

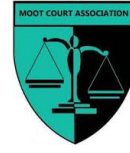


**SURANA & SURANA AND SCHOOL OF EXCELLENCE IN LAW,
TAMIL NADU DR. AMBEDKAR LAW UNIVERSITY
NATIONAL TRIAL ADVOCACY MOOT COURT COMPETITION 2024**

TRIAL ADVOCACY – PROPOSITION

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UNDISPUTED FACTS

1. On 03.07.2024, around 09:30 A.M., the Inspector from Colonel Police Station visited No: 114, 1st Street, Cardiff and went up to the Second Floor and investigated the following incident.
2. The Accused, Jackson was severely addicted to alcohol and drugs, due to which he was taking treatment at TTP Hospital, and he was experiencing severe hallucinations, insomnia etc.
3. His wife, Rachel used to compel and take him to the hospital and would force him to take the tablets regularly. This behavior of Rachel was not appreciated by the Accused, and therefore it was alleged that with an intention to kill his wife, he sat on her chest, strangled her neck with both hands, which resulted in her death.
4. Additionally, it was also alleged that Jackson had also strangled his daughter.
5. Therefore, for the above acts, he was charged under Section 103 and 109 of Bharatiya Nyaya Sanhita, 2023 (BNS).

DISCLAIMER:

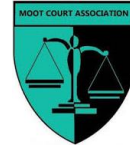
The below Trial Proposition is only for the purpose of Surana & Surana- SOEL National Trial Advocacy Moot Court Competition, 2024 conducted by School of Excellence in Law, The Tamil Nadu Dr. Ambedkar Law University, in association with Surana and Surana International Attorneys. The contents of the same are purely imaginary and neither intend nor attempt to resemble any incident or any person, living or dead. All materials, names, characters, locations, dates etc. in the trial proposition are fictitious and do not intend to or attempt to hurt the feelings or sentiments of any community or degrade the values and ideologies of any group of people, religion or individual. Any resemblance to the same is unintended and merely a coincidence.



ANNEXURE 01 - FIRST INFORMATION REPORT

1. Dist: **CARDIFF** Year: **2024** F.I.R. No. **111/2024** Date **03/07/2024**
2. (i) Act: **Bharatiya Nyaya Sanhita, 2023** Sections: **103 & 109**
3. Occurrence of Offence: **03/07/2024**
4. Type of information: **Written / Oral**
5. Place of occurrence:
 - (a) Address : **No 114, 1st Street, Cardiff**
 - (b) District : **Cardiff**
6. Complainant / information :
 - (a) Name : **Winston Churchill**
 - (b) Father's / Husband's Name : **Churchill**
 - (c) Date / Year of Birth :
 - (d) Nationality : **Indian**
 - (e) Passport No: **HB21028** Date of Issue: **21/08/2003** Place of Issue **Cardiff**
 - (f) Address: **No. 226, 9th Cross, Cardiff**
7. Details of known / suspected / unknown / accused with full particulars (Attach separate sheet if necessary): Mr. Jackson Smith, S/o Mr Jacob
8. Reasons for delay in reporting by the complainant / Informant: **NO DELAY**
9. Particulars of properties stolen / involved (Attach separate sheet if necessary):
10. Total value of the properties stole / involved:
11. Inquest Report /U.D. Case No., if any:.....
12. F.I.R. Contents (Attach separate sheets, if required): I, Mark Anthony, Inspector of Police have acted upon the compliant given by Mr. Winston Churchill and the same has been attached hereunder:

I have been residing at the above address for the past 7 years. My wife's name is Clementine. We are blessed with one son and two daughters. My youngest daughter Clara died 10 years ago. Our Son's name is Mathew. He is married and is residing at 3rd Street, Cardiff. Our elder daughter Rachel got married to my elder sister's son Jackson, 15 years ago. They have



a daughter named Maria Smith. She is studying 9th grade in Josephine School. My daughter and son-in-law have been living in our house for the past 5 years. My son-in-law, Jackson was addicted to drugs and alcohol and was taking treatment in T.T.P. Deaddiction Hospital for past one month after which he returned home. Last year, in the month of January, my elder daughter Rachel and my son-in-law Jackson rented a house at No. 114, 1st Street, Cardiff and resided along with their family. Yesterday (i.e.,) on 02.07.2024, my son-in-law along with my daughter, once again went to T.T.P. Deaddiction Hospital for further treatment. Today, 03.07.2024, around 05.50 A.M., my granddaughter Maria Smith contacted my wife on her cell phone and said that her father was sitting on top of her mother and was strangling her neck. Immediately, on hearing this, my wife Clementine and I rushed to Rachel's house on a two-wheeler and went directly to the 2nd floor and saw that the house's iron grill gate was locked. When I knocked on the door, I heard voices of Maria Smith saying that she was scared, after which the owner of the house asked Maria Smith to open the window nearby. Therefore, Maria Smith opened the window next to the door and I asked for an iron rod that was kept inside the house. Using the iron rod, I broke the door lock and opened the grill door and opened the main door with the help of an extra key that the house owner gave. I saw my son-in-law Jackson sitting in the chair. My Granddaughter Maria Smith narrated the incident, that her father was sitting on her mother and was strangling her neck with both hands, after which her mother went unconscious. Maria Smith also said that her father tried strangling her neck, but she pushed him away. Hearing the same, I rushed into the bedroom and saw my daughter lying near the bed in an unconscious state. Additionally, I saw that the backdoor had been broken and the bedroom was in disarray. Immediately, my son Mathew along with the neighbors took my daughter to PN Government General Hospital. The doctors examined my daughter and declared that she was dead. Therefore, I request you to act and take action. Thanking you, Winston Churchill

13. Action taken:

F.I.R. read over to the complainant / Informant, admitted to be correctly recorded and copy given to the Complainant / Informant free of cost.



