

AMITY
UNIVERSITY
— RAJASTHAN —



Knowledge Partners



AMITY LAW SCHOOL

MOOT COURT SOCIETY

PRESENTS

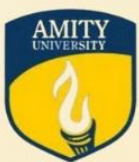
AMITY NATIONAL TRIAL

ADVOCACY COMPETITION, 2024

APRIL 25 & 26, 2024



LAST DATE OF REGISTRATION
APRIL 9, 2024



AMITY
UNIVERSITY
— RAJASTHAN —



ABOUT AMITY UNIVERSITY RAJASTHAN

Amity University Rajasthan was established under Amity University Rajasthan Act of 2008, as notified by Government notification No F.2 (10) vidhi/2, Amity University Rajasthan (AUR) holds its prestigious accreditation of NAAC A+, reflecting its unwavering dedication to upholding the highest standards of quality and excellence in higher education.

AUR offers an extensive range of educational programs designed to meet global standards. Serving as a guiding light, AUR illuminates and mentors aspiring individuals across various educational domains. Its mission is to disseminate knowledge across diverse disciplines, fostering not only professional advancement but also sustainable development thereby cultivating students into outstanding global leaders enriched with robust ethical values and integrity.

In response to the ever-evolving challenges of the contemporary global educational landscape, AUR is committed to nurturing future global leaders. This commitment is realized through the creation of an environment characterized by academic distinction, pioneering research endeavors, technology-integrated and hands-on learning experiences, exposure to diverse cultural perspectives, comprehensive holistic development initiatives and a deep-seated dedication to social and environmental responsibility.

- Rated Gold by 'The Leed Green Building Rating System' established by 'The US Green Building Council and verified by Green Business Certification INC'. (2017)
- The Week Hansa Research Best University Survey ranked AUR 6th among the Private Universities of India (2014)
- Brands Academy Excellence Award has crowned AUR with the 'Best Private University in North India' (2014)
- ASSOCHAM awarded AUR for 'Best University Campus' (2014)
- World Education Summit honored AUR for excelling in Digital Learning and awarded the University with the title of 'Best North India Private University' (2014)
- Hindustan Times appreciated AUR's Excellence in Employability and Placement (2013)
- Silicon India ranked AUR 2nd in its survey of Top 20 Indian Private Universities in India (2013)

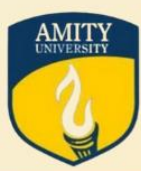
ABOUT AMITY LAW SCHOOL



Amity Law School (ALS) at Amity University, Rajasthan, has been dedicated to providing comprehensive legal education. ALS has also been recognised as Top Law School by Forbes Powerlist 2020.

The law school offers a diverse range of programs such as Doctrate, LL.M, BA.LL.B(H), B.Com.LL.B(H) and B.B.A.LL.B(H) .The Five year integrated under graduate program offers five specialisation - Criminal Law International Trade Law , Intellectual Property Rights Law, Corporate Law and Constitutional Law

A vibrant learning environment is fostered through the operation of Moot Court Society, Alternate Dispute Resolution Club, Debate Club, Legal Aid Clinic and Pro-Bono Club (Ministry of Law and Justice) which provides students with opportunities to engage in various facets of legal practice and contribute meaningfully to the community.



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1. LANGUAGE

The official language for the Competition shall be English only.

2. ELIGIBILITY

The Competition is open for students of law who have duly enrolled themselves and are pursuing 3-year law degree or a 5-year integrated law degree with a BCI recognized college/university.

3. DATE & VENUE

The Competition will take place in the university campus of Amity University Rajasthan, located at NH-11C, RIICO industrial area, Kant Kalwar, Jaipur Rajasthan, on 25th and 26th April, 2024.

4. TEAM COMPOSITION

- 4.1. The team shall comprise of four members wherein, two shall act as speakers, one as the researcher, and one as the witness trainer.
- 4.2. The team members may comprise of students from the same college/university only.
- 4.3. Each team will have a team code. Teams should not disclose their identity or that of their institution or city, etc., under any circumstances and such disclosure shall invite penalties including disqualification from the Competition directly. The decision for the same shall be at the discretion of the Organizers.

Note: Only the designated speaker and witness trainers in the Preliminary Rounds shall be eligible for the Outstanding Speaker and Outstanding Witness Trainer award respectively.

- 4.4. No team coach, mentor, observer, parent, or any other person shall be accompanying the participating team members.
- 4.5. There shall be NO amendments in team composition once the registration of the team has been accepted except on the discretion of the organisers.
- 4.6. No individual shall register himself/herself more than once otherwise the participant shall be disqualified from both the teams.

