



**SURANA & SURANA NATIONAL TRIAL ADVOCACY**  
**MOOT COURT COMPETITION 2019**

06.09.2019

**Clarifications**

**For the purpose of uniformity all the teams can consider the following Clarifications asked by others before preparing their memorials.**

**PLEASE FIND THE BELOW CLARIFICATIONS AMENDED- QUESTION 13, 22, 49, 72, 97, 101, 103, 107, 111.**

- 1. Are the teams supposed to refer to the Sample Witness Statements as the basic story-line for making the original ones or the content of the sample could be ignored?**

Yes the witness statements are a part of the moot problem. It was mistakenly stated as 'sample' Rest all the annexures provided as samples could be tailored by the teams as per their requirements. But do stick to the facts provided and relevant provisions thereof.

- 2. Can both the parties (prosecution and defense) bring the preliminary contract (which Pooja signed to be a part of Baazi-ghar at the beginning of the show). If no, then is there a uniform contract? If there is no uniform contract, then which party is considered ideal to bring the contract?**

The parties can bring their own contracts provided it aligns with the facts of the case and mention the provisions of CrPC being referred to. No wild imagination is permitted. It will be up to the discretion of the judges whether to accept the contract or not.

- 3. According to the Fact Sheet, Para 15, "during the 6th week at the house, the tension was very high as only 4 housemates were left;" but if go by the timeline of the show Baazi-Ghar, there should have been 5 housemates left DURING the 6th week. Is this a typographical error?**

Please go with the facts.

- 4. Does "local police" given in the Fact-Sheet, Para 23 include the Investigating officer, Virat Singh?**

Yes.

- 5. Does "partially cut off" from Para 10 include no television and mobile phone in the house of Baazi-Ghar? Were the Housemates able to see the telecast of the show in the House on the same day?**

Please refer the facts.

- 6. Is working of Speedogram pari materia to that of Instagram?**

Yes it is (refer para 1)

**7. Who is the technical expert in the present case? Who monitors the CCTV footage?**

Technical expert- Sriram and his team, para 4

**8. Is Pauline one of the ten accused who Police was able to identify or Pauline is an unknown person who replied in the affirmative to Pooja's speedo poll?**

Pauline replied in affirmative to speedo poll. The people who replied in affirmative to the poll were being traced and Pauline was one of them. You can refer the FIR.

**9. On which day of the week were the participants allowed to see the Psychiatrist Premlatha?**

Whenever they require.

**10. Who is Rohit Sippy?**

He is the Head of Speedogram

**11. How to prepare the list of Exhibits, do we have to click our own picture or you will provide you own picture?**

You are free to have your own exhibits and pictures as the annexure picture are just samples.

**12. Do we have to stick to Section 161 of CrPC statement of witnesses or we can alter their statements?**

No, you have to stick with the statement of witnesses as provided with the moot problem and they are not sample witness statements.

**13. Can we copy the sample FIR and charge sheet? Or do we have to make it on our own and how to go about the same?**

Yes, you can use the same FIR and Charge sheet or you can make your own Charge sheet based on the sample provided in the Annexure. FIR is not a sample.

**14. Whether the date in the FIR and Charge Sheet should be considered as 2019 or 2018?**

Please note that the date in the FIR and Charge Sheet written as 2019 should be considered as 2018 and not 2019.

**15. Whether occurrence of offence is on 08th of August but complaint has been registered on 09th (contrary to the fact sheet)**

No contradiction with regard to the same. Please refer to the fact sheet.

**16. Is the List of exhibits provided on page 5 of the Moot Problem exhaustive or can we add exhibits of our own in our memorials?**

You are free to add your own exhibits, as they are only sample exhibits.

**17.** Do we have to attach FIR, Chargesheet, Panchnama, Post Mortem Report and Forensic Report in the memorial for the defence as well or do we have to attach these documents only in the memorial for the prosecution?