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Signature of the Officer-in-charge, Police Station

*Name: Mark Antony

*Rank: Inspector of Police

14. Signature /Thumb-impression of the complainant / informant

15. Date & time of dispatch to the court:



ANNEXURE 02 - FINAL REPORT

(Under Section 193 BNSS)

IN THE COURT OF METROPOLITAN MAGISTRATE –XIII, CARDIFF

Crime No. 111/2024

In the matter between,

The State of Silvershore.....Prosecution

v.

Jackson Smith.....Defence

Complainant: Winston Churchill

Accused:

Name: Jackson Smith

Age: 43

Address: No 114, 1st Street, Cardiff

Alleged Offences: Under Section 103 and 109 of Bharatiya Nyaya Sanhita, 2023 (BNS)

1. District : **Cardiff**

Year : **2024**

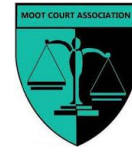
FIR No. **111/2024**

P.S. Colonel

Date: **03-07-2024**

2. Final Report /Charge Sheet No. **FR-40/2024 -ORIGINAL**

3. Date: **22-07-2024**



4.

Sl. No.	Act	Sections
1.	Bharatiya Nyaya Sanhita, 2023	103 - Punishment for Murder
2.	Bharatiya Nyaya Sanhita, 2023	109 - Attempt to Murder

5. Type of Final Form / Report: Charge Sheet / Not charge sheeted for want of evidence/ FRT – undetected / FRT – untraced / FRT – offence abated / FR – un occurred.

Charge Sheet

6. If F.R Unoccured : False / Mistake of Fact / Mistake of law/ Non cognizable / Civil Nature.

7. If Charge Sheet: Supplementary or Original.

8. Name of I.O: **MARK ANTONY** Rank No. **Inspector of Police** No. **53**

9. (a) Name of complainant / informant: Winston Churchill

(b) Father 's / Husband 's Name: Churchill

10. Details of Properties / Articles/ Documents recovered / seized during investigation and relied upon.

Sl. No.	Property Description	Estimated Value (in Rs.)	P.S. Property Register No.	From whom / where recovered or seized	Disposal
1.	IRON ROD – 21 CM STEEL ROD	0		Others	
2.	(OTHERS) AS PER DESCRIPTION – BROKEN GODREJ LOCK - BOTTLE OF TAB. ARIPIPROAZOLE 15 MG - BOTTLE OF TAB. PACITANE 2 MG - BROKEN DOOR HANDLE WITH LOCK	0		Others	



11. Particulars of accused persons charge-sheeted:

S. No. : 1

- i. Name: **JACKSON SMITH**
- ii. Father's/Husband's Name: / : **JACOB**
- iii. Date/Year of Birth: **02/08/1981 [Age 43]**
- iv. Sex: **Male**
- v. Nationality : **INDIA**
Passport No:
Date of Issue:
Place of Issue:
- vi. Religion : **CHRISTIAN**
- vii. Whether SC/ST/OBC:
- viii. Occupation:
- ix. Address: **114, 1st Cross, Cardiff**
Whether verified:
- x. Provisional criminal No.: **91613200005A1**
- xi. Regular criminal No.:
- xii. Date of Arrest: **03-07-2024**
- xiii. Date of release on bail:
- xiv. Date on which forwarded to Court:
- xv. Under Acts & Sections: **103 and 109 BNS**
- xvi. Name(s) of Bailers/sureties and Address(es):
- xvii. Previous convictions with case references:
- xviii. Status of the accused:

Whether verified: **YES**

12. Particulars of accused person not charge- sheeted (suspect)

Particulars of witness examined:



SL. NO.	NAME	FATHER'S / HUSBAND 'S NAME	DATE /YEAR OF BIRTH	ADDRESS	TYPE OF EVIDENCE TO BE TENDERED
1.	WINSTON CHURCHILL	S/o CHURCHILL	1954 (Age :70)	NO 226, 9TH CROSS, CARDIFF	Complainant
2.	MARIA SMITH	D/o JACKSON	2011 (Age :13)	NO 114, 1ST STREET, CARDIFF	Eyewitness to Incident
3.	DR ABRAHAM			KK GOVT MEDICAL COLLEGE, CARDIFF	Expert Witness
4.	MATHEW	S/O. WINSTON CHURCHILL,	1984 (Age :40)	3RD STREET, CARDIFF	Hearsay Witness

14. If F.I.R is false, indicate action taken or proposed to be taken u/s 217/248 BNS.

15. Result of Laboratory Analysis:

16. Brief facts of the case:

On 03.07.2024, around 09:30 AM., Inspector from Colonel Police Station visited No: 114, 1st Street, Cardiff and went up to the Second Floor and investigated about the following incident. The Accused Jackson was severely addicted to Alcohol, due to which he was taking treatment at TTP Hospital, and he was experiencing severe hallucinations, insomnia etc. His wife Rachel used to compel and take him to the hospital and would force him to take tablets regularly. This behavior of Rachel was not liked by the Accused, and therefore with an intention to kill his wife, he sat on her chest, strangled her neck with his two hands and killed her. Therefore, for the above offense, he was charged under Section 103 and 109 of BNS.

17. Refer Notice Served: Yes/No (Acknowledgement to be placed)



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18. Dispatched on: Date: 22-07-2024

Forwarded by Station House officer Signature of Investigating Officer/Officer in Charge

Submitting the Final Report/ Charge Sheet.

Name: MARK ANTONY

Rank: INSPECTOR OF POLICE



ANNEXURE 03 - REMAND FOR JUDICIAL CUSTODY

(Under Section 187 BNSS 2023)

IN THE COURT OF METROPOLITAN MAGISTRATE –XIII, CARDIFF

Crime No. 111/2024

In the matter between,

The State of Silvershore.....Prosecution

v.