5. REGISTRATION

- 5.1. The fee for registration is Rs. 3800+18% GST, i.e., Rs. 4484 per team.
- 5.2. This amount does not include food and/or accommodation.
- 5.3. The process of registration would be as follows:

Provisional
RegistrationCommunication
of Acceptance

Payment

Final
Registration

5.4. For provisional registration, the teams are requested to fill the following form-
<https://forms.gle/xQbwvYuBnyrf2wRS9>.

5.5. For successful completion of provisional registration, the teams are required to upload their college IDs.

5.6. The organisers, after successful verification, accept or reject your application for participation.

5.7. Once the approval mail is received, the teams may then proceed to complete their registrations according to the information to be given to them through team email address.

6. DRESS CODE

Every participant is to dress as per the requirements of “Rules of Legal Education, 2008”, i.e.

- Black trousers, white shirt, black tie, black coat, black shoes, and black socks.
- **Optional for female participants-** White printed saree, with Black full sleeve blouse and covered black shoe or Suit with black covered shoe.

7. MEMORIAL

7.1. Each team participating in the Competition must prepare a written submission on behalf of the Prosecution and Defence.

7.2. A written submission shall be identified solely by the team code assigned to the team. The Written Submission shall not, in any way, disclose the identity of the team or members. Non-compliance may lead to disqualification.

7.3. The softcopy in PDF shall be submitted through this link-
<https://forms.gle/wrnwpmBX9EDdf2Vo9> before 11:59 P.M 20th April, 2024

7.4. The file names of the electronic copies of the memorial must contain only the team code and the side being represented.

E.g.: For team code AUR01 it shall be “AUR01- Prosecution” AND “AUR01- Defence”.

7.5. The Memorials Submission shall consist of the following mandatory header:

- a) Cover Page
- b) Table of Contents
- c) List of Abbreviations
- d) Index of Authorities

- e) Statement of Jurisdiction
- f) Statement of Charges
- g) Statement of Facts
- h) Statement of Issues
- i) Summary of Arguments
- j) Arguments Advanced
- k) The Prayer

7.6. The Cover page shall include:

- a) Team code (the upper right corner)
- b) Name of the competition
- c) The name and jurisdiction of the court
- d) The relevant provision under which the case is filed
- e) Charges against the accused
- f) Name of parties and status
- g) The side for which written submission has been prepared.
e.g. Memorial filed on behalf of “.....”

7.7. Format of the Memorials:

- a) Typed on standard A4 size page
- b) Font Type: Times New Roman
- c) Font Size for body text: 12
- d) Font size for footnotes: 10
- e) Font size for the cover page- 14
- f) The text of the Memorial should be 1.5 lines spaced
- g) The text of Footnotes should be single-spaced
- h) Margin: 1 inch or 2.54 cm margin on each side of the A4 size page
- i) Page numbering: Bottom right of each page.
- j) Citation Pattern: Bluebook 20th edition

7.8. The participating teams should include the Header and Footer in their memorials to the effect that the Header should mention the full Name of the Competition, and the Footer should mention the page number and the side on whose behalf the memorial is submitted.

7.9. The Cover Page of the Memorial for Prosecution must be **BLUE**, and for the Defence Memorial, it must be **RED**.

7.10. The soft copy of the memorial for each side shall be a single file (All parts of each memorial must be in a single document i.e., Separate Ancillary Pages and Arguments in Detail are NOT allowed), and should be sent in PDF only.

7.11. Each team shall be assigned a team code by the Organizers. The team shall use their team code for identification purposes throughout the competition.

7.12. It is further clarified that the Organizers reserves the right to refuse acceptance of any memorial that violates any of the norms of these rules.

7.13. Once the memorials have been submitted, no revisions, supplements, or additions will be allowed. Failure of submission of memorial would result in disqualification of the team from the competition.

7.14. The Organizers of this Competition shall be permitted to use all the Memorials for any reporting or compilation without further permission. The Submission would be deemed to be permission. The copyright in the Memorials submitted by the participants shall vest in the Organizers.

7.15. **The teams shall bring along 8 copies of the memorial, i.e., 4 from each side. The memorial must be spiral bound and printed on 1 side only.**

7.16. Similarity and Plagiarism

Participants must refrain from plagiarising. Even the use of publicly available information must be accompanied by proper citations. These rules shall apply to all parts of the memorial. Similarity above 20% will warrant penalties [detailed deduction is given in 14.1 (h)], 80% or more may face disqualification of memorial. The Organizers in consultation with the chairperson will take a final decision regarding the determination of such cases.