Yes, you need to attach it for both the sides.

**18.** As per para 24 of the Moot Problem, the police has registered the case under Sections 153A and 306 of IPC & Sections 84B and 84C of IT Act. Since we have to prepare charge sheet on our own, can we prosecute the accused persons under other relevant sections of these laws or are we supposed to confine ourselves to the above-mentioned provisions only?

The charge sheet provided with the moot problem is only a sample.

**19.** To which nationality do Pooja's parents belong to?

Refer to the facts.

**20.** Whether the procedure provided in Section 196 of CrPC was followed while prosecuting the accused persons under Section 153A of IPC?

Refer to the facts for the same.

**21.** Whether the Producer of Baazi-Ghar had taken explicit permission from Pooja to telecast her personal information such as Speedogram stories and updates?

All the contestants agree for the telecast of the information based on the rules of the game.

**22.** Are more annexures other than the ones provided allowed or not?

You can make the Annexures according to the samples mentioned in the problem to avoid any variations among the participants and you are allowed to add as many exhibits required with relating to the problem.

**23.** For the purpose of calling additional witnesses, can only the characters mentioned in the problem be called or other imaginary characters are allowed too?

You can have 2 witnesses apart from the list of witnesses provided in the problem.

**24.** Are exhibits given after the moot problem to be considered as they are or are they merely models for preparation of new exhibits?

They are only sample exhibits.

**25.** Is "Statement of Witnesses" taken u/s 161 CrPC meant to be included in the memorial or not?

Have to be included in the memorial and are not sample witness statements.

**26.** Whether all the electronic evidence are to be certified u/s 65B or not?

Have to be certified.

**27.** Whether Seizure memo for red sipper bottle, melatonin bottle and Pooja's mobile phone is to be prepared or not?

Kindly stick to the annexures provided in the problem.

**28.** Does the Defence have to make its own exhibits for the purpose of the memorial or will it have to rely upon exhibits and annexure produced by the Prosecution?

Both sides can have the exhibits and annexures.

**29.** Whether CCTV footage, audio recording of the smoking room and the footage of Ankita abusing Pooja have to be produced by the Prosecution or the same will be provided by the Organisers?

Need to prepare all the documents required.

**30.** What is the name of the Head of Speedogram?

Mr. Rohit Sippy

**31.** Where is Rohit Sippy summoned or even mentioned as an accused? Only the Producer has been mentioned as an accused, so from where is Rohit Sippy even coming in the picture?

Refer to the facts as he is the head of speedogram.

**32.** Who is charged under section 153A of IPC?

Ms. Ankita

**33.** Is Pauline one of the accused?

Yes. One of the speedogram users who had voted in the poll for the victim to die.

**34.** According to Para 7, "the producers however had taken measures to provide consultation in case of mental agony. They installed mental health.." Are there several producers of the show at the same time?

Procedure and Assistant Producer.

**35.** Is there a company for which the producer works? If no, then can we name a company and use it in the arguments?

Yes.

**36.** Whether the contestants of Baazi-Ghar other than Ms. Pooja were allowed to use Speedogram?

Yes. All the contestants are allowed to use speedogram.

**37. Who is Mr. Rohit Sippy in the case? Is he the Allegrian Head of Speedogram?**

Head of Speedogram.

**38. Whether is it really section 153A of the IPC that the defendants are charged with mentioned in paragraph 24 of the case study, as the above-mentioned section does not seem relevant to the case.**

Yes, charged under S.153A.

**39. What is the format of citation to be used?**

Blue book citation- Latest edition.

**40. Whether the prosecution/defence can submit extra exhibits?**

Yes. You can bring extra exhibits as they are only sample exhibits.

**41. Do the prosecution/ defence have to bring their own exhibits or will they be provided by the organisers?**

You have to bring your own exhibits based on the sample exhibits provided in the Annexures of the moot problems.