Jackson Smith.....Defence

Complainant: Winston Churchill

Accused:

Name: Jackson Smith

Age: 43

Address: No 114, 1st Street, Cardiff

Alleged Offences: Under Section 103 and 109 of Bharatiya Nyaya Sanhita, 2023 (BNS)

District : **Cardiff**

P.S. Colonel

Year : **2024**

FIR No. 111/2024

Date: **03-07-2024**

Sl. No.	Act	Sections
1	Bharatiya Nyaya Sanhita, 2023	103 and 109



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ORDER

In furtherance of the case, the accused respectively was presented before me at 06:00 PM. A remand application has been filed and the documents of arrest intimation, arrest memo, a copy of the FIR have been submitted.

The Accused did not plead ill-treatment by police and have submitted that he was arrested today morning nearly at 02:00 PM in front of his house. He has submitted that their family members were informed about the arrest by the police and that his advocate has filed a bail application under Section 480 of BNSS 2023.

The reasons mentioned for the remand application have been considered by this court. As it appears that the investigation is pending, this court grants the remand for judicial custody of Accused. Accused shall be sent to judicial custody till 18/07/2024 under Section 187 of BNSS 2023. The Jail Authorities are directed to produce the accused before the concerned court on the next date of hearing.

Seal: Deemed to be affixed

Signature of the judge:

Sd/- Date: 03/07/2024

Christiana Richardson



ANNEXURE 04 - COMMITTAL ORDER

IN THE COURT OF METROPOLITAN MAGISTRATE –XIII, CARDIFF

Crime No. 111/2024

In the matter between,

The State of Silvershore.....Prosecution

v.

Jackson Smith.....Defence

Complainant: Winston Churchill

COMMITTAL ORDER

(Deemed to be proved and taken on record)

Whereas information has been laid before me and on the consideration thereof, I have reasons to believe that the accused: Mr. Jackson Smith is alleged for attempt to murder of Ms. Maria Smith and committed the offence of Murder of Mrs. Rachel.

Since the offences are under Section 103 & Section 109, it is exclusively triable by the Court of Sessions at Cardiff. Notice of the Committal Order has been given to the Public Prosecutor. Copies of the Final Report of the Investigating Officer have been given to the accused.

Seal: Deemed to be affixed

Signature of the judge:

Sd/- Date: 03/08/2024

Christiana Richardson



ANNEXURE 05 - SUMMONS TO THE ACCUSED PERSON

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CARDIFF

Crime No. 111/2024

SUMMONS TO ACCUSED PERSONS

(Section 63 of BNSS 2023)

In the matter between,

The State of Silvershore.....Prosecution

v.

Jackson Smith.....Defence

Complainant: Winston Churchill

To,

Accused:

Name: Jackson Smith **Age:** 43 **Address:** No 114, 1st Street, Cardiff

Wherein your attendance is necessary to answer to a charge under Sections 103 and 109 of BNSS 2023, you are hereby required to appear in person on 24th & 25th of August 2024 before the Principal Session Judge, Cardiff, at ten o'clock in the forenoon. Herein fail not. Given under my hand and the seal of the Court, this day of 03rd August, 2024.

Seal: Deemed to be affixed

Signature of the judge:

Sd/- Date: 03/08/2024

David Warner



ANNEXURE 06 - SUMMONS TO THE WITNESSES

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CARDIFF

Crime No. 111/2024

SUMMONS TO WITNESSES

(Section 63 of BNSS 2023)

In the matter between,

The State of Silvershore.....Prosecution

v.

Jackson Smith.....Defence

Complainant: Winston Churchill

To,

1. PW1 – Mr. Winston Churchill
2. PW2 – Ms. Maria Smith
3. PW3 – Dr. Abraham
4. PW4 – Mr. Mathew
5. PW5 – Mr. Mark Anthony

ORDER

(Deemed to be proved and taken on record)

In pursuance of the information that has been laid before me of the accused: Mr. Jackson Smith in the present matter, herein referred to as Accused, has been arrested and taken into custody by the Cardiff City Police on the 03rd July 2024 for attempt to murder of Ms. Maria



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Smith and committing the offense of Murder of Mrs. Rachel and punishable under Section(s) 103 and 109 of BNS 2023., and it appears to me that you are likely to give material evidence or to produce any document or other thing for the prosecution.

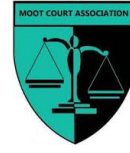
I, David Warner, Principal Sessions Judge, Cardiff do hereby order that the re-examination of the concerned witnesses in the present matter be conducted on the 24th & 25th of August 2024, at 10 A.M., before this Court and hereby summon the concerned witnesses to appear for the same and produce such document or thing or testify on the matter of the complaint before me. A warrant shall be issued to compel your attendance if you neglect or refuse to appear without just excuse.

Seal: Deemed to be affixed

Signature of the judge:

Sd/- Date: 03/08/2024

David Warner



ANNEXURE 07 - DENIAL OF GUILT ORDER

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, CARDIFF

Crime No. 111/2024

In the matter between,

The State of Silvershore.....Prosecution

v.

Jackson Smith.....Defence

Complainant: Winston Churchill

ORDER

(Deemed to be proved and taken on record)

In pursuance to the Committal Order issued on 03rd August, 2024 and wherefore information has been laid before me and on the consideration thereof, I have reasons to believe that the accused: Mr. Jackson Smith, Accused was alleged for attempt to murder of Ms. Maria Smith and committed the offence of Murder of Mrs. Rachel.

