



**FACULTY OF JURIDICAL SCIENCES**

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

**Course : BALLB , 3<sup>rd</sup> 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 on how the proceedings of the court take 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 17

## MOOT PROBLEM - 5

Reema, an eighteen year old girl was a student of 12<sup>th</sup> class. She belonged to a lower middle class family. Her father used to work as a clerk in a private firm. She had always been an ambitious and a very bright student. To support her father she used to give tuitions. Ramesh, Accused No.1, math's teacher of Reema in her school secretly developed emotions for her. Reema had always admired him as her teacher. On Reema's 18<sup>th</sup> birthday Ramesh organised a birthday party for her at his house and gifted her an expensive watch. Unaware of Ramesh's feelings Reema accepted the same.

On 14<sup>th</sup> Feb 2013, Ramesh proposed to Reema for marriage. Reema, however, told him to speak to her parents regarding the same. On 20<sup>th</sup> Feb Ramesh approached her parents with the proposal. However, they rejected his offer and warned him not to contact her anymore as they did not want that there should be any kind of distraction to their daughter as her XII boards were approaching. They strongly admonished Reema and threatened that they will discontinue her studies.

Thereafter she started avoiding Ramesh. On one occasion Reema also made it clear to him that she will not go against the wishes of her parents and asked him not to follow her anymore. Despite the disinterest shown by Reema, Ramesh continued to follow Reema to her tuition classes and contacted her personally, on phone and through internet, believing that all her actions were under pressure from her parents.

Reema reported the same to her parents. The parents rebuked him for his unwarranted acts. He, however, tried to convince them about his feelings for her and further stated that he wanted to marry her. They beat him and asked him to leave.

Enraged with the feeling of dejection, Ramesh went to Mahesh in whom he always confided and narrated the whole thing. Mahesh, aged 45, has always supported Ramesh, who was residing with him, ever since his parents died in a road accident in 2000. Mahesh, who had always treated Ramesh as his son, could not bear the pain of Ramesh. Mahesh suggested to Ramesh that he should find Reema alone and take her to the temple for marrying her without information to her parents. In case Reema would offer any resistance due to parental pressure, Mahesh will threaten her with a bottle of acid to pressurise her to come with them to the temple.

Ramesh, who was initially reluctant, agreed to the plan on the condition that no harm will be caused to Reema and bottle of acid will only be used as a tool to threaten her for compliance to their wishes.

On 23<sup>rd</sup> march, 2013 as per the plan, finding Reema passing on a lonely road, Ramesh and Mahesh, who were waiting for Reema, got out of the car. Ramesh approached Reema and asked her to accompany him to the temple so that they can get married. On Reema's refusal, Mahesh carrying the bottle of acid, threatened Reema. Ramesh started dragging her into the car. Reema started shouting loudly. To teach a lesson to Reema, Mahesh opened the bottle and threw the acid on her face and then both Mahesh and Ramesh fled away in the car belonging to and driven by Mahesh leaving the girl in immense pain. The girl was taken to the hospital by some passerby. The doctor immediately conducted the surgeries and opined that the

injuries were grievous. FIR was lodged. Statement of Reema was recorded. A case was registered against both the accused under Sec 326A r/w Sec 34 IPC, 1860 and Ramesh was also charged under Sec 354D, IPC, 1860. Mahesh absconded and was declared a proclaimed offender while Ramesh was arrested by police from his home and the bottle of acid and car, used in the crime, were seized from his possession. After investigation, he was put to trial before the Sessions Court, where he pleaded not guilty and claimed trial.

Sessions Court convicted Ramesh under section 326A r/w section 34 of IPC, 1860 and sentenced him to 10 yrs of rigorous imprisonment. He was also asked to pay compensation to Reema to the tune of Rs 2,00,000/- to be paid immediately. He was also awarded rigorous imprisonment for 2 years under Section 354D, IPC, 1860. Both the sentences were to run concurrently.

Accused, aggrieved by the aforesaid judgment, appealed before the High Court seeking acquittal. Whereas, State filed appeal for demanding life imprisonment and also the enhancement of the amount of compensation taking into account the following facts:

- Rs 6.5 lakh have already been spent on the 6 major surgeries done till date;
- 10-15 surgeries still need to be done;
- Despite various surgeries Reema has permanently lose her left eye vision;
- Permanent scars not only on the skin of her face and hands will remain but also deep inside her memory which will adversely affect her future prospects;
- Her father was a clerk in a private firm which dismissed him after he went on a leave for her treatment. Now he is jobless. There are two other sisters of Reema who also need to be supported.

High court adjudicated in favour of the accused by acquitting him from the charges under Section 326A r/w Section 34 and Sec 354D IPC, 1860 and dismissed the appeal of the state, being bereft of any substance by holding that under the circumstances of the case the trial court had wrongly held the accused liable under Section 326A, IPC 1860, by invoking Section 34 IPC, 1860 as no common intention to commit offence of Acid Attack under Section 326A could be proved. The High Court held that the offence of stalking under Section 354D was also not made out against the accused. The High Court, however, recommended the District Legal Services Authority to decide upon the quantum of compensation to be awarded by the State Government to the victim as per Section 357A, Cr PC within one month.

Aggrieved by the said judgment of the High Court acquitting the accused, the State filed an appeal before the Supreme Court on the ground that High Court has failed to take notice of the fact that common intention was present as Ramesh and Mahesh have agreed to the use of bottle of acid in their plan of abduction. Acid was thrown in furtherance of that common intention. The state appealed for considering the offence as heinous and to award life imprisonment under Sec 326A r/w Section 34 and Section 354D and also to enhance the compensation awarded by the Sessions Court to be paid by the accused to the victim under Section 326A, IPC, 1860 in addition to the compensation to be paid by the State Government under Sec 357A Cr PC. The

State also sought permission for addition of charge under Sec 366 IPC.

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.