7.17. MEMORIAL EVALUATION

S.NO	CRITERIA	MARKS
1	Knowledge and application of facts and Law <ul style="list-style-type: none">• Integration of facts into legal argument• Appropriate inference of the facts from the Evidence• Understanding of strengths and weaknesses of the case• Ability to distinguish adverse cases	20
2	Quality and applicability of Research <ul style="list-style-type: none">• Novelty in analysis and arguments• Variety & depth of research (new points and unique interpretation of fact/law)• Effective use of authority to support arguments	20
3	Recognition of issues and articulation of Argument	20

	<ul style="list-style-type: none"> Understanding pertinent legal issues; Discussion of viable alternative arguments 	
4	Structural Coherence and Consistency in the arguments <ul style="list-style-type: none"> Clear, concise and unambiguous writing style Logical development of ideas 	20
5	Overall Presentation <ul style="list-style-type: none"> Proper use of citations and citation form Language and Grammar Clarity & Style 	20
	Grand Total	100

8. COMPENDIUM

- 8.1. The teams **may prepare** a separate **compendium**, which will carry all the annexures case laws, etc. that have referred to in the memorials.
- 8.2. The compendium will have a **WHITE** cover, which shall be designed as per the standards similar to the format of the memorial.
- 8.3. Any identifying marks/seal of the college/university may result in disqualification from the competition.

9. WITNESSES

- 9.1. The students from the host institution shall be provided to the participating teams.
- 9.2. A total of 2 witnesses will be provided to each team and they will remain with the team through all the rounds as the case maybe.
- 9.3. Before every round, the teams will be given a total of 30 minutes to train their witnesses.
- 9.4. The witness initially designated shall remain affiliated with their respective team for the duration of the competition, except in cases warranting special consideration.

9.5. CRITERIA FOR EVALUATION OF WITNESS TRAINER

For the award of Best witness trainer, witnesses of each team will be evaluated on the following grounds:

S.NO	CRITERIA	MARKS
1	Knowledge of facts and issues at hand	20
2	Ability to answer posed by the judges/counsel	20
3	Logical reasoning and clarity	20

4	Court room etiquette	20
5	Confidence and communication skills	20
Grand Total		100

10. STRUCTURE OF THE COMPETITION

The Trial Advocacy Competition shall take place as follows:

10.1 Orientation Programme

- Orientation programme will be held on 24th April in VIRTUAL MODE.
- Following orientation, draw of lots for preliminary rounds will be conducted.
- Platform and time of the meeting will be notified in due course of time.

10.2 Preliminary Round

- Preliminary rounds will be conducted on 25th April.
- There will only be one preliminary round. Each team will represent one side only.
- The opposing team and their respective sides would be determined by draw of lots.

10.3 Quarter Final Rounds

- Quarter final rounds will be conducted on 25th April.
- Only top 8 team will qualify for the quarter-final rounds.
- The side represented by the parties and their opposing team will be decided by draw of lots.
- Top 4 teams from this round shall qualify for the Semi-final round.

10.4 Semi-Final Round

- Semi-final round will be held on 26th April.
- This round will be the *knockout round*. The team winning in their respective court rooms will qualify for the final round.
- The side represented by the parties and their opposing team will be decided by the draw of lots.

10.5 Final Round

- The winner from each courtroom fixture i.e., 2 teams from the semi-final round shall qualify for this round.
- The side represented by the parties will be decided by draw of lots.
- Final round will be held on 26th April.

10.6 Researcher's Test

- The Researcher's test will be conducted on 25th April.
- The test will be conducted in the form of a quiz. There will be 30 questions in MCQ form. The duration of test would be 30 minutes.

- c) Only the designated researcher will be allowed to appear for this test.

11. DRAW OF LOTS

Before every round, the draw of lots will be done to determine the side for which the Team shall be arguing i.e., Prosecution or Defence. The draw of lots will also decide which team you will be competing against (There will be no pre-decided fixtures).

12. ORAL SUBMISSIONS

The language of all the rounds will be **ENGLISH**. As specified earlier, each team shall have two speakers who shall further divide the timings for oral submissions among themselves. The oral submissions shall proceed as follows.

