



FACULTY OF JURIDICAL SCIENCES

**MOOT COURT EXERCISE AND
INTERNSHIP
(CLINICAL)**

Course : BALLB , 3rd Semester

Subject code : BAL903

Faculty Name : Ms Taruna Reni Singh

Moot Court Exercise and Internship

Objective: The objective of having moot courts is to give the students practical training how the proceedings of the court takes place.

The Paper will have following components

- Moot Court: Every student may be required to do at least one moot court in a year. The moot court work will be on assigned problem.
- Observance of Trial in one case, either Civil or Criminal.
 - Students may be required to attend one trial in the course of the last year of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- Interviewing techniques and Pre-trial preparations and Internship diary.
 - Each student will observe one interviewing session of clients at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit/petition.
- The fourth component of this paper will be Viva Voce examination on all the above three aspects.
- Student will be required to undertake legal awareness programme in association with N.S.S. and other authorities as directed by the Faculty.

LECTURE 15

MOOT PROBLEM - 3

Karim worked as a system operator at a computer Centre in Jajhhar Dist., Haryana and lived in the town. His village was at a distance of 12 kms. from his workplace which he ordinarily visited on Saturdays and Sundays.

Sher Shah was a farmer who lived with his family consisting of his wife, Sobti, son Gajendar Shah and a daughter Naina. Sher Shah's brother, Suri Shah, also lived in the same household. He was used to drinking and gambling and owed a debt of Rs. 20,000 to Karim. Whenever Karim demanded his money, Suri Shah showed his helplessness but never denied to pay off his debt. Karim was in love with Naina and used to meet Naina on the weekends when her father was not at home on the pretext that he had come to collect the money. Sher Shah did not like it and told Karim many a times not to visit his home in his absence. He also scolded his daughter for meeting Karim but Karim did not stop visiting Naina.

During the day on Monday, 8th August 2010, Karim received a phone call from Suri Shah inviting him to come that evening to collect his debt. Karim went to their house around 8.30

P.M. The members of Naina's family had finished their dinner and were preparing to go to sleep. On hearing some whispering voices coming from the backyard of their house, Sher Shah with his brother Suri Shah and son Gajendar Shah went there to investigate.

They saw Karim talking with Naina. Sher Shah lost his temper and started abusing Karim. Gajendar Shah brought a lathi from inside and gave a blow to Karim on the leg. Then Suri Shah grabbed the lathi from Gajendar Shah and started beating Karim mercilessly giving blows on his head and chest.

On hearing the hue and cry, other villagers came to the scene. They found Suri Shah giving blows to Karim while the other two were shouting abuses on Karim. Karim was bleeding from the head and became unconscious. He was taken to the hospital by the villagers where he died three days later without regaining consciousness. The post-mortem report confirmed that Karim suffered injuries on the head and fractures of three ribs. There were many concussions on different parts of his body. There was much loss of blood. While none of the injuries independently was sufficient to cause death, the cumulative result was sufficient in the ordinary course of nature to cause death.

FIR was registered against Suri Shah, Gajendar Shah and Sher Shah under Section 307 read with S. 34 of the Indian Penal Code. Three days later when Karim died, it was changed to Section 302 r/w 34 IPC. The session court charged and convicted all the three accused persons under Section 302 r/w 34 of the IPC and sentenced them to life imprisonment for the murder of Karim. The accused persons pleaded grave and sudden provocation in their defence. They also pleaded that the prosecution had failed to prove existence of common intention of all the three accused to kill Karim. In the absence of proof of common intention, they cannot be convicted under Section 302 r/w 34 IPC.

The three accused have filed separate appeals to the High Court against the

order of conviction and sentence. You may choose to represent any party/ parties in this appeal keeping in mind that you do not violate the principle of conflict of interests.

Memorial is required to be filed only for one party. The date and time for submission of memorial and oral arguments will be decided by the teacher.