



IN THE COURT OF SESSIONS, MALYA

State of Makule

v.

Rumy and Short

S. C. No. 567 of 2012

1. The consulate office of the country of Deventia is situated in the seaside city of Malya in the State of Makule in Hindon. The area in which the office is situated is a very peaceful, but moderately populated area on the outskirts of the city. The area is known to be home to many other consular offices of different countries as well as private bungalows. On 18th June 2012, there were reports on the news that the police had found heavy explosives packed into the boot of a car parked at a busy market in Malya and was luckily diffused on time and no damage was done. Intelligence reports stated that there were atleast two people involved in this incident and the sketches of the suspects based on reports were also released with a notice to the public to report any suspicious persons or movement to the police immediately. There was also a reward of Rs. 50 Lakh put up for any information leading to the capture of the terrorists. The whole city was put on high alert with security beefed up at many important places.

2. The Consulate office premises consist of three buildings, the main building, a canteen and a library. There is one main entrance to the consular office on the southern side and a smaller entrance on the west for public access to the library. Mr. Manin from Hindon, a watchman, sits at the entrance to the library. There is a church opposite to the consulate on the northern side and immediately next to the church is a bungalow. There is a park right next to the library with its walls touching both the consulate and library walls. The lane on which all these buildings are located is perpendicular to the coastline and about 500 metres away from the beach.

3. On 20th June 2012, Mr. Manin saw two people enter the library. He did not pay much attention at first but when they were leaving after an hour, it did come into his mind that they looked like the persons in the released sketches of the terrorists by the police. He then informed the head of security at the consulate. The men incharge of security, Mr. Rumy and Mr. Short of Deventia immediately went on rounds to inspect the premises but found nothing suspicious. They also viewed the tapes from the CCTV camera placed at various points in the library and outside which did not provide very clear images but did look like the two terrorists from the sketches.

4. On the same day, at around 6:30 p.m., the two officials were on their rounds around the premises, armed with sniper rifles. Walking on the terrace of the library, they became aware of movement some distance away. Looking through their binoculars, they spotted two men who looked like the ones from the sketches and the ones observed on the CCTV tapes, loading a boat and some equipment in a hurry onto a trailer attached to a dark SUV with tinted windows, outside the bungalow next to the church. The officials took aim from separate places and shot at the figures. The shots caused a big commotion among the people on the road. They saw two people who were

standing near the boat trailer fall, covered in blood and critically wounded. Fr. Johnson, the priest of the church came out of the church with some others, hearing the commotion and quickly realized that the blood soaked people were Tom and Jerry, members of the church who had come to organize a regatta that was to take place the next day commemorating the 50th anniversary of the church association. Mr. Dacruz, the owner of the bungalow which is situated right opposite the Deventia Consulate also joined Fr. Johnson. Fr. Johnson had already summoned an ambulance which arrived shortly. The two were rushed to the hospital in the ambulance only to be declared brought dead.

5. On the basis of a telephonic information provided by Mr. Dacruz, Mr. Hudson, the Officer-in-Charge of Wilson Street Police Station registered an FIR and proceeded to the scene of the crime to conduct further enquiries. The people present demonstrated their version of how the whole thing took place. Mr. Dacruz informed the police that the two who were shot at were friends of his who had come to help organize a regatta that was to take place the next day. Mr. Hudson observed the scene of the crime and he also prepared a sketch of the same. He also took into possession the boat which was hit by the bullets, the trailer on which the boat was loaded and the mini truck to which the trailer was attached.

6. The next day the Investigating Officer summoned certain persons acquainted with the facts and circumstances of the crime to the police station and recorded their statements. On the basis of the information gathered during investigation the Mr. Hudson had a discussion with the Consulate officials. Mr Hudson called upon the Consulate officials to co-operate in the process of investigation However the consulate officials refused to co-operate in the process of investigation. They maintained that the shots were fired by someone outside the Consulate, possibly from the park. The same evening, the priest and the other members of the church took up a fast and settled down in front of the Consulate gate refusing to move. Other people also joined in the protest and there were a few stray incidents such as stone throwing on vehicles and shops remaining closed as a way of showing their protest. The regatta also did not take place.