12.1 PRELIMINARY & QUARTER-FINAL ROUNDS

S. NO.	Title of the stage	Time allotted
1.	Opening Statement by Prosecution	05 Minutes
2.	Opening Statement by Défense	05 Minutes
3.	Examination in Chief- Prosecution Witness 1	05 Minutes
4.	Cross Examination by Défense	10 Minutes
5.	Examination in Chief- Prosecution Witness 2	05 Minutes
6.	Cross Examination by Défense	10 Minutes
7.	Examination in Chief- Défense Witness 1	05 Minutes
8.	Cross Examination by Prosecution	10 Minutes
9.	Examination in Chief- Défense Witness 2	05 Minutes
10.	Cross Examination by Prosecution	10 Minutes
11.	Closing Statement by Prosecution	05 Minutes
12.	Closing Statement by Défense	05 Minutes

12.2 SEMI-FINAL AND FINAL ROUND

S.NO.	Title of the stage	Time allotted
1.	Opening Statement by Prosecution	07 Minutes
2.	Opening Statement by Défense	07 Minutes
3.	Examination in Chief- Prosecution Witness 1	05 Minutes

4.	Cross Examination by Défense	15 Minutes
5.	Examination in Chief- Prosecution Witness 2	05 Minutes
6.	Cross Examination by Défense	15 Minutes
7.	Examination in Chief- Défense Witness 1	05 Minutes
8.	Cross Examination by Prosecution	15 Minutes
9.	Examination in Chief- Défense Witness 2	05 Minutes
10.	Cross Examination by Prosecution	15 Minutes
11.	Closing Statement by Prosecution	07 Minutes
12.	Closing Statement by Défense	07 Minutes
13.	Rebuttals & Sur-rebuttals	05 Minutes EACH

12.3 CRITERIA FOR EVALUATION OF TEAMS IN ORAL SUBMISSIONS

S.NO	CRITERIA	MARKS
1	Appreciation and application of facts and legal principles	20
2	Knowledge of laws on logical and circumstantial questions Clarity of thoughts and logical structure of arguments	20
3	Use of Authorities and precedents/suggestive questions Presentation skills	20
4	Witness examination <ul style="list-style-type: none"> Ability to successfully conduct chief/cross examination within the allotted time Ability to elicit favourable facts from witnesses or deal with unreceptive, argumentative witnesses 	20
5	Poise and Demeanour Response to Court Questions	20
	Grand Total	100

13. CLARIFICATIONS

13.1 Any participating team with a query regarding the rules and regulations of this competition and/or the trial problem are welcome to submit them through the clarification form

<https://forms.gle/guufP2VFyaAJDk717>. No queries by the way of e-mail, messages, calls etc. would be entertained. The clarification form would close on 12th April, 2024 at 2359 hours.

13.2 The queries regarding the trial problem would be answered collectively through a Clarification sheet released on 13th April, 2024 before 2359 hours.

14. PENALTIES & DISQUALIFICATION

14.1 Penalties

- a. **Wrong File Name:** 1 Mark per Memorial.
- b. **Failure to use the correct colour coding:** 2 Marks per Memorial.
- c. **Missing header:** 2 Marks per header.
- d. **Incorrect order of headers:** 2 Marks per Memorial.
- e. **Incorrect formatting of text:** 0.5 Marks per page per memorial.
- f. **Incorrect page size and/or margins:** 2 marks.
- g. **Late Submissions:** 2 marks per memorial every 12 hours after the deadline and may result in disqualification beyond 48 hours.
- h. **Similarity percentage and marks deduction accordingly:**
 - i. 20% - 30% - 1 mark
 - ii. 31% - 40% - 2 marks
 - iii. 41% - 50% - 4 marks
 - iv. 51% - 60% - 6 marks
 - v. 61% - 70% - 8 marks
 - vi. 70% - 80% - 10 marks

14.1. Disqualifications

The organizers hold full authority to disqualify any team it deems fit on grounds including but not limited to:

- a. Non-compliance with the rules and regulations of the competition.
- b. Breach of Anonymity to the judges, other participants or through any written submission.
- c. Scouting
- d. Plagiarism more than 80%
- e. Any misconduct or misbehaviour with the intentions of disrupting the spirits of the competition may lead to disqualification.

15. TRAVEL & ACCOMMODATION

15.1 HOW TO REACH AMITY UNIVERSITY RAJASTHAN FROM JAIPUR:

a) BY TRAIN

- Arrival - Jaipur junction
- Sindhi camp bus stand - 2km from Jaipur junction
- Bus from Sindhi camp for Amity University OR by cab from Jaipur junction.

b) BY BUS

- Arrival at Narayan Singh Circle/Sindhi Camp
- Board a bus from Narayan Singh Circle/ Sindhi camp to Amity University Rajasthan OR by cab from the respective bus stop.

c) BY FLIGHT

- Arrival at the Airport
- Take a cab from the airport to Narayan Singh Circle/Sindhi Camp, then board a bus to Amity University Rajasthan OR by cab from the Airport.