**42. When is the last date to notify the number of witnesses required to the university?**

During the orientation it must be notified to the university for preparing the witness.

**43. Whether additional charges can be framed by the prosecution since it is just a primary charge sheet?**

Yes. However, kindly adhere to the facts of the case and adhere to the format provided in the sample charge sheet.

**44. If playing of video recordings is allowed as exhibits? And if yes, then will we be provided with a laptop?**

No.

**45. On page 11 of the Moot Proposition, it is written that the post-mortem was concluded at April 9, 2018. Is the date correct?**

Stand that corrected. It is August 9, 2018 and not April.

**46. Is the alteration of charges allowed under Section 216 of CrPC in the competition?**

No.

**47.** Are all the charges framed in the chargesheet contained in the moot problem correct?

Yes.

**48.** Please clarify about the line spacing to be used in footnotes and in the body of arguments. It has been mentioned that double space has to be used in both body of arguments and footnotes. Is it correct?

Yes. Single-space between the arguments and single-space between foot notes. Foot note-size is 10 and the Font-Style is Times News Roman.

**49.** Who is charged under Section 84C of IT Act?

The accused to be charged under Section 84B and 84C of the IT Act is both the producer and the head of the speedogram.

**50.** As per the general clarifications, we are not allowed to alter the basic storyline of the witness statements. However, can we add certain statements to what has been already provided in the sample statements?

The witness statement provided in the Annexures is not a sample witness statement and no alteration is allowed in that. However, you are allowed to add two of your own witness.

**51.** Who is charged under the IT Act?

Refer to question 49.

**52.** As per the general clarifications, FIR, Chargesheet, Post Mortem, Forensic report and the rest of the documents have to be annexed from prosecution as well as defence. Could you please elaborate as to why are we supposed to annex the documents from the side of defence? If we do so, it would amount to disclosing the defence to the opposite team.

Kindly do as instructed and the Annexures submitted for both sides are used for scoring the memorials.

**53.** Who is charged under Section 306 of the IPC?

Ankita Singh

**54.** Who is charged under Sections 84B & 84C of the IT Act?

Refer to Q.49

**55.** On page 5 of the Moot Proposition, list of witnesses have been classified into prosecution witnesses and defence witnesses. The question is whether during examination-in-chief, we can examine only our witnesses or can we examine the witnesses of the opposite party as well? For example, while prosecuting the accused persons, can we examine the defence witnesses during examination-in-chief?

You are allowed for Cross-examination of witnesses.

**56.** In para 24 of the Moot Proposition, who is the accused person, Mr. Sriram or Mr. Raju Shukla? Also, under what section has he been charged?

Raju Shukla- the technical expert having Mr. Sriram on his team as the CCTV expert have been charged under the IT Act.

**57.** For how much time was the Speedo poll posted by Pooja on 6.8.2018 visible to her followers on Speedogram?

24 hours.

**58.** Is the producer of Baazi-ghar also charged under Section 153A of IPC?

Yes.

**59.** Did the producer used to attend the parties thrown by him after every 2 weeks of the show?

No.

**60.** Did the producer know that Ankita used to collect left-over alcohol from the parties in her red sipper bottle?

Refer to the facts.

**61.** What is the maximum number of witnesses which can be examined during the examination-in-chief?

5

**62.** Can we prepare a maximum of 5 witnesses only? Also, can we request for and prepare a witness of the opposite party as well?

You can prepare a maximum of 6 witnesses for both side.

**63.** It has been stated that in the para no. 6 line no.4 that their used to be a party after every 2 weeks. So according to the rule monday needs to be the day so just clarify us on this ground that the party was to be organized on monday or not. Then please clear us regarding the same.

Yes the party takes place on Monday.

**64.** According to FIR the case is being filed against Rohit Sippy. Please clear us what is the role of the above mentioned name, as the fact sheet does not mention the name stated above in any point or the annexure.