I, David Warner, Principal Sessions Judge, Cardiff do hereby charge the above-mentioned accused for the offences committed, which are punishable under section(s) Sections 103 and Section 109 of BNS 2023, and do hereby direct that you all be tried by this Court for the above said offence from the date as specified.

The contents of the charges have been read over and explained to the accused and the following questions were asked:



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ACCUSED : MR. JACKSON SMITH

Q. Mr. Jackson Smith, have you heard and understood the contents of the charges framed against you?

Ans. Yes

Q. Do you plead guilty for the same or claim Trial?

Ans. I plead not guilty and wish to contest in the Trial proceedings.

The Summons is issued to all the concerned Witnesses and the Trial is scheduled to commence on 24th & 25th of August 2024 at 10:00 AM before this Court.

Seal: Deemed to be affixed

Signature of the judge:

Sd/- Date: 03/08/2024

David Warner



ANNEXURE 08 - OBSERVATION MAHAZAR

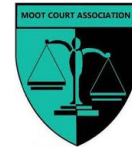
On 3rd July 2024, at about 2:15 P.M., the Accused Jackson Smith in Crime No. 111/2024 U/S 103 and 109 of BNS on the file of Colonel police station, who was residing at Door no. 9/4 No: 114, 1st Cross, Cardiff was arrested with the witnesses 1) Joey S/o Pal 2) Mrithyush S/o Ayushman Sher and recorded in front of them as follows:

The said Crime (No. 111/2024) had occurred on the above said date and time falling within the jurisdiction of Colonel Police station at approximately 2 km northeast on a 20 feet road at the 2nd floor bedroom of a 2-storey building situated at Door no. 9/4 114, 1st Cross, Cardiff. On the east of the bedroom there is a balcony of 2 feet. On the west direction there is 10x20 feet hall. There is a pillow, bed sheet, mattress on the south. Bathroom on the Northwest direction. At the Scene, in the front of House on the west direction approximately 15 to 20 feet width length had an empty space. At the Scene 10x10x10 feet Width, Length, Height with a room has been seen. To the right of the incident house at the north direction No: 113, 1ST Street, Cardiff at the direction of Joey's house. On the left side of the south direction No: 115, 1ST Street Cardiff at the direction of incident house, Mrithyush is also located there. At the incident house opposite west direction No.25/13A at the direction of person's house adjacent to the north direction compound wall surrounding the vacant land at the direction of person's house. At the incident place there is high rate of criminal activity. At the front entrance of the incident place there is a lock which was broken. It is seen that lock is broken on the ground. The back door was broken. This is how the incident place as been seen.

WITNESS

1. MR. JOEY AGED 60 YEARS,
S/O PAL, RESIDING AT NO: 113, 1ST STREET, CARDIFF

2. MRITHYUSH
AGED ABOUT 40 YEARS,
S/O AYUSHMAN SHER RESIDING AT No: 115,
1ST STREET, CARDIFF



ANNEXURE 09 - RECOVERY MAHAZAR

1. Police station Crime no and Section clauses: Colonel Police Station in Crime no. 111/2024

2. Date and hour and place of seizure : On 3rd July 2024 at 2.10 P.M., near
Door No. 9/4, 114 1st Cross, Cardiff, the Accused Jackson aged 43 S/o Jacob

3. From whom the property was seized : Front of the crime scene

4. By whom the property was seized : Colonel Police Station

5. In whose presence the property was seized : WITNESS

1. MR. JOEY AGED 60 YEARS
S/O PAL,
RESIDING AT NO: 113, 1ST STREET,
CARDIFF.

2. MRITHYUSH
AGED ABOUT 40 YEARS,
S/O AYUSHMAN SHER RESIDING AT No: 115,
1ST STREET, CARDIFF

6. Particulars of seized property : 1. Broken Godrej Lock- 01
2. Steel rod size is 21 centimeters
3. Bottle of Tab. Aripiproazole 15 MG
4. Bottle of Tab. Pacitane 2 MG
5. Door Handle with Lock - 01

7. Signature of witnesses:

Abbreviated Telegraphic 'FORENSIC LAB'
Address

FORENSIC SCIENCES DEPARTMENT
Government of Cardiff
Forensic House;
Cardiff - 4

F.S.D Ref:

Dated:

The results of court hearings related to the case should be reported to the Director and Chemical Examiner, Government Forensic Science Laboratory, Forensic House, Cardiff-4. (See Home



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Department Government Circular No. 2408 dated the 16th of July 1962 and Home Department Government Circular No. 2158 dated the 29th of July 1968)

Please acknowledge receipt of this report in the enclosed card by return of Post

From:

The Director and Chemical Examiner to Government,
Forensic Sciences Department,
'Forensic House'
Cardiff-600 004

To :

The Professor & HOD,
Department of Forensic Medicine,
KK Medical College,
Cardiff-600 010.

Enclosure: Sub: Examination of Viscera of Rachel, Female /38 years

Reference: 1. P.M. No.25/2024 dated 03.07.2024 done by Dr. Abraham
2. Cr. No.05/2024 of Colonel Police Station

The Following items were received here on 06.07.2024 with proper labels through the Special Sub Inspector of Police, under unbroken seals which corresponded with the sample seal sent viz:

1. Stomach and contents
2. Intestine and contents
3. Liver and kidney
4. Brain
5. Blood
6. Sample of Preservative



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The above six (6) items were examined, and poison was not detected in any of them

Asst. Chemical Examiner to Govt and

Deputy Director

Assistant Director

Forensic Sciences Department,

Cardiff

The report as such may be used as evidence in any inquiry, trial or other proceedings under Section 329 of the Bharatiya Nagarik Suraksha Sanhita, 2023 r/w Section 39 of the Bharatiya Sakshya Adhinyam, 2023.

