**SHRI.KONERU LAKSHAMAIAH MEMORIAL FIRST ALL INDIA**

**MOOT COURT COMPETITION, 2018**

**Problem -I (Preliminary Round)**

Mr. Shah, a farmer, is living with his wife (Mrs. Rama), Son (Mr.Sohail) and Daughter (Ms. Sirisha) in a remote village of Andhra Pradesh. Mr. Shah with his meager source of income was managing his family needs respectfully, while his wife (Rama) and his Son (Sohail) help him in his day to day work. His son, Mr. Sohail could not go to school because of his father’s poor financial position.

However, his daughter, Ms. Sirisha joined a reputed engineering college, in the nearby town, with the financial support from the local business men. Ms. Sirisha’s college is about 12km away from her house. She used to go by public transport, like shared auto or by bus.

Mr. Kiran, a boy living in the same village, is working as a data entry operator in a private company in the town, where Ms. Sirisha’s College is located. Incidentally, both Mr. Kiran and Ms. Sirisha go to the town in the same public transport. While going to town and coming back home, both got access and rapport to speak to each other, and eventually, both have become good friends and started liking each other.

On 10thAug, 2014, Mr. Shah, after coming to know the intimate relationship that has developed between Mr. Kiran and his daughter, discussed the matter with his brother Mr. Shyam. Upon his advice, Mr.Shah warned Mr. Kiran with **severe consequences and severely** admonished him. Mr. Shah also scolded his daughter to refrain from meeting Mr. Kiran.

Before this, Mr. Sohail on an occasion took Rs.50, 000/- (Rupees Fifty Thousands Only) from Mr. Kiran for some personal reasons. On August 17, 2014, Mr. Sohail called Mr. Kiran to his house to repay the loan amount of Rs. 50,000/- as full and final settlement. At about 8:30pm, on the same day, when Mr. Kiran came to Mr. Sohail’s house, everybody finished their dinner and waiting for Mr. Kiran. Mr. Sohail gave Rs.50, 000/- to Mr. Kiran and asked him to leave immediately.

While Mr. Kiran was about to leave the place, Ms. Sirisha suddenly came running out of the house and hugged him from behind. She was crying loud, requesting Mr. Kiran to take her with him away from her father’s house. Before Mr. Kiran could gain his senses from such a sudden incident, Mr. Shah rushed to his daughter and dragged her inside the house and bolted the doors from outside.

Mr. Shyam, (brother of Mr. Shah), in a fit of anger, brought a lathi, usually available in every house, and started beating Mr. Kiran with lathi on his head and chest. Mr. Shah, shouted ‘kill him’. Mr. Sohail caught hold of Mr. Kiran to prevent his escape.

In the meantime, Ms. Sirisha managed to escape from an open window and rushed to protect her lover. Unfortunately, she also received three serious blows on her head and collapsed unconscious. With the intervention of neighbours, both were taken to the hospital where Mr. Kiran survived but Ms. Sirisha died after 10 days of her admission in the hospital.

The Post-Mortem Report confirmed that she suffered injuries on head and fracture of 3 ribs. According to the Post-Mortem Report ‘none of these injuries independently was sufficient to cause her death’, while ‘they cumulatively were sufficient to cause death in the ordinary course of nature’.

First Information Report (FIR) was registered under section 154 of CrPC in Police Station against Mr. Shyam (Accused 1), Mr. Shah (Accused 2), Mr. Sohail (Accused 3) for death of Ms. Sirisha and for attempt to murder Mr. Kiran.

The charges were framed against all the three accused under S. 302 r/w section 34 of Indian Penal Code, 1860 in relation to the death of Ms. Sirisha. And they were also charged under Sec. 307 r/w Sec. 34 Indian Penal Code, 1860 for attempt to commit murder of Mr. Kiran.

The Sessions Court convicted them and imposed sentence of death for causing death of Ms. Sirisha. They were also convicted for attempt to murder Mr. Kiran and were sentenced to 7 years imprisonment.

On appeal, the High Court confirmed the conviction of all the accused for ‘attempt to murder’ Mr. Kiran and reduced the term of imprisonment to 5 years.

However, the High Court changed the conviction of all the accused for ‘murder’ into offence of ‘culpable homicide not amounting to murder’ for causing death of Ms. Sirisha as they were under grave and sudden provocation, when Mr. Kiran and the girl hugged each other in their presence.

The State has preferred an appeal in Supreme Court challenging the order of High Court for convicting them merely for ‘culpable homicide not amounting to murder’ but not for‘murder’of Ms. Shirisha.

All the three accused have also preferred cross appeals before the Supreme Court challenging their convictions both for causing death of Ms. Sirisha and also for making an attempt to murder Mr. Kiran by High Court.

Since all these facts and circumstances brought out in these appeals are part of the same incident, the Supreme Court decided to hear and deicide these appeals together.

Advance your arguments on behalf of both the Appellant and Respondents and submit written Memorials on both sides.

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