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MOOT PROBLEM - NO. 2

(FOR QUARTER - FINAL ROUND)

1. Mr X is a resident of the state of Purva Pradesh in Indica. In the year 1981, Mr X, who was married, murdered his wife in a drunken rage at his house. The neighbours, who heard the screaming and shouting leading to her murder caught hold of Mr X and handed him to the police. Mr X was tried by the competent Sessions Court, convicted of offences punishable under S.302, IPC and sentenced to life imprisonment in 1984.
2. Mr X was sent to the central prison in Purva Pradesh, Charapanna Agrahara, to serve out his sentence. While he was there, he became close friends with his cellmate, Mr Y. Mr Y was around 30 years older than Mr X was. He had an unmarried daughter who was around the age of Mr X. With time, X and Y became friends and Y suggested that X marry his daughter. X agreed to the marriage.
3. In the year 1987, X and Y obtained parole from the prison and the marriage between X and Y's daughter was solemnised as per the rights and customs of their religion. Both X and Y returned to the prison. For around 30 days in a year, X would obtain parole and visit his wife in her village. In due course of time, X's wife delivered twin baby boys.
4. However, by the year 1990, X had started suspecting the fidelity of his wife. This seemed to be a more acute problem to him since he was away in prison for most of the year. In October, 1990, X obtained parole and visited his wife and two children.
5. One night while he was with his family, and being extremely intoxicated with liquor, X was seized by rage and started quarrelling with his wife over his suspicions on her character and fidelity. Ultimately, he seized an agricultural implement and hacked his wife to death. He then proceeded to kill his two children who were sleeping within the house with the same weapon.
6. According to the neighbours who rushed in, X was trying to commit suicide by hanging himself when they discovered him and overpowered him. X was handed over to the police, who accused him of having committed the murders of his wife and children. X confessed in police custody that he had committed the murders.
7. However, when X was produced before the jurisdictional magistrate, he refused to make any statement. He was remanded to custody while the investigation went on. Ultimately, he was charged with offences punishable under Section 302 and 303 of the IPC.
8. X was represented by a government appointed lawyer before the Court of Sessions where his trial commenced. The lawyer was disinterested in the case and did not cross examine witnesses of the prosecution nor did he produce any evidence on behalf of the defence. X was convicted.
9. The Sessions Court sentenced X under S.302 and 303 of the IPC to death. The sentence was pronounced in the year 1994.
10. Upon the matter being sent to the High Court of Purva Pradesh for confirmation of sentence, a Division Bench split on the quantum of sentence to be awarded. While one judge felt that a life sentence without possibility of parole, commutation or remission would be sufficient, the other felt that only death would be an appropriate punishment since the convict was already under a sentence of life imprisonment and some extra punishment had to be awarded for the new and ghastly crime committed by him.

11. The matter was referred to a third judge of the High Court who felt that there was no discretion in the matter given the provisions applied and the nature of the crime and confirmed the sentence of death.

12. Mr X's Special Leave Petition to the Supreme Court of India was refused admission on grounds that it did not raise any issues of significant legal importance.

13. Mr X submitted a mercy petition to the President of India which came to be rejected in the year 1996. Therefore, Mr X was due to be executed.

14. Due to oversight on behalf of the prison authorities, Mr X was not kept in the death row cells at the prison, but was allowed to remain in the cells with other ordinary criminals, it is only in the year 2011, that the same was discovered and the prisoner was sent to death row confinement.

15. On 01.01.2013, the black warrant for the execution of Mr X was issued by the appropriate court. The very next day, lawyers representing a human rights organisation filed a writ petition before the High Court of Purva Pradesh claiming that Mr X cannot be executed on the grounds that his trial is vitiated by illegality and his execution would violate several provisions of the Constitution of India. The state opposes the same and insists on execution.

16. The laws, case law and constitutional provisions of India are analogous to the ones in the Republic of India in the year 2015.

17. On behalf of both the State and the Petitioners, draft petitions and make oral arguments based on the above information.

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