



FACULTY OF JURIDICAL SCIENCES

MOOT COURT EXERCISE AND INTERNSHIP (CLINICAL)

Course : BBALLB , 3rd Semester

Subject code : BBL903

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 7

Instructions for the Counsel for the Appellant

You represent the Appellant, Narcotics Control Bureau, which had lodged the complaint against the Respondent, Elizabeth Brown, before the Special Judge, Delhi for illegally importing 125 gms of cocaine into India through postal parcel No. 007, and for being in possession of 125 gms of cocaine at G.P.O. Delhi on 15th January 2000 in contravention of the provisions of Section 21 and 23 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as amended.

The Special Judge, Delhi convicted and sentenced the Respondent to ten years rigorous imprisonment with Rupees one Lakh as fine. The Delhi High Court acquitted her. The Supreme Court granted the Appellant Special Leave to Appeal against the Judgment of the Delhi High Court. The Criminal Appeal is now listed for hearing before the Supreme Court.

The postal parcel containing the cocaine had been seized and confiscated at Frankfurt Airport. The Governments of Germany and India undertook the controlled delivery of the parcel addressed to "Elizabeth", c/o G.P.O., Delhi in order to apprehend the consignee. The Respondent was caught red-handed after she claimed the postal parcel at G.P.O., Delhi and was found in possession of cocaine. The Appellant had led evidence before the Special Judge to establish that all the mandatory requirements and procedural safeguards contained in the N.D.P.S. Act 1985, as amended, stand satisfied in the case. The Appellant's case is duly corroborated by all the prosecution witnesses.

The defense of the Respondent before the Special Judge was that the very prosecution of the Respondent under the N.D.P.S. Act 1985 was legally misconceived as the said Act does not even contemplate controlled delivery offences nor does it empower the Government of India to undertake controlled delivery operations. The Special Judge found no merit in the said defense. However, the Delhi High Court accepted it. The Appellant is seeking the setting aside of the Judgment of the Delhi High Court.

With the assistance of the documents in this case file, you are instructed to address the Hon'ble Supreme Court confined to the Grounds of Appeal listed herein after.

Instructions for the Counsel for the Respondent

You represent the Respondent, Elizabeth Brown, the accused, against whom the Appellant had lodged the complaint before the Special Judge, Delhi alleging that she had illegally imported 125 gms of cocaine into India through postal parcel No. 007, and that she was in possession of 125 gms of cocaine at G.P.O. Delhi on 15 January 2000 in contravention of the provisions of Section 21 and 23 of the Narcotic Drugs and Psychotropic Substances Act, 1985, as amended.

The Special Judge, Delhi convicted and sentenced the Respondent to ten years

rigorous imprisonment with Rupees one lakh as fine. The Delhi High Court acquitted her. The Supreme Court granted the Appellant Special Leave to Appeal against the Judgment of the Delhi High Court. The Criminal Appeal is now listed for hearing before the Supreme Court.

It is the Appellant's case that the postal parcel containing the cocaine had been seized and confiscated at Frankfurt Airport. The Governments of Germany and India undertook the controlled delivery of the parcel addressed to "Elizabeth", c/o G.P.O., Delhi in order to apprehend the consignee. However, instead of apprehending the actual consignee, the Appellant arrested the Respondent on account of mistaken identity. The primary defense of the Respondent before the Special Judge, however, was that the very prosecution of the Respondent under the N.D.P.S. Act 1985 was legally misconceived as the Act does not even contemplate controlled delivery offences nor does it empower the Government of India to undertake controlled delivery operations.

The Special Judge found no merit in the said defense. However, the Delhi High Court accepted it. The Appellant is seeking the setting aside of the Judgment of the Delhi High Court.

With the assistance of the documents in this case file, you are instructed to address the Hon'ble Supreme Court to resist the Criminal Appeal.