While issuing summons, if any, please quote F.S.D reference number



ANNEXURE 10 – DISCHARGE SUMMARY

T.T.P. DE ADDICTION HOSPITAL
DISCHARGE SUMMARY

Name : Mr. **JALESON**

Age: 42 years

Date of Admission: **08-10-2023**

Date of Discharge: **04-11-2023**

Sex: Male

Reg.No: **444/2023**

Address: **No.114, 1st STREET
CARDIFF**

History of presenting illness: Tremors, sleeplessness, poor appetite, auditory and visual hallucination & delusional behavior

Clinical Examination: Tremors

Diagnosis: Substance induced hepatitis with reactive depression

Advise on discharge: Regular medication as prescribed.
Regular follow-up visit for once in 20 days

Medications Given: Tab.Esperal 1-0-0
Tab.Aripiproazole 15mg 0-0-1
Tab.Pacitane 2mg 0-0-1

Dr. **OVIP** Medical Officer



ANNEXURE 11 - ACCIDENT REGISTER

Body sent to home for
 post mortem

DUPLICATE

ACCIDENT REGISTER

Sl. No. 5881084

Hospital No. 208 DATE & TIME 3/11/2024 10 Am
 NAME RACHEL வயது 38
 GENDER female செய் தொழில் -
 ADDRESS 14, 1st street, Cardiff
 WINSTON CHURCHILL (FATHER)
 ஆள் அடையாளக் குறிகள் (1) 1 Bm G Cy
 2 Nam D High
 கொண்டு வந்தவர் -
 மாவல் துறைக்குத் தெரிவிக்கப்பட்டதா? ஆம்/இல்லை
 வாக்குமூலம் தேவை/வேண்டாம்

Nature of Injury and treatment;
 (State simple, grievous or opinion reserved) 1 38 year female
 brought by the attendees in [box] state
 95% of remains
 not properly to covered
 on R.S. about

CP Med: 1-25-180-6-15,000 Bks. 30-9-2013 (Len-07)
 45: Vapour mark seen in note. Smelly notes 11/2024
 10- about mark seen
 11- 4mm not properly to eye
 12- 10mm not properly to eye

TRUE COPY Dr. Sora medical officer



ANNEXURE 12 – POST-MORTEM REPORT

ORIGINAL

POST-MORTEM CERTIFICATE

DEPARTMENT OF FORENSIC MEDICINE AND TOXICOLOGY
MEDICAL COLLEGE & HOSPITAL, CARDIFF

K. K GOVT.

PM.No: 28/2024

DATE : 03.07.2024

Regarding the body of a female aged about 38 years named Mrs. **RACHEL**
Requisition received at 03:50 P.M. on 03.07.2024 from the **INSPECTOR OF**
COLONEL Police Station with Crime no 111/2024 dated 03/07/2024
Body in charge of Police.

Identification and caste marks:

- 1) A black mole over the left breast.
- 2) A black mole over the middle 1/3rd of left leg.

The body was first seen by the undersigned at 04:00 P.M. on 03.07.2024
Its condition then was Rigor Mortis present all over the body
Post-Mortem commenced at 04:00 P.M. on 03.07.2024
Appearance found at the Post-Mortem Moderately built female dead body lies on its back
with bluish discoloration of finger and toe nails were seen.

INJURIES:

- 1) A dark red contusion of size 8 x 4 cm x muscle deep over the right of upper chest.
- 2) A dark red contusion of 9 x 5 cm x muscle deep over the left of upper chest.
- 3) A crescent shaped abrasion of 0.5 x 0.1 cm over the front of middle 1/3rd of right side of neck.
- 4) A crescentic abrasion of 0.4 x 0.1 cm over the front of middle 1/3rd of left side of neck.

ON DISSECTION OF NECK:

- A dark red contusion of size 4 x 3 cm x muscle deep seen over the front of middle 1/3rd of left side of the neck, below the sternocleidomastoid muscle.
- A dark red contusion of size 3 x 3 cm x muscle deep seen over the front of middle 1/3rd of right side of neck below the sternocleidomastoid muscle.
- **Hyoid:** Comminuted fracture of right greater horn of hyoid bone with surrounding soft tissue contusion.
- Larynx and trachea: Intact, C/s: Congested.
- No other injuries seen anywhere over the body.

ON DISSECTION OF THORAX:

HEART: Normal in size, C/s: All chambers contained fluid blood,

VALVES: Intact.

CORONARIES: Patent;

GREAT VESSELS: Few raised atheromatous plaques seen over the root of aorta.

LUNGS: Normal in size, Multiple sub pleural petechial haemorrhages seen over the entire surfaces of both lungs. C/s: Congested.

TRUE COPY



ANNEXURE 13 – MEMO OF EVIDENCE

Cr.No.111/2024

U/s 103 and 109 BNS

P.S: COLONEL

DISTRICT: CARDIFF

S. NO	NAME & ADDRESS OF WITNESSES	TYPE OF WITNESS	WITNESSES WOULD SPEAK
1	WINSTON CHURCHILL, AGED 70 @ 2024, S/O CHURCHILL RESIDING AT NO 226, 9TH CROSS, CARDIFF.	COMPLAINANT	THE COMPLAINANT WILL NARRATE THE INCIDENT TO THE POLICE STATION ABOUT THE INCIDENT AND RELEVANT DETAILS.
2	MARIA SMITH, FEMALE, AGED 13 @ 2024, D/O JACKSON, RESIDING AT NO 114, 1ST STREET, CARDIFF		DAUGHTER OF THE DECEASED AND THE ACCUSED NARRATED THE INCIDENT TO THE POLICE ALONG WITH THE RELEVANT FACTS
3	MATHEW, MALE, AGED 40 YEARS @ 2024, S/O. WINSTON CHURCHILL, RESIDING AT 3RD STREET, CARDIFF	HEARSAY WITNESS	HE NARRATED ABOUT THE INCIDENT.
4	DR ABRAHAM, MBB'S, TUTOR DEPT OF FORENSIC MEDICINE, KK GOVT MEDICAL COLLEGE, CARDIFF	EXPERT WITNESS	THE DOCTOR GAVE THE REPORT ABOUT THE INCIDENT.
5	MARK ANTONY INSPECTOR OF POLICE	INVESTIGATING OFFICER	HE IS THE INVESTIGATING OFFICER AND HE NARRATED ABOUT THE DECEASED'S EXAMINATION PROCESS AND ABOUT THE REPORT THAT WAS GIVEN AFTER THE EXAMINATION.



