



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 13

MOOT PROBLEM – 1

On 3.11.2003 in the evening, Raj Preet Kaur @ Guddi, who was about eight years old, and a student of IInd Standard went to the house of her classmate and cousin, Amarpreet Kaur. At about 5.00 p.m., she left from there to return to her house. She was accompanied to some distance by Amarpreet. When she crossed pakka water house, Amarpreet left her on her own. Raj Preet Kaur was last seen with Amrit Singh, a 30 year old neighbour. She was seen walking holding his finger. When Raj Preet Kaur did not reach her house, search was carried on. Some persons then found her dead body in the agricultural field belonging to Amrit Singh situated in front of his house. The dead body was found near a tree and some cotton crop was found near the dead body. Some dry leaves were found in her hair. In her hand some strands of human hair were also noticed. It was fully smeared with blood. There was bleeding from vulva and the legs were also stained with blood. Body was in state of rigor mortis. There were multiple marks of contusions and abrasions on the neck. Face also had some abrasions. Abrasions over elbows and knuckle were present. There were impressions of teeth on the lips. These were all ante mortem in nature. Although external injuries were found on the neck which were said to be the cause of death of the deceased, according to the doctor, the death took place because of loss of blood. It was stated by him:-

"20% loss of blood may cause shock and death. Normally in a child of 6-7 years age there may be about 2 litres blood in body. On examination of injuries it was found that more bleeding from the injury has caused the death. In this case more than half litre blood had oozed..."

Amarjit was prosecuted for rape and murder. The lower court convicted him on both the counts and sentenced him to death penalty which was confirmed by the High Court. On appeal, the Supreme Court upheld the conviction but reduced the sentence to life imprisonment. The Supreme Court noted that

Appellant, a neighbour and known to her was a person of trust. She was seen to be holding Appellant's finger. It is clear that she was allured by Appellant to accompany him to his own field which was near his house.... Offence of rape took place on an agricultural field. She might have suffered a lot of pain. She might have resisted also. She might have been gagged. Possibilities of some assault on her person cannot be ruled out. It would, however, be improper to hold that he killed her intentionally.... The death occurred not as a result of strangulation but because of excessive bleeding. The death occurred, therefore, as a consequence of and not because of any specific overt act on the part of Appellant.

Imposition of death penalty in a case of this nature, in our opinion, was, thus, improper. Even otherwise, it cannot be said to be a rarest of rare cases. The manner in which the deceased was raped may be brutal but it could have been

a momentary lapse on the part of Appellant, seeing a lonely girl at a secluded place. He had no pre-meditation for commission of the offence. The offence may look heinous, but under no circumstances, it can be said to be a rarest of rare cases.

The judgement was delivered by the Supreme Court on 10-11-2006. The media reports decried the judgement for condoning the ghastly rape as 'a momentary lapse' especially when the offence was committed on a very young girl by a person in the relationship of trust with the victim and it caused uproar among women's organisations across the country. Fourteen national level women organisations came together and filed a petition in the Supreme Court under the banner of 'Network Against Gender Bias' (NAG B) on 11-12-06 and sought review of the aforementioned judgement. They are praying for deletion of the sentence "The manner in which the deceased was raped may be brutal but it could have been a momentary lapse on the part of Appellant, seeing a lonely girl at a secluded place" from the judgement as being unreasonable justification for the most horrendous and unacceptable behaviour of the convict. They are also praying that death penalty to Pritam Singh should be restored as it is a rare of the rarest case involving murder of a very young girl of only eight years after diabolically and brutally raping her by a person who was in a relationship of trust with the victim child.

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.