



National Trial Advocacy Moot - 2016

IN THE COURT OF SESSIONS, MAVADA

State of Jagutar

Vs

Abhishek, Angad & Dushyant

In

S.C. No. 101 of 2016

1. Abhishek and Angad are childhood friends. They are now doing a Masters Degree in Political Science & Administration from the Presidency College (“**College**”) in Mavada, capital city of Jagutar, Union of Rabat. Abhishek is politically very active and wants to be a political leader. Angad adores Abhishek and is constantly in his company. Both belong to the Lepat Community (“**Community**”) that is not very prosperous but hardworking and industrious. The community was fighting for its inclusion in the Other Backward Class (“**OBC**”) list of the Government of Rabat.
2. Abhishek contested the College Union (“**Union**”) Election and was elected as its President in 2015. He was very active in the functioning of the Union and organized several programs, protests against the Government. Majority of the office bearers of the Union belonged to the Collective Party of Rabat (“**CPR**”). CPR was in alliance with the opposition party.
3. Abhishek and his friends constantly got into altercation with other students in the College who belonged to the rival parties. But mostly it was a duel of words and the occasional physical confrontation. For this, they were reprimanded a few times by the Principal of the College.
4. Tanya and Natasha are students of the same College and they are final year students of B.A. Political Science & Administration. They are also members of the Union and are close to Abhishek and Angad as they all belonged to the same Community.
5. In October 2015, Abhishek arranged for a protest against the arrest of Kidhar Lepat for sedition. In a controversial remark, Kidhar Lepat, a 22-year-old fiery leader, had allegedly advised a youth from the Community to kill policemen rather than commit suicide.
6. Kidhar Lepat was a self styled leader of the Topi Community and he had a wide following for his militant quality. People who belonged to this community have been carrying on a prolonged agitation for the inclusion of their community in the OBC list to derive the benefits of reservation in government jobs and for admission in reputed educational institutions.
7. There was wide support for Abhishek from students who belonged to Lepat Community who were quite a number in the Presidency College. Tanya and Natasha were also present in these protests. Students belonging to other groups opposed the protest and there was a clash among the students. There was widespread arson and many of the class rooms and the furniture of the college was damaged. Police was brought in to bring the situation under control. The College was closed indefinitely.

8. The College was reopened after three weeks after assurance from the various sections of the students was given. The College was functioning normally but the atmosphere was extremely tense. Slowly the situation improved.
9. In February 2016, in B N University (“BNU”) in Galli the Capital city of Rabat, Ram, the student union leader and the 3 other office bearers were arrested during a protest program against the “judicial killing” of Safal Rugu who was hanged in 2013 for plotting against the government and for masterminding the plot to bomb the Parliament during its session in 2001. This was held during the anniversary of the day of Safal Rugu’s hanging. Subsequently there was also a huge protest by the students of BNU against the arrest of Ramayya (Ram) and others and this drew widespread attention due to the concerted focus by the print and electronic media.
10. On March 15, 2016, Abhishek egged on by his political masters organized a rally in support of Ram urging the government to free him. They also wanted the provision on sedition from the Rabat Penal Code be removed. This protest rally was much resented by many of the students of Presidency College. There was a clash among students, but due to the timely intervention of the Principal and the police, it was contained.
11. After this incident, the students who participated in the protests were looked down upon and were jeered. Tanya and Natasha too faced these insinuations. They complained to Abhishek that two boys in particular were teasing them regularly. Many times Abhishek and Angad escorted them to the bus stop and were with them till they safely boarded the bus.
12. One evening when all the four (Tanya, Natasha, Abhishek & Angad) were standing at the bus stop; the two boys came in a motorcycle and started teasing them. Abhishek threatened them with dire action. They continued teasing. When a few people among the public started abusing them they left.
13. The incident repeated after 2 days on March 30, 2016. Abhishek and Angad were furious and they started pelting stones at them and they hurriedly drove away. But after a few minutes they returned and commented to Abhishek and Angad saying “*Do you think of yourself as heroes, be careful, accidents do happen often, sometime fatal.*” They speed off in their motorcycle while showing their hands like a gun at Abhishek. For this Angad showed his fists and retorted “*let’s see, who causes accidents.*”
14. In the evening after College hours, a police officer accosts Abhishek and Angad and threatens them saying “*keep your trap shut and mind your own business otherwise I will have to show you my stuff*”. He also said “*I know your kind of people who support anti-nationals, I have dealt with them*”. The police officer, an inspector, Mr. Amit Chaudhary was earlier involved in the encounter of some local goons.
15. Later Abhishek found out that one of the two motorcycle boys was Dinesh, the son of the MLA of the ruling party. The other was Peter who was his minion. Abhishek and Angad surfed the internet to find out about Dinesh and Peter. He also dug up details regarding Amit Chaudhary. He found from news items that he was close to the ruling party and was friendly with shady characters and goons. He was also briefly suspended in an encounter case where a local goon was killed. But he was later reinstated for want of evidence of his role in the death of the goon. Abhishek discussed with his friend Dushyant who is a local leader of the political party, to which the Union is affiliated. Dushyant and Dhruv were angry when they heard about Amit Chaudhary and in a fit of rage he said “*iski yeh himmat, salley ko mar dalo, kam se kam hamare neta toh khush honge*” and comforted Abhishek not to be afraid or worry and the party will support and protect him, come what may. He also encouraged him by saying “*You are a hero yourself and you know what to do and how to defend yourself.*”