7. The bodies of the victims were examined by Dr. William of the Government General Hospital The post mortem report showed that there were three bullets in the body of Tom and two in the body of Jerry.

8. When the accused were still not arrested the people's protests turned violent. The Chief Minister at this point intervened in the matter and held talks with the Chief of Police of Malya on 22 June 2012. After the discussions, as per the orders of the State Police Chief Mr. Hudson and his team moved to the Consulate Building. Mr. Hudson had intense discussions with the Consulate Officials which lasted for over two hours. After the discussions the Consulate officials allowed Mr. Hudson and his team to conduct further enquiries in the Consulate building and surrounding premises. As per the request of Mr Hudson they also agreed to hand over the CCTV recordings of 20 June 2012. Mr Hudon and his team viewed the recording in the facility available in the consulate building. On viewing them, they found that the two security guards, Mr. Rummy and Mr. Short had been walking around on the corridors of the buildings on the evening of the 20th of June with guns. The two, on questioning were found to be intelligence agents of a reputed outfit in Deventia. The police also recorded the statements of Mr. Rummy and Short. They then arrested the duo. The police on a search

of the Consulate premises recovered 6 weapons which included 4 sniper rifles and 2 high powered handguns. They also found some bullets in the guns and empty shells which they seized for examination.

9. Mr. Romy and Short were thereafter produced before a Magistrate within 24 hours of their arrest. The magistrate remanded Mr Romy and Mr. Short to Judicial Custody.

10. The Deventia government and the two security officials filed a writ petition in the High Court challenging the First Information Report on the ground that the police had no jurisdiction to register an FIR against the Security Officials as they were entitled to Diplomatic Immunity. The legal heirs of the deceased impleaded themselves as respondents in the writ petition. The legal heirs, while opposing the petition, justified the stand of the government that it had power to initiate action against the accused as the incident had occurred in the territory of Hindon.

11. Earlier, the legal heirs of the deceased had filed a civil suit claiming damages from Mr. Romy, Mr. Short and the Deventia Government. While the said proceedings were in progress in the civil court, the Deventian Consulate at Malya under the direction of the Deventia Government paid a compensation of 5 Lakhs to the owner of the boat for the damaged boat and equipment. The victims, Tom and Jerry had been married and had two kids each. After prolonged discussions, in the presence of mediators, the Consulate general offered a compensation of Rs. 1 Crore each to the families of the victims on the condition that they would drop the case and never file a suit in Hindon or anywhere else for the same.

12. The Court referred the matter of settlement between the families of the victims and the Deventian Government to the Lok Adalat to decide upon. The Adalat was satisfied that the settlement was beneficial to the legal heirs. The Adalat also noted that the original demand drafts for the settled amount had been handed over to the legal heirs. The Award passed by the Adalat thereafter came up for the consideration of the Court. The Counsel for the legal heirs told the Court that in terms of the settlement they would withdraw all complaints and other legal proceedings initiated by the legal heirs before various courts, including the High Court. The Court gave its seal of approval to the Award.

13. Next day the newspapers and media carried caustic comments on the settlement reached between Deventian Consulate and the legal heirs of the deceased. Eminent jurists made statements that Deventia was playing with law of the land which is an affront to the sovereignty. The Consulate office clarified that it is not subverting justice but genuinely helping out the family members of the deceased.

14. The Writ Petition filed by the Deventia Government was dismissed on merits by the High Court.

15. As per the requirements of law the measurements of the bullets, the make of the gun and the caliber among other things were ascertained by forensic experts after a complete and thorough examination.

16. On completion of the investigation the police forwarded the Final Report (Charge sheet) to the Magistrate Court. The Court took cognizance of the report and thereafter committed the case to the Court of Sessions in Malaya. After complying with the statutory requirements the Court of Sessions framed charges against the accused under Section 302 read with S. 34 HPC, S. 27 of the Arms Act, 1959 and S. 3(a), 3 (b), 3 (g) of the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002. The case is now posted for trial. The laws of Hindon are analogous to the laws of India.