STATEMENT OF PROSECUTION WITNESSES

PW1 - STATEMENT OF MR WINSTON CHURCHILL, AGED 70 @ 2024, S/O CHURCHILL RESIDING AT NO 226, 9TH CROSS, CARDIFF

PLACE: COLONEL POLICE STATION.

I have been residing at the above address for the past 7 years. My wife's name is Clementine. We have a son, and two daughters. Our elder daughter's name is Rachel. Our second daughter's name is Clara. My Son's name is Mathew. My youngest daughter Clara passed away 10 years ago. My Son Mathew is married and is living with his family at 3rd Street, Cardiff. We got our elder daughter Rachel married to my sister's son Jackson 15 years ago. They have a daughter named Maria Smith. She is studying 9th standard in Josephine School. My son-in-law owns a washing machine repair shop. My elder daughter Rachel and her family have been living in our house for the past 5 years. My son-in-law was admitted to T.T.P. Deaddiction Hospital for treatment due to heavy drinking and drug addiction and came home after a month of treatment. My daughter Rachel along with her family moved to No; 114, 1st Street, Cardiff for rent during January month. My wife and I visit my daughter often. Jackson was consistently rude to my daughter. We occasionally visit the washing machine shop run by my son-in-law Jackson. This being so, yesterday on 02.07.2024, my daughter took my son-in-law to T.T.P. Deaddiction Hospital for treatment. Today, 03.07.2024, around 05.50 A.M., my granddaughter Maria Smith contacted my wife on her cell phone and said that her father was sitting on the top of her mother and was strangling her mother's neck. Immediately, on hearing this, my wife Clementine and I rushed to Rachel's house on a two-wheeler and went directly to the 2nd floor and saw that the house was locked with iron grill gate. When I knocked on the door, I heard voices of Maria Smith saying that she was scared, after which the owner of the house asked Maria Smith to open the window nearby. My granddaughter opened the window next to the door and I asked for the Iron rod that was kept inside the house. Using the Iron rod, I broke the iron lock and opened the grill door and opened the main door with the help of an extra key that the house owner gave me. I saw my son-in-law Jackson sitting in a chair, appearing disoriented and giddy. He showed signs of a struggle, with sweat dripping down his face and his clothes disheveled. My Granddaughter Maria Smith explained that her father was sitting



on her mother and strangling her neck with both hands, after which her mother went unconscious. Maria Smith also said that her father tried strangling her neck, but she pushed her father away. Hearing the same, I rushed into the bedroom and saw my daughter lying near the bed in an unconscious state. Additionally, I noticed that the backdoor was broken and things were scattered in the bedroom, though Maria Smith had not mentioned this earlier and did not know the backdoor was open. Immediately, my son Mathew along with the neighbors took my daughter to PN Government General Hospital. The doctors examined my daughter and declared that my daughter was dead. Therefore, I request you to act against my son-in-law Jackson who strangled my daughter's neck and put her to death. When the Police officers inquired me regarding the above, I have given this statement.

PW2 - STATEMENT OF MS MARIA SMITH, FEMALE, AGED 13 @ 2024, D/O JACKSON, RESIDING AT NO 114, 1ST STREET, CARDIFF

PLACE: SCENE OF OCCURENCE

I have been living in a rented house at the above address with my mother and father for the past six months. My mother's name is Rachel. My Father's name is Jackson. My father runs a washing machine service shop at PG Road. I am studying 9th grade in Josephine School. My father is addicted to Alcohol and few other drugs. Before we shifted to this rented house, we stayed at my mother's father's house at No. 226, 9th Cross, Cardiff. As my father was addicted to alcohol, my grandparents along with all others took my father to T.T.P. DEADDICTION hospital for treatment and returned home after a month of treatment. Since my father refrained from consumption of alcohol for some time, my mother moved to our residence near my school. During January, we rented a house at No. 114, 1st Street, Cardiff and we started living there. Two months later, my father started consuming alcohol again, and my mother took him to the hospital again. My father is an angry person who frequently tries to hurt my mother and is sometimes rude to me. He often shouts and becomes violent towards her, fully aware of his actions. Due to my father's heavy drinking, my mother and father often end up fighting. Yesterday, on 02.07.2024, my mother again took my father to T.T.P. Deaddiction Hospital for treatment and both returned home. Then we had dinner and I fell asleep on the bed in the bedroom. My Father and mother were lying down on the couch and were talking for some time. Then, today, 03.07.2024 around 05.30 A.M., I heard my



mother making some sound. When I woke up and saw, that a man, resembling my father, was sitting on my mother's chest and was strangling my mother's neck with his hands, seeing which I pushed that man. Then I took the cell phone that was nearby and called my grandmother and narrated the incident, after which he also tried strangling me. I pushed him away again and he fell. Then he got up and sat quietly on a chair nearby. Then I heard a knock on the door, and it was my grandfather. I cried and I locked the door as I was scared. Our house owner asked me not to be afraid and told me to open the window nearby. I opened the window and took the iron rod inside the house to break the lock and I gave it to my grandfather through the window. With the help of the iron rod, my grandfather broke the iron lock and opened the grill door and then opened the wooden door and came inside. I narrated the entire incident to my grandparents, and they asked where my mother was. I said she was in the bedroom. My mother was in an unconscious state when everyone entered the bedroom. Then they took my mother to the hospital. The doctor examined my mother and declared that she was dead. In this regard, on the complaint filed by my grandfather at Colonel Police Station, the Inspector came to my house to investigate and was accompanied by Woman Head Constable 36770. I told them what had happened.

