

SIR SYED & SURANA & SURANA

NATIONAL CRIMINAL LAW MOOT COURT COMPETITION – 2022

1st – 3rd April, 2022

Host & Joint Organiser



**Faculty of Law,
Aligarh Muslim University, Aligarh**

**Professional Partner
& Joint Organiser**



**Surana & Surana
International Attorneys**

Knowledge Partners



Venue: Virtual (Online)

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NATIONAL CRIMINAL LAW MOOT COURT
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MOOT PROBLEM

1. Mr. Joe Cornell was a citizen of the Republic of Ordana, residing in Montawa, a city of State Tahoma. He was the Chief Executive Officer of a leading multinational company, Arin Technologies. Just like any other day, on 05.01.2021, Mr. Cornell had left home in his car at nine a.m. for his office. But he never reached there. Instead, at about one p.m., his wife, Mrs. Osaka Cornell, received a call from the Station House Officer, Montawa Police Station, informing her that Mr. Cornell had been killed.
2. Mrs. Osaka Cornell lodged a complaint and the Station House Officer registered a First Information Report at Montawa Police Station (F.I.R. No. 13/2021 was filed under Sections 302 and 201, Ordana Penal Code, 1860). She informed the police that her husband was wearing a white shirt, black trousers and a blue sweater. She also mentioned that Mr. Cornell was carrying his laptop when he left home.
3. Inspector Michael Watson prepared the seizure memo of items recovered from the place where Mr. Cornell was found murdered. No laptop was recovered. The deceased was wearing white shirt and black trousers when his body was found. Sub-Inspector Hillary Duck prepared the inquest report under the instruction of Inspector Michael Watson. Thereafter, Inspector Michael sent the dead body for a post-mortem with a constable. Dr. Larry John conducted the post-mortem of the body and found that the death of the deceased was a result of ante-mortem injuries. The injuries were three gunshot wounds and two incised wounds.
4. On 06.03.2021, Sub-Inspector Hillary Duck along with other police officers, apprehended a car after an informer told her that a vehicle, perceived to be stolen by the informer, would

come from the direction of Strand Road. The person driving the car told Sub-Inspector Hillary Duck that his name was Rambo Scott. When he was searched, the police recovered a .32 calibre pistol with four live cartridges in a seven-shot magazine from the pocket of his trousers. The police arrested Rambo Scott.

5. On 08.03.2021, Mrs. Osaka Cornell identified the car as the one her husband owned and was driving on the day he was killed. As described by Mrs. Osaka, the aluminium stick was also found in the car that Mr. Osaka used to keep underneath his seat for self-defence. Mrs. Osaka produced a copy of the Registration Certificate of the car. The police got the chassis number from the car using a tracing paper. They matched with the number provided in the Registration Certificate. Inspector Michael Watson prepared the identification memo of the car of the deceased.
6. The police recorded the statement of Rambo Scott on 15.03.2021. He said that his friend Austin Baker and Austin's brother Simon Baker came to meet him, at his house, at three p.m. on 05.01.2021 and told him that the car was Simon's car and was involved in an accident. Austin and Simon requested Rambo to keep the car with him for a few days. Simon used Rambo's toilet and after he was done, Austin took out a laptop from the car and they left with the laptop. After they left, Rambo's wife went to the toilet and found a blue sweater. Rambo called Simon to ensure if he had left the sweater; Simon, though acknowledging that it belongs to him, asked Rambo to keep it. After seven-eight days, when Rambo visited Austin's house, Austin told him that the car belonged to one Mr. Joe Cornell and that he along with Simon had murdered Mr. Cornell. Though looking furious, looking deep into the eyes of Rambo, Austin laughed. After this conversation, Rambo felt paranoid, but he smiled. When police took Rambo to his house, Rambo opened his almirah and gave the blue sweater to the police. Mrs. Osaka confirmed that the sweater was of the same size and colour that Mr. Osaka wore the day he was killed. On 22.03.2021, Rambo was produced before the Judicial Magistrate Mary Bishop and she recorded his statement under Section 164 CrPc. The statement recorded by the judicial magistrate was same as recorded by the police on 15.03.2021.
7. On 16.03.2021, Inspector Michael Watson and his team went to Austin's house to arrest him. But Austin was not there. One Mr. Robin Gardner Austin's next-door neighbour, told the police that he saw Ms. Lily Baker, Austin's sister burning a laptop in the outdoor

fireplace established in the garden of Austin's house. Inspector Michael Watson found the charred remains of what were perceived to be some electronic components from the spot indicated by Mr. Robin Gardner.

8. Austin and Simon were arrested a day later. Both were interrogated separately. Simon stated in his statement recorded by the Police that he had neither committed any murder nor did he give any car to Rambo. On the other hand, Austin took the police to his house and pointed a finger in the direction of his cupboard, stating, "The pistol my brother owns is in that cupboard. Yes, we killed Joe Cornell and took his money. He had a lot of money!" Inspector Michael Watson prepared the recovery memo of the .32 calibre pistol recovered from the house of Austin.
9. On the day of his arrest, Austin's school principal also handed over the attendance register of his class to the police. Austin was marked absent in the register on 05.01.2021.
10. On 17.03.2021, Renowned Forensic science expert Dr. Malcolm Hunt from Central Forensic Science Laboratory stated in his report that the burnt remains might be those of a laptop. One of the components found burned was a battery cell, which is used in the batteries of laptops, but the same may also be found in power banks.
11. The Police filed the charge-sheet against Simon and Austin under Sections 302, 397, 201 r/w 34, Ordana Penal Code, 1860 & against Rambo under Section 201, 202, 404 and 411, Ordana Penal Code, 1860 and Lily under Sections 201 and 202, Ordana Penal Code, 1860.
12. Austin was declared a juvenile, and his trial is still going on in the juvenile court of Montawa. Only Simon, Rambo and Lily were tried by the Sessions Judge at Montawa. During the examination of witnesses Mr. Gardner was declared a hostile witness as he stated that he had never told the police about the laptop and that the police had made him sign on a blank paper.
13. In their statement recorded under Section 313 CrPC, 1973 Simon and Rambo said, "I don't know", in reply to all the questions put to them. In her statement recorded under Section

313 CrPC, 1973 Lily stated that she had not burned any laptop as claimed by Mr. Gardner. She said Mr. Gardner used to pass lewd remarks towards her, and since she did not respond to his advances, he lied to the police.

14. The Sessions Judge convicted Rambo and sentenced him to rigorous imprisonment for three years and Rs. 2000 as fine and in default, one month of simple imprisonment under Section 201 OPC, 1860, six months of rigorous imprisonment under Section 202 OPC, 1860, one year of rigorous imprisonment and Rs. 1000 fine and in default, one month of simple imprisonment under Section 404 OPC, 1860 and one year of rigorous imprisonment under Section 411 OPC, 1860.
15. The Sessions Judge acquitted Simon and Lily for the lack of evidence on the ground that the murder weapon was recovered from the possession of a juvenile accused who was still being tried, and the judicial confession of a co-accused cannot be relied upon for convicting Simon Baker. Similarly, the court held that since Mr. Gardner turned hostile, sufficient evidence was not available to convict Lily Baker.
16. State of Tahoma challenged the acquittal of Simon and Lily before the hon'ble High Court of Tahoma in an appeal. The case *State of Tahoma v. Simon & Anr.* is now listed for final hearing before a Division Bench.
17. For the purposes of this moot problem statement, Ordana Penal Code, 1860 or OPC, 1860 and Code of Criminal Procedure, 1973 or CrPC, 1973 of the Republic of Ordana are in *pari materia* with the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 as applicable to the whole of India respectively.