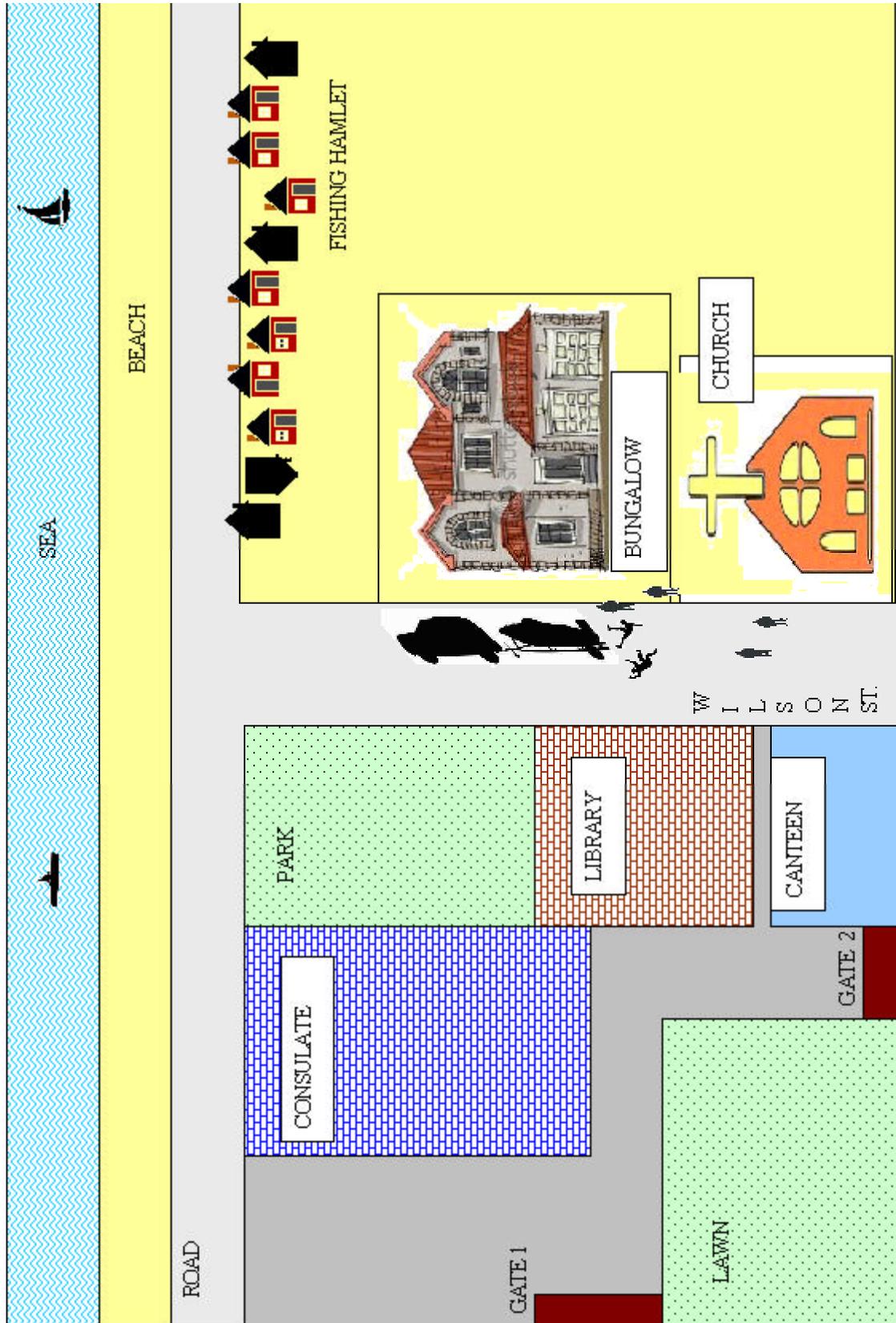
List of Witnesses

1. Mr. Dcruz (PW 1)
2. Fr. Johnson (PW 2)
3. Dr. Jason, Chief Examiner (Forensics) (PW 3)
4. Inspector Hudson, Investigation officer (PW 4)
5. Mr. Manin (DW 1)
6. Ms. Tina (DW 2)
7. Mr. Rummy (DW 3)
8. Mr. Short (DW 4)

