



**SURANA & SURANA NATIONAL TRIAL ADVOCACY
MOOT COURT COMPETITION 2017**

5 September 2017

CLARIFICATIONS - 2

1. **Cause Title** – Will read as State of Hilda Vs Kindran, Kushal & Others
2. **Para 3 – Line 3** - Mitali Development Party will read as Mitali Development Sangam (MDS)
3. **UPA (typo error)** in all places will read as UPS
4. **Para 18 – First line** – ED will read as EC
5. **Para 24 – 2nd line** – April 17 will read as April 19
6. **Para 26 – will read as under:**

“Kindran has been booked under Sections 171B r/w 171E, 171F and 120B read with section 34 IPC and Section 8 of Prevention of Corruption Act, 1988 and Section 123(1) of Representation of People Act, 1951. Kushal has been booked under Sections 170, 171B r/w 171E and 120B read with section 34 IPC and Section 8 of Prevention of Corruption Act, 1988 and Section 123(1) of Representation of People Act, 1951.”

The corrected version of the proposition will replace the earlier version.

For the purpose of uniformity all teams can use the following details for the accused / others for preparation of the relevant documents:

Kindran: S/o Indran, Age 55, DOB: 1 April 1962, Address: 1, Mettu Street, Mannai, Mital Nadu – 1
Mobile: 99555 99555, Mobtel.

Kushal: S/o Vishal, Age 50, DOB: 10 October 1967, Address: 2 Park Street, Mannai, Mital Nadu – 2
Mobile: 99555 88666, Mobtel

Nagarjuna: S/o Gajanan, Age, 55, DOB: 10 September 1962,
Address: 3 Subhedar Street, Mannai, Mital Nadu – 3, Mobile: 99555 77333, Mobtel

Harish: S/o of Subash, Age 49, DOB: 5 March 1968
Address: 4 Temple Street, Mannai, Mital Nadu – 4, Mobile: 99555 77444, Mobtel

Useful Hints:

Exhibits: Extract of conversation could be between the any of the accused, detained persons, and any characters that find mention in the proposition. Avoid wild imagination. The conversation extract could be restricted to a max of 2 – 3 pages in series of short dialogues.

Sample pictures that could be used for creating documents:



Queries and reply

Most of the queries pertain to preparation / submission of the documents. So I have consolidated the queries and given a comprehensive reply. The above clarification will help clear the doubts.

There will not be any further clarifications issued.

1. Will there be an India South rounds this year?

There will be no India South rounds this year. In case we decide to have the rounds at a later date, announcement will be made and those teams who did not participate will have a chance to participate.

2. a. If each team prepares FIR and other annexures separately, How the contradictions, that might occur in oral rounds will be resolved?
b. Kindly tell what will happen in case of discrepancy between the charges in the charge sheet of prosecution and that of defendant during trial
c. Do we have to cross examine witnesses on the basis of their statement of witness or the basis of our own statement of witness? If the latter is true, then wouldn't the written statements be biased in favor of the prosecution?
d. Should the documents as listed on page 6 under the heading Documents needed including FIR, Chargesheet, witness statements etc. be prepared by the teams or will they be provided by the organisers?

The Teams prepare the documents which are part of the memorials. Each team prepares only one set of complete documents. The prosecution & defence will use its relevant set of required documents (given in the proposition) only. Where is the question of 2 FIRs, two charge sheets etc?

The FIR, Charge sheet you prepare for prosecution will be the same that will be available for your defence. Each team will prepare only one complete set of documents required

For uniformity, the Teams will number the Annexures as given in the proposition.

3. The Exhibits, as per your previous clarification, "are just printouts. So when the memorials are given to the judges as well as the opposing teams, they have it." Does this mean that we will get the photographs of the Video Recording device, the Audio Recording device and the Cash seized at the time of exchange of memorials, or do we have to bring them? Plus, please clarify the phrase "they have it" used in point 3 of the 'Responses to Queries and Clarifications', which seems like a typographical mistake.

Each team has to prepare one set of complete documents which are part of the respective memorials (Prosecution & Defence). Each memorial contains the relevant documents. The same will be available for the opponent teams during oral rounds and will also be kept at the judges table. The teams will follow the due procedures as per Cr.Pc. and Evidence Act.

4. Whether "Rakshab" is a prosecution witness or defence witness?

It is up to you to exploit the witness of Rakshab. Both teams can use this witness strictly on the basis of the information available in the proposition. It is a kind of test.

Best of Luck to the teams. Let's experiment with the new format.

Administrator
5 September 2017



22 August 2017

CLARIFICATIONS - 1

1. **Para 25:** Second line -Sukesh should be read as Kushal
2. **Para 26 will read**

Kindran has been booked under Sections 171E, 171F and 120B read with section 34 IPC and Section 8 of Prevention of Corruption Act, 1988 and Section 123(1) of Representation of People Act, 1951. Kushal has been booked under Sections 170, 171B and 120B read with section 34 IPC and Section 8 of Prevention of Corruption Act, 1988 and Section 123(1) of Representation of People Act, 1951.

(The corrected version of the case will be available on www.moot.in)

Queries and reply

1. According to the rules of the competition, we are able to conclude that all the evidences and documents relevant to the case are to be created by the prosecution. Is it true to state that the investigating officer will record the statements of all the eight persons accused and non-accused which will be put in the prosecution memorial or the defence can submit the affidavits of statements of the accused persons?

Yes. Recording of the statement of witness as per Sec 163 of Cr.Pc. Also refer answer for query 6.

2. Can the defence make up its evidences to be presented in the court because CrPC specifically provides for that and the moot problem says that the laws of Rabta are analogous to Indian laws?

Yes basically according to the list given in the proposition. But they can use their own witness (strictly according to the facts given) in the place of two special witness. Defence can also bring the accused to stand to make their statements citing appropriate provisions.

3. The list of exhibits as has been provided has to be made by the participating team itself, won't there be differences in the exhibits and would this not affect our oral rounds?

Yes. The list of witnesses will be prepared according to the list given plus witness of choice (two special witness). This list will be part of the memorial. And exhibits are just printouts. So when the memorials are given to the judges as well as opposing teams, they have it.

4. Should the documents as listed on page 6 under the heading Documents needed including FIR, Charge sheet, witness statements etc. be prepared by the teams or will they provided by the organisers?

The participating teams have to prepare the list of documents. These documents are part of the memorials and will be used as exhibits during the rounds.

5. Do different documents need to be made for prosecution and defence respectively? Can the statements of witnesses vary for the two sides?

The teams would prepare the relevant documents as per the facts given for Prosecution and Defence respectively according to the provisions of Cr. Pc. Each team will prepare its version as per the facts of the case, for the respective side. The version of prosecution /defence from a given team can vary, but there should not be any contradiction or inconsistency between the versions propounded for either side.

6. Will there not be discrepancies since the prosecution team and defence team will prepare separate FIR and separate Charge sheet and statement of witnesses?

The teams would prepare the relevant documents as per the facts given for Prosecution and Defence respectively according to the provisions of Cr. Pc.

To put it simply - the prosecution and defence team prepares only their respective relevant documents. The defence will not meddle with the role of the prosecution and vice versa.

7. Can we submit two FIR's ie. one from the prosecution and one from the defendants or must we stick with a common one?

Refer answer to query 6.

8. Can we make assumptions based on the original case?

You can based on the frame work of the case given and take clues from original case. No wild guesses or imagination. Judges will be briefed accordingly and you will face difficulty.

Administrator
22 August 2017