PW3 - STATEMENT OF DR ABRAHAM, MBB'S, TUTOR DEPT OF FORENSIC MEDICINE, KK GOVT MEDICAL COLLEGE, CARDIFF

PLACE: KK HOSPITAL CARDIFF.

I, Dr. Abraham, am working as a medico-legal officer at KK Government Medical College, Cardiff. On 03.07.2024, at approximately 15:30, the body of Mrs. Rachel, aged 38, was brought to the hospital. Mrs. Rachel, who is the deceased in Crime No. 111/2024 on the file of Colonel Police Station under sections 103 and 109 of the Bharatiya Nyaya Sanhita (BNS), had been transported from PN Government General Hospital, Cardiff, where she had been pronounced dead upon arrival earlier that morning. At 15:50, I began the postmortem examination on Mrs. Rachel. My findings indicated that the deceased appeared to have died due to asphyxia caused by the combined effects of throttling and pressure over the chest. I issued a medical certificate stating the above. The Inspector of Police, Mark Antony, questioned me regarding this matter, and I provided the necessary answers.



PW4 - STATEMENT OF MR MATHEW, MALE, AGED 40 YEARS @ 2024, S/O. WINSTON CHURCHILL, RESIDING AT 3RD STREET, CARDIFF

Place: Scene of Occurrence

I am residing with my family at the above address. I am working in a shop called Tinker's Painting near MM Round. My father's name is Winston Churchill and my mother's name is Clementine. They live alone in 9th Cross, Cardiff. I have two sisters, one Rachel and Clara. Clara passed away 10 years ago. We married my sister Rachel to my cousin Jackson 15 years ago. They have a daughter named Maria Smith. She is studying 9th standard in Josephine School. My sister's husband Jackson owns a washing machine repair shop. My younger sister Rachel along with her family lived at my father's house for the last 5 years because of Jackson's heavy drinking and drug addiction. Jackson was admitted to T.T.P. DEADDICTION Hospital for treatment and returned home after a month of treatment. My younger sister Rachel moved to No: 114, 1st Street, Cardiff for rent during the month of January 2024. My father and mother used to visit Rachel often. I used to visit Rachel and her husband whenever I found time. Yesterday, 02.07.2024, Rachel took Jackson for treatment again to T.T.P. Deaddiction Hospital. Today, 03.07.2024 at around 05.50 A.M., my younger sister Rachel's daughter Maria Smith contacted my mother on her cell phone and said that her father was sitting on her mother and was strangling her neck. My mother called me and told me the incident and I asked her to go to my sister's place. Later, I went to my sister's house to the second floor and saw that the grill door that was put up for security and the same was locked from the inside. When I knocked on the door, Maria Smith was scared to open the door and was there inside, after which the owner of the house told Maria Smith not to be afraid and asked her to open the nearby window. Maria Smith also opened the window, and she took the iron rod inside and gave it to my father who, with the help of the iron rod, broke the iron lock and opened the grill door. The back wooden door was locked. My father opened the door using the spare key given by the owner of the house and we saw Jackson sitting on the chair. We enquired Maria Smith as to what had happened, and she explained, saying that her father was sitting on mother and was strangling her mother's neck with both his hands. Then she said that her mother went unconscious, after which her father tried strangling her neck, but she pushed her father away. We asked about the whereabouts of Rachel, and she said she was in the bedroom. My younger sister Rachel was



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found unconscious as we entered the bedroom and the things in the bedroom were scattered. Then myself and my father along with the help of neighbors took my younger sister to PN Government General Hospital. There, the doctor examined my sister and declared that she was dead. Therefore, my father filed a complaint at Colonel Police station to act against my son-in-law Jackson who strangled my younger sister Rachel and put her to death.



STATEMENT OF DEFENCE WITNESSES AIDE MEMOIRE

DW1 - STATEMENT OF DR. BERNICE, LICENSED PSYCHIATRIST, T.T.P. DEADDICTION CLINICAL RESEARCH FOUNDATION, T.T.P. DEADDICTION HOSPITAL, 9 TH CROSS, PATEL ROAD, CARDIFF

Place: T.T.P. DEADDICTION CLINICAL RESEARCH FOUNDATION, T.T.P. DEADDICTION HOSPITAL

I, Dr. Bernice, am a licensed psychiatrist with over 15 years of experience in treating severe mental health disorders, including substance abuse and addiction. I first encountered Jackson when he was admitted to TTP Deaddiction Hospital for severe alcohol and drug addiction. Mr. Jackson, came to our hospital presenting with body tremors, insomnia, poor appetite, auditory hallucinations, and delusional behavior. He was diagnosed with substance-induced hepatitis accompanied by reactive depression. I prescribed medication and advised him to visit the hospital once every 20 days and to take his medicines regularly. Jackson's treatment plan included a combination of medication, therapy, and support groups. Despite multiple admissions and consistent efforts to manage his condition, Jackson's mental health continued to deteriorate. He frequently experienced episodes of hallucinations and paranoia, which made it increasingly difficult for him to distinguish between reality and his delusions. I also informed Rachel to note that the medications prescribed to Jackson, if taken in overdose, could lead to severe consequences, further complicating his already fragile mental health.