[For the purposes of the competition it is to be presumed that both Mr. Rummy (A 1) and Mr. Short (A2) have consented to be examined as witnesses during the trial. However, as per the rules of the competition the teams may examine all or some of the eight witnesses within the time allotted to them.]

9.

ANNEXURE-1
CRIME SCENE SKETCH



ANNEXURE - 2

FIRST INFORMATION REPORT

1. District: Malya PS: Wilson Street PS Year: 2012 FIR No: 512 Date: 20th June, 2012

2. Act: H.P.C. Section 302

3. Occurrence of Offence: 20.06.2012
Time from: 6:30 p.m. Time to: unknown
Information recorded by: Inspector Hudson

4. Type of Information: Written/Oral : Telephonic

5. Place of Occurrence: Direction/Distance from PS: No. 15, Wilson Street, opposite Deventia Consulate – about 1.5 Km North from Police Station.
Beat No: 61B

6. Complainant/Informant, Name: (self) Mr. Drcruz,

Date of Birth: 21.10.1977 Nationality: Hindon Passport No: K2536464
Date of Issue: 17.03.1985

7. Basis on which FIR is lodged: 1. Information received from Mr. Drcruz, resident, No. 15 Wilson Street, Malya.

8. Details of Known/Unknown/Suspected accused with full particulars: Suspected persons – Unknown Persons

9. Reasons for delay in reporting by the complainant/informant: NA

10. Particulars of Injuries sustained: 2 deceased.

11. Particulars of Post Mortem Report : Not yet

17. Post Mortem report done by : Not Yet.

13. Inquest report/ Unnatural death Case No. if any N

ANNEXURE - 3

PANCHNAMA/MAHAZAR

20/06/2012

On 20th June 2012 at 6.45 pm. the investigating officer visited the spot of the occurrence of the crime. After observing the place, he prepared a sketch.

The following were taken into possession in front of witnesses.

1. Boat which was hit by bullets.
2. Trailer on which the boat was loaded.
3. Mini truck to which trailer was attached.

Mr. Jonson, Priest and Mr. Finn, resident of Wilson Street, present on the scene consented to be witnesses and have attested the panchnama.

Sd/
Inspector Hudson
Investigating Officer

Witnesses:

Signed

Mr. Jack, age 64 years, Residing at: No. 10, Wilson Street, Malya.

Signed

Mr. Finn, age 40 years, Residing at: No. 14, Wilson Street, Malya.

25/06/2012

On 22 June 2012 at 3 PM. the investigating officer visited the Deventia Consulate office. After observing CCTV tapes and conducting an enquiry and search of the premises, he prepared a sketch.

The following were taken into possession and sealed in front of witnesses.

1. 6 guns
2. 5 Cartridges
3. 2 empty shells

Mr. Manin, watchman, Deventian Consulate and Mr. Ram, clerk, Deventia Consulate, present on the scene consented to be witnesses and have attested the panchnama.

Sd/
Inspector Hudson
Investigating Officer

Witnesses:

Signed

Mr. Manin, age 56 years, Residing at: No. 32, Wesley Vihar, Malya.

Signed

Mr. Ram, age 29 years, Residing at: No. 21, Golden Enclave, Malya.

ANNEXURE - 4

DEATH CERTIFICATE

20.06.2012

Dr. William K. Fox
Regn No.: 4258
Government General Hospital
Malya

Deceased's Name: Tom. J
Sex: Male Age: 35 years Height: 5' 11" Weight: 80 kg

Date of Death: 20.06.2012
Time of Death: Dead on arrival
Cause of death: Bullet wounds in neck, chest and abdomen.
Death was instantaneous.