15.2 ACCOMMODATION

The Participants will have to bear additional charges if they wish to be accommodated in the hostels of Amity University Rajasthan. The charges are **INR 450 +18% GST per day, per person**. After the final registration the participants can proceed with the payment of accommodation. The detailed information regarding the same shall be communicated to the registered teams. The Participants may also opt for stays nearby if they wish to.

- a) The Tree House Resort - 0.2 KM approx.
- b) The Gold Palace Resort, Kukas- 18.7 KM approx.
- c) Fairmont, Kukas - 21.1 KM approx.
- d) Rajshree Resort- 12.8 KM approx.
- e) Achrol Niwas, A Treehouse Hotel - 9.8 KM approx.

The participants can use local transportation from these venues. Amity University Rajasthan will not be providing transportation services.

16.IMPORTANT DATES

Last date for Provisional registration	5 th April 2024
Last date for Final registration	9 th April 2024
Last date for submission of queries/clarifications	12 th April 2024
Release of clarification Sheet	13 th April 2024
Last date for submission of memorial	20 th April 2024
Date of competition	25 th & 26 th April 2024

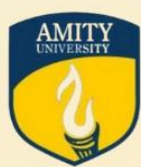
17.AWARDS AND ACCOLADES

Prizes worth Rs. **2.5 Lakhs** will be awarded to:

- Winners
- Runner ups
- Outstanding Memorial
- Outstanding Speaker
- Outstanding Researcher
- Outstanding Witness Trainer

Additionally,

- 1-year Complimentary Subscription to EBC Learning worth Rs. 14,500 to each accolade holder; and
- 1 month access to SCC Online Web Edition worth Rs. 1099 to each participant.



AMITY
UNIVERSITY
— RAJASTHAN —



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TRIAL ADVOCACY PROPOSITION

1. Sarita Malik, a bright student of M.A. (English Honors) University of Rajputana, resided with her family at Jhotwara, Jaipur. Shubhendu was a resident of Udaipur who took admission in University of Rajputana for M.A. (English Honors). Sarita and Shubhendu were in the same class. Shubhendu was the President of the Student's Union at the University who had a charismatic personality which attracted Sarita and eventually the acquaintance turned into an affair.
2. Previously focused on her studies, Sarita became obsessed with Shubhendu, talking to him incessantly and defying her family's wishes to see him. Sarita's brother knew about Shubhendu's ways of life which included violence on a daily basis and having ties with notable gangsters. Hence, the family wasn't happy with their affair. Sarita was warned by her brother and father multiple times but despite her family's concerns and declining academic performance, Sarita remained fixated on Shubhendu, cutting ties with her family to live with him. They got married in 2010 and started to live in a rented flat at Raja Park, Jaipur. Shubhendu got a job at a local newspaper office as a translator.
3. Disowned by her family, Sarita used to miss her parents and her home a lot. Shubhendu on the other hand did not like Sarita talking about her home all the time. This was the reason of occasional fights between Sarita and Shubhendu. Among all this the couple was blessed with two children by 2022. Elder one being Anup and the little one Aranya. Tragedy struck when their 10-year-old daughter named Aranya, met with an accident on 2nd November 2022. Sarita tried calling Shubhendu while he was at the office, but he couldn't answer because of a crucial meeting. Left with no choice, Sarita dealt with the situation on her own. She rushed her daughter to the hospital, but sadly, despite the doctors' best efforts, her daughter passed away.
4. The tragic loss of their child deeply affected Sarita and Shubhendu, straining their relationship as they struggled to cope with grief. The inability to reach each other during the critical moment left them both feeling isolated in their sorrow. The sudden demise of their daughter left them searching for closure and struggling to find solace in each other's presence. The tragedy tested their bond, forcing them to confront their individual ways of grieving and navigate the turbulent emotions that followed. Troubled by all this Sarita tried to take her own life by taking the overdose of the sleeping pills but her husband reached the spot-on time and took her to the hospital which saved her life. After this incident Shubhendu got worried about Sarita and took her to a psychologist named Dr. Shalini Bansal. Sarita started with the therapy hesistantly.