DW2 - STATEMENT OF MR STEVE, AGED ABOUT 30 YEARS @ 2024, S/O JACOB, RESIDING AT No: 56, MAPLE GROVE, CARDIFF

I, Steve, the younger brother of Jackson Smith, am 35 years old and work as a senior software engineer. Growing up, Jackson and I shared a close bond. We were raised in a loving home by our parents, who always emphasized the importance of family, integrity, and compassion. Jackson was a bright and energetic child, and during his school and college days, he had no mental health issues. He was happy and full of life. After college, Jackson married our cousin Rachel and they settled down together. He owns a washing machine repair shop. However, over the years, Jackson started



to get into drugs and drinking, which led to a significant deterioration in his behavior and mental health. In the years following his diagnosis, Jackson struggled to maintain a semblance of normalcy. He experienced severe mood swings, paranoia, and hallucinations. Despite these challenges, he tried to lead a normal life. Rachel was a stabilizing force in Jackson's life, and their relationship brought him immense joy. Despite the love and support from our family and Rachel, Jackson's condition continued to deteriorate over the years. Jackson was also worried about the financial struggles he was facing. He wanted to help Rachel, but his mental state did not cooperate to do so. This added to the stress and confusion in his life, making it even more difficult for him to manage his condition. By the last week of May 2024, Rachel called me, deeply concerned about Jackson, who was experiencing another severe episode. I immediately tried to calm her down and visited the next morning to help manage the situation.

DW3 - STATEMENT OF MRS MONECCA, AGED 35 @ 2024, W/o. CHANDELER, RESIDING AT NO. 30, FIRST FLOOR, ELMWOOD AVENUE, CARDIFF.

I, Monecca, aged 35 years, have known Jackson and Rachel for over a decade. I met Rachel in college, and we have remained close ever since. Jackson and Rachel had a complex relationship, particularly due to Jackson's addiction struggles. Despite the challenges, their love for each other was evident. Rachel was unwavering in her support for Jackson, always encouraging him to seek help and stay on the path to recovery. In the months leading up to the incident, Rachel confided in me about her growing anxieties. She often spoke of the mounting pressures she faced, both emotionally and financially, in trying to support Jackson's recovery. Rachel's concerns were not only about Jackson's health but also about the increasing strain on their finances due to medical expenses. During our conversations, it became clear that Jackson's expenditure on alcohol added to their financial burdens. Rachel hinted at the added pressure from her parents, who, worried about her well-being, suggested she consider separating from Jackson. However, Rachel always resisted this idea, deeply concerned about the impact it would have on their daughter, Maria Smith. She feared that Maria Smith would miss her father's presence and care, which was a source of deep disturbance for Rachel. In April 2024, I visited them at their home. During my visit, I noticed that Jackson and Maria Smith shared a warm and affectionate bond, which was heartening to see amidst the challenges they were facing. Rachel and I discussed various matters, and she subtly hinted at



some financial strains, mentioning how she was handling academic expenses for Maria Smith and other household needs. She asked if I could lend her a sum of Rs. 25,000, assuring me that she would be able to repay it within three months. Despite these worries, she remained composed and hopeful about their future. Rachel and I continued to stay in touch after April 2024, but our interactions became strained towards the end of the year. We did not get along as well during June, and our conversations were not as frequent or as warm as they had been earlier. Over the phone, Rachel often sounded troubled, expressing her worries about the increasing pressure from her parents and the escalating fights with Jackson over these issues. She confided that she felt overwhelmed and uncertain about how much longer she could endure the situation.

DW4 - STATEMENT OF MR AARAV, AGED ABOUT 30 YEARS @ 2024, S/O AYUSH RESIDING AT No: 116, 1ST STREET, CARDIFF

I, Aarav, aged about 30 years, son of Ayush, have been Jackson and Rachel's neighbor for five years. I have resided at 116 First Street, Cardiff, for over 20 years and have known Jackson and Rachel since they moved into the neighborhood. This area is prone to frequent criminal activity, especially with robbery, which has influenced the behavior of many residents. Jackson was generally a quiet and polite neighbor, but his behavior changed noticeably over the years due to his struggles. One evening in June 2024, I was outside in my garden when I heard Jackson and Rachel arguing. It sounded like a typical fight between a couple, mostly centered around Jackson's behavior. Despite the raised voices and occasional loud noises, I considered it a normal domestic dispute and decided against intervening. On the night of July 2, 2024, I heard a similar commotion. There were loud noises and cries of a woman coming from their apartment. The next morning, I was shocked to learn about the tragic incident that had occurred.



MISCELLNEAOUS

The Criminal Laws and all other laws of Silvershore should be interpreted in pari materia with the Criminal Laws and other laws of India and no such fact is pari materia to any country.

The teams are requested to draft their own issue(s) for the sake of the memorial submissions, the written submissions made shall not be relied during the presentation of oral arguments.

DISCLAIMER : The modifications and adaptations made to the documents in this fictional case are strictly for educational purposes. These changes are intended to aid in the understanding and learning of legal concepts and procedures for the Participants of the moot. They should not be considered as tampering with original legal documents in any form. Any argument related to tampering of evidence by the Parties with respect to the annexures shall not be entertained.

TOKEN OF APPRECIATION

The Moot Court Association, School of Excellence in Law, TNDALU extends a warm gratitude to the drafter of the case record for the 'SURANA & SURANA and SOEL NATIONAL TRIAL ADVOCACY MOOT COURT COMPETITION 2024' Adv Hari G Ramasubramaniam, Partner, Agraa Legal and was assisted by the Research Team of Moot Court Association, School of Excellence in Law, TNDALU, comprising of Mr. Surya S P, Ms. Donna Gadiel, Ms. Monicaa & Ms. Sai Shruthi.