Signed
Dr. Fox
Duty Doctor

DEATH CERTIFICATE

20.06.2012

Dr. William K. Fox
Regn No.: 4258
Government General Hospital
Malya

Deceased's Name: Jerry D.
Sex: Male Age: 36 years Height: 6' 2" Weight: 95 kg

Date of Death: 20.06.2012
Time of Death: Dead on arrival
Cause of death: Bullet wounds in head and chest.
Death was instantaneous.

Signed
Dr. Fox
Duty Doctor

ANNEXURE 5

POST MORTEM REPORT

Autopsy Number : J22-125 Unit No. :
Name : Tom J. Age : Race : White Sex : Male
Admitted : 20-06-2012 DOA Expired :
Autopsy Date :21-06-2012, 9.30 AM Service :
Autopsy by : William K. Fox, M.D. Coroner :

Cause of Death : Gunshot wounds to the neck, chest and stomach.

EXTERNAL EXAMINATION:

External examination reveals a well developed white male measuring 5 foot, 11 inches in length and weighing an estimated 180 to 185 pounds. The hair is brown and slightly wavy. The irides are gray, the pupils are equal at 5 mm. Rigor is not present. Very slight mottled lividity and body heat is present. Oral hygiene is good. The neck is not remarkable. Hair distribution is normal. Identification marks on the right cheek, left elbow and left ankle.

There are three entrance types of wounds. No. 1 is 2 ½ inches to the left of the heart and 3 ¾ inches to the top of the middle. This measures 3/8 x ¼ of an inch. No powder tattooing is noted at the margins.

Wound no. 2 is 10 inches from the top of the head on the right side of the neck. It measures 3/8 x ¼ of an inch. This is surrounded by a contusion ring.

Wound no. 3 is 2 inches below the midline and 2-1/4 inches above the left thigh. It measures 5/16 x ¼ of an inch. This is surrounded by a contusion ring.

There are two exit wounds on the back.

There is a tanning of the arms. The nails are well cared for although slightly dirty. There is a scar below the left wrist which runs in an oblique fashion and terminates at the elbow.

COURSE OF THE BULLETS:

Examination of the first wound is made. Wound no. 1 is seen to have entered through the neck and traveled upwards through the cranium and recovered from the brain matter. There is no exit wound.

Wound No. 2 is found to penetrate the chest wall as externally described, is surrounded by hemorrhage, and penetrated the left lung. The wound is seen to have followed a straight course through the body and exited through back.

Wound no. 3 seems to have entered below the midline and immediately traversed through the stomach and exited through the back.

FINDINGS:

Gunshot wound to the neck.

Brain parenchymal damage and hemorrhage.

Gunshot wound of the chest.

Penetration of the left lung.

Gunshot wound to the midline.

Penetration of the stomach.

POST MORTEM REPORT

Autopsy Number : J22-126

Unit No. :

Name : Jerry D.

Age :

Race : White

Sex : Male

Admitted : 20-06-2012 DOA

Expired :

Autopsy Date : 21-06-2012, 9:30 A. Service :

Autopsy by : William K. Fox, M.D.

Coroner :

Cause of Death : Gunshot wounds to the chest and head.

EXTERNAL EXAMINATION:

External examination reveals a well developed male measuring 6 foot, 2 inches in length and weighing an estimated 190-195 pounds. The hair is black and straight. The irides are blue and pupils are equal at 5mm. Rigor is beginning to form. Slight mottled lividity and body heat is present. Oral hygiene is moderate. The neck is not remarkable. Hair distribution is normal. Identification marks on the right wrist, left ankle, and left toe.

There are two entrance types of wounds. Wound no. 1 is to the left of the temple and about 1 inch above the left ear and measures $\frac{3}{4}$ x $\frac{1}{4}$ of an inch. There is some powder tattooing along the margins of the wound.

Wound no. 2 is equidistant from either side of the body and is right in the middle of the chest area, 4 inches above the midline. The wound measures $\frac{3}{8}$ x $\frac{1}{2}$ an inch. There is a contusion ring surrounding the wound.