5. When Sarita's father came to know about all this, he went to see his daughter. Finding her in that depressed condition he asked her to accompany him to his home to live for some days to which Shubhendu refused as he was aware of the opinion of her family about him.
6. One day, as Shubhendu was off to work, Sarita hastily packed her bags and left for her father's home without informing Shubhendu. Upon his return from office, Shubhendu discovered Sarita's absence and attempted to contact her anxiously. Their phone conversation quickly escalated into a heated exchange, with accusations and blames flying over the phone lines. During the altercation, Shubhendu expressed to Sarita that "it might be better if she were no longer alive so that he could live in peace with their son."
7. After 15 days Sarita came back from her father's home. She started to search for a job to have something to do during the day as the life felt not worth living to her anymore. She got job of a school teacher at Raja Park, Jaipur itself. As her working hours did not match Shubhendu's schedule as his shift at the newspaper was 5:00 P.M to 5:00 A.M and she used to be at work from 9:00 A.M to 5:00 PM. This gave rise to daily quarrels between them.
8. Amongst all this Sarita was working at the school and trying to cope up with everything going on. She met Suresh at school, where they both worked as colleagues. Their professional relationship gradually evolved into a close bond. Upon learning about Sarita's growing connection with Suresh, Shubhendu expressed his disapproval, sparking intense conflicts between Sarita and him. Leading to a severe physical assault at times. Sarita used to talk about this to her parents and their support helped her in these tough times but they also kept warning her to leave Shubhendu and come back to them.
9. Frustrated with all this Sarita decided to leave Shubhendu. She expressed her feelings to Shubhendu but faced threats from him. He also warned Suresh to stay away from her or face dire consequences. Feeling trapped and helpless, Sarita reached out to her brother Deepak for assistance in escaping Shubhendu's grip. Deepak assured her that he will help her to deal with all this and leave Shubhendu.
10. On 10th November, 2023, Deepak called Shubhendu and confronted him about all this. He, urged him to leave Sarita. During the tense exchange, Sarita's cries for help were audible in the background, revealing her captivity. Shubhendu disconnected the call. Deepak attempted to reconnect with Shubhendu but received no response. Following the incident, Deepak swiftly made his way to see Sarita. As he arrived at Sarita's house, he noticed Shubhendu leaving angrily. Deepak halted Shubhendu to engage in conversation. However, as they conversed, a tragic event unfolded: Sarita jumped off the building. As Deepak and Shubhendu rushed towards her, they found her unconscious. They rushed her to the nearest hospital where she was declared dead.
11. Amidst the chaos and tragedy, Sarita's family, devastated by her untimely death, sought justice for their beloved daughter. Deepak, her brother, in a state of shock and anguish, approached the nearby police

station to file a case against Shubhendu for Abetment of Suicide under Section 306 of the Indian Penal Code.

PROSECUTION WITNESS

Statements Under Section 161, The Code of Criminal Procedure, 1973

PROSECUTION WITNESS 1- DEEPAK MALIK

I am the elder brother of the deceased, Sarita Malik, who tragically passed away on 10th November 2023. I was informed about the deteriorating situation between Sarita and her husband, Shubhendu, by Sarita herself. She used to tell us about the abusive behavior and threats she was facing from Shubhendu. Despite my repeated attempts to reason with Shubhendu and make him understand Sarita's fragile mental state, he continued to engage in violent altercations with her. Shubhendu, known for his aggressive nature and involvement in numerous criminal cases, created a hostile environment for Sarita, leading to her deteriorating mental health. On 10th November 2023 I called Shubhendu I heard some voices in the background when the call was cut in between. I rushed to her residence where I saw Shubhendu leaving the building angrily. When I was trying to stop him to talk Sarita jumped off the building. I firmly believe that Shubhendu's actions and behavior towards Sarita, both in the past and at the time of her death, constitute abetment to suicide. I am willing to cooperate fully with the investigation and testify in court to seek justice for my beloved sister, Sarita Malik.

PROSECUTION WITNESS- 2 SURESH

I am a colleague of Sarita Malik at the school where we both work as teachers. I got to know Sarita during our professional interactions and gradually developed a close bond with her. I became aware of the troubled relationship between Sarita and her husband, Shubhendu, through Sarita herself. She confided in me about the abuse and threats she was facing from Shubhendu. As Sarita's friend, I witnessed the toll that Shubhendu's behavior took on her mental health. She often seemed distressed and anxious, especially after altercations with Shubhendu. Sarita used to tell me that her family also expressed concerns about her safety and well-being due to Shubhendu's aggressive nature and criminal background. They warned her to stay away from him. Despite the challenges in her personal life, Sarita was a dedicated teacher and a loving mother to her child. She often spoke about her desire to provide a better life for her family. I was present during an incident where Shubhendu confronted Sarita at school, expressing his disapproval of our friendship. He warned me to stay away from Sarita, threatening dire consequences if I did not comply. I supported Sarita during this difficult time, offering her a listening ear and emotional support. I encouraged her to seek help and guidance from her family and professionals. I was shocked and saddened to learn about Sarita's tragic death. I believe that the relentless abuse and threats from Shubhendu pushed her to take such a drastic step. I hope that Sarita's death will not be

in vain and that it will serve as a wake-up call to address the issue of domestic violence and abuse in our society.