Rohit Sippy is the Head of Speedo Gram.

**65.** Can the size of the red sipper (Water bottle) of Ankita as found with the body of the accused i.e Pooja can be cleared to us?

Please Stick to the facts.

**66.** Point 3 of FIR states the name of the accused. Kindly mention the sections under which they have been charged.

Refer Point 2 of FIR.

**67.** In Post mortem report as given in the annexures the date of post mortem concluded is mentioned as April 9, 2016. whether this is a typographical error or there is no such mistake as date of requisition received is much after the conclusion of post mortem?

It's a typographical error. Its 9<sup>th</sup> august 2016.

**68.** One of the accused is named as Rohit Sippy and there is no such character in the facts of the case. Can it be assumed that Rohit Sippy is the owner of the hospital as the hospital is named as Sippy Memorial Hospital?

No It's a mere coincidence. Rohit sippy is head of Speedogram.

**69.** There is confusion with regard to the clarification number 16 which allows the participants to add new exhibits apart from the list of annexures facilitated on page 5, & CLARIFICATION 2, as the implication of the same will lead to addition as per the whimsical imagination for example the participants can even add video clips, audio recording, contract e.t.c which will be sheer imagination even if we stick to the given facts. Example 2 prosecution will make their different video clips, audio recording, fingerprint marks on the bottle, proving the guilt of the deceased while sticking to the facts not resorting through wild imagination, similarly the Defence will make there different set of video clips, audio recording disproving the accusation upon them.

You have to stick to the facts of the case while preparing such new exhibits. The defence and the prosecution has to prepare that strategically. Any wild imagination would be taken care of by the judges so no need to worry on the same.

**70.** As per clarification 13 FIR can be amended now tell us, the prosecution after going through the case will draft the FIR CHARGESHEET in such a manner that there is no scope of contradiction And corroboration defeating the purpose of trial, what was the point providing this sample FIR AND CHARGESHEET? Hence by allowing addition of the new exhibits open the door of confusion and contradictions, making it difficult for the participants to proceed and even judges to decide which side annexures to be considered?

You have to make Charge sheet only in accordance to the facts of the case. Maintain the format provided in the samples hence uniformity will be maintained. FIR is not a sample.

**71.** There are certain annexures or exhibits which are mentioned in the fact sheet, FIR but are not provided. So, whether the participants are allowed to add them as annexure?

Yes you can add that.

**72.** Whether the participants are allowed to add extra annexures or exhibits, apart from those sample annexures which are already provided?

Exhibits you can add but not annexures.

**73. Whether the participants are allowed to modify the annexures?**

You have to stick to the format. You can modify only the annexures provided as samples to You.

**74. Whether Pooja has posted the poll result on speedogram (The Hahahah Post)?**

Please refer the facts.

**75. The FIR has stated “Maha PS Year 2019 in point 1”. Kindly clarify?**

Maha- Name of State, PS- Police Station

**76. Para 22 of the Moot Proposition states that death to be around 2.00 A.M. on 8.8. 2019, Kindly clarify on the date as 2019-year mention?**

Typo Error- It is 08.08.2018

**77. Whether Pauline is to be considered as one of the 10 accused or an unbiased speedogram user?**

Please refer the list of Accused.

**78. In the FIR the nationality of Mr. Vignesh/Informant is ANDHA but in the facts it is allgoria and further as per the facts it can be deduced that ANDHA is part of State of MAHA. Kindly clarify?**

Vignesh was the studio incharge of Bazi –Ghar, the set of Bazi – Ghar is located in Andha which is a place in the state of Maha, and it falls under the Union of Allogria. Hence Allogria would be the nationality.

**79. In para 24, it is mentioned that police have booked case against unknown replied in affirmative to pooja speedogram poll but in the FIR and charge-sheet case has not been made against them?**

FIR Point- 3(iv)

**80. Whether the preliminary post-mortem report mentioned in para 22 is same as annexure 3?**

Yes

**81. Who all are charged under Sec 306 of IPC?**

Please Refer the FIR and list of Accused.