There is a tanning of the arms. The nails are dirty. There are two scars on the body. Scar no. 1 runs downwards from the kneecap and terminates 6 inches above the ankle. Scar no. 2 is circular and is seen on the right elbow.

COURSE OF THE BULLETS:

Examination of the first wound is made. The wound is seen to have entered through the left temple, pierced the cranium, and exited through the back of the head, taking along with it some portions of brain matter.

Wound no. 2 seems to have penetrated the wall of the chest right through the middle and taken a downward course, through the 3rd and 4th rib on the left, piercing left lung and the stomach, the liver, penetrates the diaphragm and is recovered 1 inch below the diaphragm.

FINDINGS:

Gunshot wound to the head.

Penetration of the cranium and brain.

Gunshot wound to the chest.

Penetration of the chest, left lung, left ribs, stomach, liver and diaphragm.

ANNEXURE - 6

FORENSIC REPORT

1. Date of report : 15/07/2012
2. Laboratory address : Hindon State Forensic Science Laboratory
No. 21, Hillside Avenue,
Malya.
3. Agency case no : C - 221
4. Laboratory tracking no : 33
5. Written title for the case : Murder of Mr. Tom J. and Mr. Jerry D.
6. Examinations requested :
 - 1) Examination of firearms
 - 2) Cartridge and shell examinations
 - 3) Characterization and evaluation of fired projectiles
 - 4) Bullet comparison and identification
 - 5) Gunshot residue and distance determination
7. List of evidence items received :

6 guns – 4 Remington XCR 700 Compact Tactical Rifles with 20” barrel and 2 Glock 37 Handguns, 5 x .208 Win cartridges and 11 empty shells, 9 from the crime scene and 2 from the ground behind the consulate library.
8. When, how and by whom the evidence items were received :

Evidence received on 23/06/2012 personally by Dr. Jason, Chief Examiner.
9. Examinations performed :
 - 1) **EXAMINATION OF FIREARMS :**

The firearms were found on the premises of the Deventia Consulate office. 6 guns in total were seized out of which 4 are Remington XCR 700 Compact Tactical Rifles and 2 are high powered Glock 37 Handguns.

2) CARTRIDGE AND SHELL EXAMINATIONS :

There were 5 x .208 Win Cartridges recovered from the Consulate premises and 2 empty shells recovered from the earth behind the library and on the terrace of the consulate office respectively. There were 2 bullets recovered from the victim's bodies, 3 from near the bodies, 4 embedded in side of the boat 2 in the equipment on the boat. The cartridges, on examination prove that they can be used on the Remington. The empty shells are also from .208 Win bullets and fired from a Remington of the same make as found in the consulate.

3) CHARACTERIZATION AND EVALUATION OF FIRED PROJECTILES:

The fired projectiles are .208 Win bullets with 5.56 mm caliber. They have the capability of traveling a distance of 900 metres approximately. The bullets from the guns, when fired from a distance of 100-120 metres, the target being a soft object, causes a hole of about $3/8 \times 1/4$ inches which is the same as that on the victim's bodies.

4) BULLET COMPARISON AND IDENTIFICATION:

There were 3 bullets recovered near the crime scene on the ground, 2 bullets recovered from inside the bodies of the victims, 4 embedded on the side of the boat and 2 on the floor of the boat. The projectiles fired from the seized weapons match the bullets found on the crime scene and the bodies of the victims. The grooves on the bullets match those on the guns exactly. Test results show that the bullets found in the victims' bodies and the bullets recovered from near the bodies come from the same gun make – the Remington XCR 700 Compact Tactical Rifle, specifically the two under numbers 41667 and 41668.

5) GUNSHOT RESIDUE AND DISTANCE DETERMINATION :

Test results compared with the residue on the bodies of the victims show that the bullets came from an approximate distance of 100-120 feet and the direction the bullets took upon entering the bodies of the victims show that they came from somewhere directly above or diagonally above with a maximum variation of 15 feet on either side.