DEFENCE WITNESS

DEFENCE WITNESS 1 – SHUBHENDU

Sarita and I met during our M.A. (English Honors) studies at the University of Rajputana and eventually got married in 2010. Our marriage faced challenges, especially after the tragic loss of our daughter, Aranya, in an accident on November 2nd 2022, which deeply affected both of us. Despite our differences, I never physically or emotionally abused Sarita. I supported her through therapy sessions and encouraged her to seek help for her mental health struggles. Regarding the incident on 10th November 2023, I was not aware of Sarita feeling trapped or captive. Our conversation was heated, but I never intended harm towards her. On the day of the incident Sarita's brother Deepak called me and started abusing me on the phone. I couldn't hear more of him so I disconnected the call. I asked Sarita to not talk to her family about our personal matter but she started yelling at me. Finding no way out of the situation, I was leaving home but her brother met me while I was leaving the building. As we were talking, we both saw that Sarita jumped off the building. I was shocked and devastated by her death. I believe the events leading to Sarita's death were a result of her mental health struggles and the tragic circumstances we faced as a family.

DEFENCE WITNESS 2 – DR. SHALINI BANSAL

I am Dr. Shalini, a psychologist with 12 years of experience. Sarita was one of my patients whom I began seeing in January 2023, a few months after she tragically lost her youngest child, her daughter Aranya and I got informed that she attempted suicide by overdosing sleeping pills. I am associated to the same hospital where she was admitted. Her husband reached out to me while Sarita was admitted in ICU. During our sessions, Sarita often spoke about her deep attachment to Aranya. I provided her with counseling sessions. Surprisingly, despite the typical prolonged grieving process that many individuals experience after such a loss, Sarita showed significant improvement within initial four months. It's uncommon to see such rapid progress in patients dealing with such profound loss. I was optimistic about Sarita's recovery, believing she would likely be okay within a few more months but I do not know what happened to her the fateful day that she jumped off the building.

ANNEXURE NO. 1
FIRST INFORMATION REPORT

1. **District:** Jaipur
2. **FIR No:** 118/2023
3. (i) **Act:** Indian Penal Code, 1860 (IPC)
(ii) **Sections:** 306
4. **Time of occurrence:** Between 1:30 PM – 2:30PM on 10-11-2023
5. **Information received from:** Deepak Malik
6. **Type of Information:** Oral
7. **Place of Occurrence:** Raja Park
 - a. **Direction and distance from P.S:** 1.8 km; North-West.
 - b. **Address:** 408, Galaxy Apartments, New Lane, Raja Park, Jaipur - 302004
8. **In case outside the limit of this Police Station, then**
9. **Name of P.S.:** N/A **District:** N/A
10. **Details of known/suspected/unknown accused with full particulars:** Known accused- Mr. Shubhendu
11. **Inquest Report/ U.D. case No. if any:** N/A

First Information contents: I am Deepak Malik, the brother of the deceased. On 10th November 2023 when I called Shubhendu to talk to him about the daily quarrels between him and my sister but he disconnected my call. I could hear Sarita's voices in the background urging him to release her. During the tense exchange, Sarita's cries for help were audible in the background. As call got disconnected, I tried to reconnect with Shubhendu but received no response and therefore, swiftly made my way to see my sister. Reaching there I found that Shubhendu was leaving angrily. And while we conversed, Sarita jumped off the building. We rushed towards her, and found her unconscious. We rushed her to the hospital where she was declared dead. I absolutely believe that Subhendu physically assaulted her, pressurized and abetted her to take such drastic step of ending her life.

12. Action taken: An FIR has been registered against Shubhendu as suspected accused person; investigation is handed over to the investigating officer.

F.I.R. read over to the informant, admitted to be correctly recorded and a copy given to the informant, free of cost.