**82. Who are booked under Section 84B and 84C of the IT Act?**

Please refer the facts, FIR..

**83. It is humbly requested from the organizing committee to reconsider the charges i.e 84b&84c of information and Technology act 2000, as post applying all the necessary means and having an exhaustive research no offence under section 84b and 84c IT ACT can be raised against the accused because the provision have a necessary requirement that offence under information**

and technology act is committed but , as per the rules of the trial that the teams have to stick to the facts provided and cannot go beyond that , hence by abiding by the rules we cannot raise any offence in the ambit of Information and technology act 2000. We can read it with IPC But as per section 84b 84c it is required to prove that offence under IT act is committed, which cannot be raised hence it is requested to reconsider the charges under IT ACT 2000, after going through the facts in the proposition.

Kindly adhere to the facts provided. How far the sections are applicable has to be looked into by the parties.

**84.** The fact sheet mentions that the participants were cut off from the outside world yet it also says that Pooja used to excessively use speedogram. So, do we consider that they were allowed to use their phones or were they allowed to use only speedogram app?

Yes, they were allowed to use their phones for the purpose of social media interaction with the audience on speedogram.

**85.** It has been stated that in the para no. 6 line no.4 that their used to be a party after every 2 weeks. So according to the rule monday needs to be the day so just clarify us on this ground that the party was to be organized on monday or not. Then please clear us regarding the same.

Yes the party is taking place on Monday.

**86.** According to FIR the case is being filed against Rohit Sippy . Please clear us what is the role of the above mentioned name, as the fact sheet does not mention the name stated above in any point or the annexure.

Rohit Sippy is the Head of Speedogram

**87.** Point 3 of FIR states the name of the accused. Kindly mention the sections under which they have been charged.

Refer point 2 of the FIR. Also refer Question 49 and 53.

**88.** The fact sheet mentions that the participants were cut off from the outside world yet it also says that Pooja used to excessively use speedogram. So do we consider that they were allowed to use their phones or were they allowed to use only speedogram app?

They were allowed to access only speedogram in their mobile phones.

**89.** Whether the provision(s) applied will be in the name of the fictional state of Allogria as the Allogrian Penal Code or will be same as the Indian Penal Code, 1860?

The provisions applied will be the same as Indian Penal Code in the name of Allogrian Penal Code.

**90.** Whether all the contestants of the show 'Baazi – Ghar' had access to their cell-phones?

Yes

**91.** What were the working hours of the Technical Staff and Camera-Men on the show? And for how many hours did the cameras record the contents of the house?

The camera recorded 24 hrs. The technical staff and camera-men worked in shifts.

**92.** Whether the formatting of the Charge-Sheet is supposed to as per the rules of the memorials i.e. with Double-spacing between lines or is it be subjective to each team's discretion?

As per the rules of the memorial

**93.** What are the duties of the Technical Expert on the Show?

To check for the camera recording, whether all the cameras are working properly, alignment of cameras, and other related work which may require technical assistance.

**94.** Which all accused are charged under Section 153A of IPC?

Refer to the facts of the case.

**95.** Which all accused are charged under Section 84B of IT Act?

Producer of the show and the head of speedogram.

**96.** Item no. 7 of the Chargesheet states, "Original chargesheet, supplementary chargesheet to follow against the rest of the accused? When will we get Supplementary Chargesheet from the organisers? Does this mean that the charges are only applicable on Ankita, Suman Shekar & Rohit Sippy? (As item no. 5 states that the chargesheet against these three people)

The charge sheet is just a sample and the supplementary charge sheet can be drafted by the participants based on the sample charge sheet.

**97.** If no supplementary charge sheet will be given, how do we have to proceed with half information?

It is not half information as the document is just as sample charge sheet and you are free to make your own charge sheet based on the facts of the case.