Signature of Examiner

Signature of quality assurance reviewer

ANNEXURE - 7

STATEMENT OF WITNESSES

Persons examined:

1. Mr Dcruz
2. Fr. Jonson
3. Mr. Jim
4. Ms. Tina
5. Mr. Manin
6. Mr. Rummy
7. Mr. Short

1. Mr. Dcruz

I am a resident of No. 15 Wilson Street, Malya. On the evening of 20th June 2012, I was standing outside my house on Wilson Street watching my friends Mr. Tom and Mr. Jerry load a boat and equipment onto the trailer attached to a mini truck which were hired that day from Sailway Boat Company, to be used for patrolling purposes for the regatta next day. All of a sudden around 6:30 p.m., I heard gunshots coming from the other side of the road and in a flash my friends, Tom, who was standing on the boat and Jerry, who was on the ground, had fallen and were bleeding profusely. Immediately people on the road started rushing to the spot and there was chaos. There were more than 10 shots though I cant be sure of the exact number and they all came from opposite, that is the Consulate building. It seemed as if the bullets came from two different directions but definitely not from as far as the park.

2. Fr. Jonson

I am the Chief Priest of St. Mica church situated on Wilson Street. On the evening of 20th June 2012, I was walking towards the church at around 6:30, after talking with the victims and two others. Just as I entered the gate of the church, I heard gunshots coming from the consulate compound and people screaming. There was a crowd forming outside Mr. Drcuz's house. I rushed to the spot with few other church members only to find a bloody mess on the road. Tom and Jerry had fallen down, covered in blood. I cannot be sure of the number of shots but they definitely came from the Consulate compound.

3. Mr. Jim

I am a resident of No. 12 Wilson Street. On the evening of 20th June 2012, I was standing outside Mr. Drcuz's house along with him, Mr. Tom and Mr. Jerry who were loading the a boat onto the trailer. Suddenly I heard gun shots and both Tom and Jerry were on the ground bleeding. I was facing the consulate buildings at the time and I am very sure that I heard the gun shots from that side from two places. There were about 10 shots but could have been more.

4. Ms. Tina

I am a resident of Thomson Street and I was just walking through Wilson Street outside the consulate building when I heard gun shots from above and I saw two people fall on the road on the opposite side in a pool of blood. There was a continuous barrage of shots for atleast 10 seconds and I cant be definite about the number and the direction it came from.

5. Mr. Manin

I, Manin, am a watchman in the Deventian Consulate posted outside library and adjacent lawn. At about 6.15 p.m. I saw two people on the roof of the consulate office (third floor), near the parapet wall facing Wilson Street. They were having some equipment in their eyes, may be a binocular and watching the building on the opposite side of the road. They could be Mr. Rummy & Mr. Short, I am not sure.

6. Mr. Rummy

I, Mr. Rummy, am a Security Official at the Deventia Consulate along with Mr. Short. On the 20th of June 2012, at 6:30 pm, Mr. Short and I were going on rounds around the consulate premises after our watchman Mr. Manin alerted us about two people who had been in our library and looked like the terrorists from the released sketches. At around that time, we were on the terrace of the consulate office when we saw two people similar to those in the sketches try to climb the wall behind the library. I fired in the air to scare away the duo as did my colleague. We fired 3 shots at first into the air. When that did not help, we fired 5 more above the heads of the people but none grazed the two.

7. Mr. Short

I, Mr. Short, am a Security Official at the Deventia Consulate along with Mr. Rummy. On the evening of the 20th of June 2012, Mr. Rummy and I were going on rounds inside the consulate. We were on high alert after the reports on terrorists in the area. While on the terrace of the Consulate office, we spotted two people trying to climb the wall of the Consulate behind the library. We fired into the air at first but the two continued climbing up the wall. They might have been armed. We then fired few more shots that went right above their heads but none of the total of 8 shots hit them.

ANNEXURE - 8

REPORT OF POLICE OFFICER ON COMPLETION OF INVESTIGATION

(Under Section 173 of Cr.Pc.)

