



RAMA
UNIVERSITY

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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 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 6

APPELLATE ARGUMENTS DEMONSTRATION EXERCISE

NARCOTICS CONTROL BUREAU V ELIZABETH BROWN

NOTE FOR PARTICIPANTS

This is an exercise in making oral arguments on a Criminal Appeal in the Supreme Court. You will find attached:

1. Statement of facts
2. Instructions to Counsel for Petitioner
3. Instructions to Counsel for Respondent
4. Extract of the Judgment of the Special Judge, Delhi
5. Extract of the Judgment of the Delhi High Court
6. Grounds of Appeal
7. Relevant provisions of the Narcotics Drugs and Psychotropic Substances Act and the Constitution of India
8. Relevant Extract of *Emma Charlotte Eve v Narcotics Control Bureau* :
2000 (54) DRJ 610

STATEMENT OF FACTS

On 3.1.2000, Mr. Frank, Chief Customs Officer at Frankfurt Airport, Germany, seized the postal parcel No. 007 which had arrived at Frankfurt Airport with flight 2231 from Bogota, Columbia and which was destined for G.P.O., Delhi and addressed to "Elizabeth". The said postal parcel contained 125 gms of cocaine in small sachets. The cocaine was confiscated by the Custom authorities, Government of Germany and the criminal case was registered against "Elizabeth" (untraced).

On receiving instructions that the German Government had obtained the consent of the Government of India for controlled delivery of the seized cocaine in India, Mr. Frank sent it for forward transmission to G.P.O., Delhi on 9.1.2000. This was done through Lufthansa flight 008 manned by Captain Peter, who, on landing at I.G.I. Airport in New Delhi, handed it over to Mr. Premchand of the Narcotics Control Bureau, Delhi. The controlled delivery was done with the knowledge and the supervision of the Governments of Germany and India with a view to identify the

persons involved in the commission of the offence.

Mr. Premchand accordingly contacted the Chief Post Master, G.P.O., Delhi and informed him about their plan to nab the claimant of the parcel. The plan was that as soon as the claimant for the parcel would come to the post office, the Chief Post Master would telephone the NCB and its officers would rush to the post office and hand over the parcel to the postal assistant at the counter. Under the surveillance of the NCB officers and in the presence of public witnesses, the claimant would be permitted to collect the parcel from the postal assistant. The NCB officers would then arrest the claimant.

On 15.1.2000 at about 11 am, Mr. Premchand received a telephone call from the Chief Post Master, G.P.O., Delhi that a foreign lady had arrived to collect the postal parcel No. 007. Mr. Premchand with his officers acted upon their aforesaid plan and observed, in the presence of public witnesses, the handing over of the parcel by the postal assistant to the accused. The NCB officers caught the accused red-handed in possession of the cocaine and arrested her after following the procedure under the NDPS Act.

The accused, in her statement under section 313 Cr. P.C, stated that she expected a postal parcel containing some papers from her aged father in Essex. He was to send it to G.P.O., Delhi. She regularly enquired from the post office about the parcel but was told that it had not come. On 15.1.2000, she went to the G.P.O. at about 11 am. She went to the pigeon-hole where she found an intimation slip indicating that a parcel for "Elizabeth" had arrived. She took the slip to the person attending to the counter who asked her to wait for few minutes so that he could locate the parcel. After making her wait for about 15 minutes, he gave her a parcel No. 007 addressed to "Elizabeth". She took the parcel, and on opening it just outside the doorway of the post office, she saw that it contained several small sachets of white powder, and not the papers from her father. As it was not her parcel, the accused turned to go back to the counter to return it. But as she turned, few persons surrounded her, who disclosed their identity as NCB officers and, after following certain procedural requirements, arrested her. The accused repeatedly and tearfully told the NCB officers that while

her name was indeed Elizabeth Brown, as reflected in her passport, she knew nothing about the postal parcel addressed to “Elizabeth” which was as common an English name as a name can be. She told them that this was obviously a case of mistaken identity and that they had arrested a wrong “Elizabeth”.