**98.** Which all accused are charged under Section 306 of IPC?

Refer to the facts of the case.

**99.** Which all accused are charged under Section 84C of IT Act?

Producer and the Speedogram Head are to be charged under 84B & C of IT Act

**100.** What is the rank of Investigating Officer Virat Singh? (As he has been designated as ASI in FIR and SI in the chargesheet.)

It is an error. It is ASI, stand that corrected.

**101. Is the date and time given in Panchnama correct? (Time given is 4:00 AM on 8th August which is contrary to facts which state that Pooja's body was first found at 11:00 AM on 8th August)**

Its a typo error consider the panchnama made on 9th August.

**102. What is the time of filing of FIR?**

Refer the FIR for the date and time.

**103. Item no. 17 in the FIR states that Vivek Dhayani took up the investigation? What is his role?**

The S.I

**104. Is addition or alteration of charges allowed under Section. 216 CrPC, as the FIR and Chargesheet are just samples?**

FIR is not a sample. Whereas, the Charge sheet is a sample and teams are allowed to draft their own charge sheet based on the sample.

**105. Section 84B and Section 84C state that those sections are punishments for abetment and attempt to commit offences respectively. But it expressly states, "for the offence under this Act". Which means thses are punishments for offences given in IT Act. However, no offences under IT Act are given in the problem nor any of the offences under IT Act match the description of offences committed in the present case. How are these two charges to be used?**

The charge under IT Act is for the violation by the producers and the head of speedogram as they failed to check the content being uploaded by Pooja on Speedogram before uploading the poll.

**106. Is the Assistant Producer also to be prosecuted and defended?**

Prosecution.

**107. Was Melatonin prescribed or given by the health centre to Pooja? If yes, did they give sufficient warning? Was the doctor or the producer aware that Pooja was given both alcohol and Melatonin?**

Yes. The producer were aware and therefore, they are being charged.

**108. Was the Producer aware that Ankita had hidden alcohol in her red sipper? (As the conversation of Ankita and Pooja suggests in Para 15 and CCTV would have recorded)**

Yes. That is why the Producer is being charged.

**109. Why didnt Producer or anyone from technical team came to see what happened to Pooja despite her being in her restroom for more than 12 hours and no sound in the mic detected?**

Negligence in the part and therefore, needs to be charged.

**110. What were the contents of the contract between Producer and contestants?**

The participants are free to use the contents of the contract based on the facts provided in the problem.

**111. Para 24 states that technical expert was also booked by the police but his name is nowhere in FIR or Chargesheet. Why?**

The CCTV supervision was not done in a proper manner.

**112. Do we need to upload FIR, Chargesheet, and other documents along with the memo submission on 8th September?**

Yes.

**113. Who is charged under section 84C of IT Act?**

Refer the answer to Q. 101.

**114. Will the witnesses stick only to the fact sheet or can we make them state facts that we can modify in our favour ( defendant and petitioner)**

You are not allowed to modify facts in your favour.

**115. Can we furnish self-made annexures in form of past medical certificates for the defendants and respondents.**

Annexures mentioned along with the problem are only allowed.

**116. Will the counsils for the defendants have to present the case only for Ankita or for the 2nd defendants and other people booked.**

All the defendants having Ankita as the main defendant.

**117. The witnesses can be made up by the team or do they have to only be selected from the list given along the problem.**

1 witness of your own are allowed on each side apart from the list provided.

**118. The rules book states that line spacing between the arguments is 2.0 and but the clarifications said to 1.0 kindly clarify also.**

Line Spacing Should be 1.0

**119. In the defence memo are we supposed to annex the prosecution FIR, Chargesheet, etc (i.e. the documents we have made for the prosecution side) or are we supposed to make a different set of documents from the defense side (i.e. which are from the defence side and would naturally favor the defence)?**

FIR will be the same for both prosecution and defense.