Filed on 30/07/2012

- a) *The Name of the Accused:* 1. Mr. Rummy
2. Mr. Short
- b) *Nature of information:* FIR registered by the Police Inspector/Investigating Officer on the basis of information received from known sources.
- c) *The Names of persons who appear to be acquainted with the circumstances of the case:* Mr. Dacruz, Fr. Johnson, Mr. Jim, Mr. Manin and Ms. Tina.
- d) *Whether any offence appears to have been committed and, if so, by whom:* Yes. Death of 2 persons has occurred, prima facie offence is disclosed under S 302 read with S. 34 of the HPC, as well as S. 27 of the Arms Act 1959 and the said offences have been committed by Mr. Rummy and Mr. Short who are Security Officials of the Deventia Consulate, Malya.
1. On the twentieth day of June 2012, a double homicide was committed. The cause of death was bullet injuries and death was almost instant. The victims were Mr. Tom and Mr. Jerry, both citizens of Hindon. There was also extensive damage to their boat and equipment that was loaded onto the boat.
 2. Mr. Rummy and Mr. Short, security officials of the Deventia Consulate were on high alert after reports of a diffused bomb in a busy market in the city, suspected to be planted by terrorists, were sent out and especially after being notified by the watchman Mr Manin of the Consulate that two persons resembling the terrorist suspects were seen in the library on the morning of 20th June 2012. On rounds the same evening, having spotted Mr. Tom and Mr. Jerry, it appears that Mr. Rummy and Mr. Short fired at them since they looked like the two terrorists. However, contrary to claims by the Consulate that the shots were fired from outside the consulate, it appears that the shots did come from inside the consulate though the exact spot from where they were fired is not clear.
 3. Witnesses reported hearing the shots from the consulate premises. Main witness, Mr. Dacruz, friend of Mr. Tom and Mr. Jerry, and owner of the bungalow next to the church insists that the shots came from inside the consulate premises. There was delay in obtaining the statement of another witness Mr. Jim, who immediately after the incident left to visit his ill mother at his native place. He had apparently received an SMS from his brother who lives in Malya about his mother. The story was checked and confirmed as true.

4. Given the autopsy report and ballistic reports, it is determined that the bullets were fired from a distance of possibly 100-120 metres away from the victims. There were a total of 11 bullets. There were 5 bullets that hit the bodies of the victims, 2 of which exited the bodies and were recovered from the ground nearby. 4 bullets were found embedded on the left side of the boat and 2 more on the floor of the boat. The bullets not only killed the victims instantly but also damaged some of the equipment beyond repair.
5. There are three possible places from where the bullets could have been fired – the park, the consulate building and the library building adjacent to the consulate. The entry and exit of the wounds as well as witness reports indicate that the shots came from directly above or diagonally above to a maximum distance of 10-15 metres on either side. Therefore there can be no possibility that the gun was fired from inside the park which is some 40 metres away.
6. The CCTV footage obtained from the security cameras installed at various points in the consulate premises show that the two accused were carrying similar weapons to those identified by initial forensic examination of the bullets as the murder weapons. Moreover, the later reports indicate that the bullets that hit the victims were from two of the guns seized from the consulate premises.
7. Therefore it appears that the accused, having received reports from the watchman of the consulate regarding two suspicious people in the library who were later identified as the two killed, it is evident that they identified the two as possible terrorists and with the common intention to kill them shot at them.
8. Contrary to their claims that the shots were fired to scare away two people trying to climb the wall of the consulate premises, it appears that the shots were fired to injure in such a way that death is a definite result. If the shots had been fired to scare, they should have been fired upwards. In this case, there was atleast one bullet fired through the chest of the victims. There was one bullet that hit even the head of one of the victims. This goes to show that the intention behind the shooting was not to scare but to injure and maybe even cause death.
9. In the light of the above stated facts and circumstances it concluded that prima facie offence is disclosed under S 302 read with S. 34 of the HPC, S. 27 of the Arms Act 1959 and S. 3(a), 3 (b), 3 (g) of the Suppression of Unlawful Acts Against Safety of Maritime Navigation and Fixed Platforms on Continental Shelf Act, 2002.