Date and time of dispatch to the Court: 12/ 11/2023; 9:30 AM

Signature/ thumb impression of the complainant/ informant: Sd/-

Signature of officer in charge: Sd/-

Name: Anil Shinde

Rank: Sub-Inspector

ANNEXURE NO. 2**REPORT OF THE INVESTIGATING OFFICER****(Under Section 173 of the Code of Criminal Procedure, 1973)****1. Details:****2. District:** Jaipur**P.S:** Puliya No.1, Jawahar Nagar, Jaipur**3. Year:** 2024**FIR No.:** 118/2023**4. Charge Sheet No./ Final Report No.:** 264/2024**5. Date of Filing Report:** 10th March 2024**6. Sections:** 306, Indian Penal Code, 1860 (I.P.C)**7. If Supplementary or original:** Original**8. Type of final report:** Cognizable offence**9. Name of the I.O:** Naman Sharma**Rank:** ACP**10. Name of the Complainant/ Informant:** Deepak Malik**11. Particulars of accused****i. Name:** Shubhendu**Whether verified:** Yes**ii. Father's Name:** Mr. Dinesh Kumar**iii. Age: DOB:** 10/07/1990**iv. Sex:** Male**v. Blood Group:** O +ve**vi. Nationality:** Indian**vii. Address:** 408, Galaxy Apartments, Raja Park**Whether verified:** Yes**12. Brief Facts of the Investigation:**

On the 11th November 2023, the station received news that Mrs. Sarita died at the Galaxy Apartments, Raja Park a day ago. After receiving a complaint from Deepak Malik, the brother of the deceased, an FIR was lodged on the next day. I immediately went to the crime scene with a team of 3 constables but there was nothing to be found. We met Mr. Shubhendu the accused

The entire place was sealed, and necessary pictures were taken. The evidences were sent for further examination and witness statements were collected from all suitable witnesses.

13. List of Prosecution Witnesses:

1. Deepak Malik

2. Suresh

ANNEXURE NO. 3

POST MORTEM REPORT

Name of the Institution: Fortis Institute of Medical Science

Post mortem report No: 325

Date: 11/11/2023

Name of Doctor conducting Autopsy: Dr. Radhika Madan

Date and time of receipt of the body: 10/11/2023 at 7:00 P.M

Date and time of commencement of Autopsy: 11/11/2023 at 11A.M

Time of completion of Autopsy: 4 hours

Estimated Time of Death: Around 18-22 hours before commencement of Autopsy

CASE PARTICULARS:

1.Name of Deceased: Mrs. Sarita

(as entered in the police record)

(b) W/O: Shubhendu

(c)Address: 408, Galaxy Apartments, Raja Park

2.Age- 32 Years, **Sex:** female **Blood Group:** O +ve

3. Identified by: Mr. Deepak Malik (Brother of deceased)

4. If death occurred in hospital: - (particulars as per hospital records): (N/A)

5. alleged history (in brief, as per inquest papers)

The patient was a 32 years old female with no significant past medical history

SCHEDULE OF OBSERVATIONS

(A) GENERAL

Height: 5 ft.4-inch **Weight:** 59 kgs

Signs of intoxication by drugs & / or alcohol; NO

Rigor Mortis: Present. Body relatively stiff

(B) EXTERNAL INJURIES: -

1. Evidence of injuries related to head: - Yes
2. Multiple fractures and swelling, in the skull as well as spinal cord: - yes
3. Presence of bruises over all the body: yes
4. Evidence of injuries suggesting application of force / restrained with age of injuries: - Yes
5. Evidence of physical assault: - yes
6. Brain damage, haemorrhaging, and internal bleeding: - yes

(C) INTERNAL EXAMINATION

1. Sustained fractures of long and short bones in the upper extremities, splenic ruptures, multiple liver ruptures.
2. fractures, intracranial haemorrhage, contusion and traumatic axonal injury.
3. Neck injuries, muscle bleeds and Bilateral kidney ruptures were found.

Opinion

1. **Probable time since death** (keep all factors including observations at inquest): The body exhibited extensive traumatic injuries consistent with a fall from a significant height. Notable external injuries included multiple fractures to the extremities, severe head trauma, and significant contusions and abrasions across the body. high-impact collision with the ground, consistent with a fall from a considerable height. Presence of bruises over all the body suggesting application of force and physical assault.
2. **Cause of the death:** The cause of death was determined to be due to injuries sustained from high-impact collision with the ground, consistent with a fall from a considerable height of (approx. 40 ft.).
3. **Any other Specimens collected and handed over**
Viscera (stomach with contents, small intestine with contents, sample of liver- 500 gms. Kidney (one half of each), spleen, sample of blood on gauze piece (air dried), any other viscera, preservative used.), Clothes, Specimen collected for histopathological examination.

PM report in original form, dead body, clothing and other articles duly sealed handed over to police official Naman Sharma No. of P.S Puliya no.1, Jawahar Nagar whose signatures are herewith;

Sd/-

Dr. Radhika Madan

(Chief medical examiner)

Fortis institute of medical science

Received by I.O

Sd/-

Naman Sharma

ACP, Jawahar Nagar, Jaipur