumbai). Having completed her schooling and college in Mumbai, she went for her masters in Mathematics to Oxford. Returning to India 2010, Alexa Courtney got herself enrolled as the first student for doctoral studies under Dr. Peter.
3. Despite the fact that he was her Ph.D. guide, Alexa fell in love with Dr. Peter and soon to the surprise of all told her parents that she wanted to get married to Dr. Peter. Her parents were not in favour of this alliance due to two reasons. One that there was an age gap between them, and secondly they wanted their daughter to settle in UK.
4. In spite of the opposition, both of them got married in 2013. Alexa and Peter, were happily married and she completed her Doctoral work in 2016. She too got a job at the same Mathematics centre where Dr. Peter was teaching. Life was going perfect as both Alexa and Peter complement each other well at home and at work.
5. Peter and Alexa had very few friends. One couple whom they were very close to were the Gujrals. Rajesh Gujral was an IT wizard working in a multinational in Mumbai, while his wife Suneet Gujral was an artist and interior decorator. Rajesh was such a brilliant professional that he could hack into a computer or even a home system remotely and take control of it. The Gujrals met Peter and Alexa on a regular basis, and got along rather well.
6. Around the beginning of 2018 Peter and Alexa got very busy with their professional lives as both got a research assignment independently.
7. The work made them drift apart. There were rumours too of Peter being in a relationship with Suneet Gujral. When confronted both Peter and Suneet denied everything. Due to too much of work pressure, Peter censured Alexa and even assaulted her once. After this incident, their relationship got strained further.
8. In December 2019 Alexa got pregnant. Dr. Peter asked her to abort the child as he claimed that he was not ready to start a family. On her refusal, Peter got livid. He rebuked Alexa for

leaving the job to which Alexa refused. Peter even went on to allege that the father the baby she was expecting was probably Rajesh. Alexa was disgusted at his behaviour. She left her matrimonial home and shifted into a hotel close by.

1. On getting to know about this incident, Rajesh and Suneet felt pity on her and they asked Alexa to move into their home. Alexa started living with the Gujrals and as time went by, Peter got more and more agitated with Alexa. He called her a few times coaxing her to return, but she refused.
2. Then on 5th of May,2020 Alexa was called by Peter to his home on the pretext that his parents wanted to meet her. He expressed his desire that he wanted to sort out things between them so that they could go ahead with their lives. Alexa along with Rajesh went to meet all of them on 11th of May,2020. Though Peter’s parents were not there, he was cordial and explained that due to medical reasons his parents could not come. Then they had dinner together, Alexa took very little of food. It was 10:30 pm and Alexa looked tired. Seeing this Peter nearly forced Alexa to stay back for the night as it was late. Rajesh reluctantly agreed and went back home and told Alexa that he would pick her up after 10.00 am the next morning.
3. Next morning on reaching the Peter’s house, Rajesh was surprised that no one answered the door bell. After ringing the bell for about 05-6 minutes, he called Peter, who said that he was at work and had left home at 07.00 am. Peter said that Alexa was not answering his phone too.
4. Rajesh tried to push the front door. Once inside he started searching the house. Soon to his horror he found Alexa hanging in the bedroom from the fan. He called Peter as well as the Police. The Police made an inquest report and sent the body for post mortem examination. They took whatever evidence they could find. The Alexa (electronic device) was also taken as evidence. There was another Alexa mini music player lying on Peter’s bedside, which was not found at the time of the search.
5. When Rajesh was questioned, he failed to give any plausible explanation of how he got ingress into the house.
6. The post mortem report came in the next day. After this, Peter was arrested and a case was filed under the Sec 306, 316 and 325 of the IPC.
7. Rajesh, during investigation confessed to the Police that he had taken the Alexa mini music player which was lying on the bedside.
8. At the trial the prosecution claims that the last conversation in the room could have been recorded by ``*Alexa*’’, mini music player which records conversations if the word ``*Alexa*’’ is spoken twice within its vicinity.
9. Rajesh claims that if he is given an opportunity, he could retrieve the recording of this and find out what the last conversation, since the word Alexa must have been mentioned. He suggested that he was willing to do this if he is not charged with the offence of theft, trespass or anyother offence under the law.
10. Peter is of the opinion that Rajesh was holding the system to ransom. Peter claims that producing this as evidence was invasion of his privacy.
11. Peter also submitted his written consent to NARCO analysis examination and any other relevant test to be performed. Rajesh on the other hand flatly refused for undergoing the same.
12. On behalf of the State and the accused person, argue the case.

**QUESTIONS BEFORE THE TRIAL COURT:**

* Whether evidence from the *Alexa* devices is admissible in a Court of Law?
* Whether evidence stolen from the crime scene is admissible in a court of law?
* Whether Dr. Peter and Rajesh can be subjected to NARCO analysis?
* Whether Dr. Peter can be charged under Section 316, IPC?
* Is it a fit case where the Court should add a charge u/s 302 IPC and try the accused person for that charge as well?

 **Annexure: Post Mortem Report**

 **Annexure**

**POST MORTEM REPORT**

1. Name: Alexa Courtney Hemsworth
2. Race and Age: Mixed blood / 35 years
3. Clothes: Blue pair of jeans and a halter neck
4. Injuries: Deep laceration around the neck [1” wide] / Fractured wrist [Left] and a small abrasion on the right side of the face. Hyoid fracture present.
5. Found to be with 22-week foetus
6. Time of Death: Approximately between 4:00am and 08.00 am of 12th May 2020
7. Viscera report: No food matter found. Some quantity of tea and water present.
8. Cause of Death: Asphyxia due to hanging (Unnatural).

Dr. B.M. Sarosh

Dr. F.N. Roy

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Dated: May14th, 2020