16. Abhishek and Angad that evening sat and browsed various provisions regarding police action during riots, provocations etc. They were also browsing details regarding legal protection under self defence.
17. After a week on April 7, 2016 the boys come again to tease the girls near the bus stop. The bikers are heard saying “*come with us lovelies, life will be beautiful and no harm will come to you. You do not know who we are*”. Abhishek and Angad started pelting stones at the bikers. The people standing at the bus stop started running in panic. Suddenly the inspector comes from behind and slaps Abhishek and violently threatens him saying “*I will teach you a lesson you will never forget. I have taught this lesson to many*”. During the fracas, the inspector puts his hand on his belt showing the gun holster. Angad shouted “*he is going to shoot you, quickly escape*”. Abhishek in a fit of rage runs and takes a rod that was lying down in the auto garage next to the bus stop and throws it at the inspector. The inspector not expecting this gets hit on the head and falls awkwardly on the pavement and gets hit on the head again by the stump of a tree.
18. All of this happened so suddenly. The students immediately ran away from the spot. The Police after being informed of this incident rushed to the spot and then the inspector was taken to the hospital where he was declared brought dead. Abhishek was arrested along with his friend Angad and charged with manslaughter of a police officer on duty.
19. The defendant pleaded not guilty and claimed he acted in self defence.
20. Abhishek & Angad were arrested for the murder of Inspector Amit Chaudhary. They were thereafter remanded to judicial custody.
21. On completion of the investigation the police forwarded the Final Report (Charge sheet) to the Magistrate’s Court. The Court took cognizance of the Report and thereafter committed the case to the Court of Sessions in Mavada, Jagutar. After complying with the statutory requirements, the Court of Sessions framed charges against the accused:
 - a. Abhishek Lepat – Rabat Penal Code: Sections 186, 304 r/w Sec 34
 - b. Angad Lepat – Rabat Penal Code: Sections 186, 304 & 107 r/w Sec 34
 - c. Dushyant – Rabat Penal Code: 107 & 304 r/w sec 34

The case is set for Trial

The laws of Rabat are analogous to the laws of India.

LIST OF WITNESSES:

1. Abhishek (accused) (DW 1)
2. Angad (co-accused) (DW 2)
3. Dushyant (co-accused) (DW 3)
4. Tanya (DW 4)
5. Natasha (DW 5)
6. Doctor who conducted the Post Mortem (PW 1)
7. Coroner (Pathologist) (PW 2)
8. Investigation officer (PW 3)
9. Dinesh (PW 4)
10. Peter (PW 5)
11. Worker at the auto garage shop (PW 6)
12. Expert witness (can be used if required)

[For the purposes of the competition it is to be presumed that Abhishek, Angad and, Dushyant have consented to be examined as witnesses during the trial. However, as per the rules of the competition, teams may examine all or a minimum of 4 witnesses of the total number of witnesses listed herein within the stipulated time allotted to the respective teams.]

LIST OF EXHIBITS:

1. The holster carrying the gun of the victim
2. Metal Rod (weapon used to hit the victim)
3. Picture of the stump of the tree on the pavement
4. Internet browsing history print outs taken from the computer of the accused 1
5. Details of call logs between all the accused

Exhibit 1

Picture of holster



Exhibit 2

Metal rod



Exhibit 3



Bus stand and the tree where Chaudhary was hit on his head

Exhibit 4

Details of browsing made by Abhishek on his personal computer between 1 April & 6 April 2016

Searches related to

1. Dinesh and his background
2. Peter
3. Inspector Chaudhary
4. Legal provisions related to self defence

Exhibit 5

Extract of conversation between Abhishek and Angad & Abhishek and Dushyant

Abhishek mobile No: 90900 10101 (Glotel)

Angad mobile no: 90900 20202 (Glotel)

Dushyant mobile no: 80000 20202 (Glotel)

Conversation 1 (7 April 2016)

Abhishek: Hi Angad, What happened to that Bas.....

Angad: Suna hai saala mar gaya...Tum ne kya kiya re...

Abhishek: What did I do? You would have done the same thing if you were in my place

Angad: I don't know what to say. Why don't you call Dushyant. That stupid fellow who gave the stupid advice.

Abhishek: Don't talk like that..he did not advise anything..

Angad: I don't know. You deal with him...Why don't you meet him and ask what to do now?

Abhishek: ok ok... I will.

Cuts the call....

Conversation 2 (7 April 2016)

Abhishek mobile No: 90900 10101 (Glotel)

Dushyant mobile no: 80000 20202 (Glotel)

Abhishek: Dushyant ji namaskar..

Dushyant: Namaskar Abhishekji.. Tell me what can I do for you..

Abhishek: I am in trouble. You only can save me now..

Dushyant: What happened?

Abhishek: The boys again were teasing Tanya and Natasha. I pelted stones at them. That dog Chaudhary came from behind to attack me at the bus stand. Angad shouted he is drawing his pistol. I was so afraid

that I ran and he was chasing me...I took an iron rod that was at the auto workshop near the bustand and threw it at him. It hit him in the head and he fell down. I ran away. Angad too ran away.

Dushyant: What did you do you foolish fellow.. Idiot.... Now what is the status?

Abhishek: I don't know...I was terrified.. I just did what I thought at that time.. I hear that Chaudhary is dead now. That is what Angad told me when I called him.

Dushyant: What did you do? What did you do? You fool. You will bring disrepute to the student union and to the party?

Abhishek : What? You only told mar dala isko and said you will protect me at all costs. Now you scold me..And now suddenly I am a liability to the party...Now only you are showing your real face..you punk.

Dushyant: Shut up. Stop this nonsense..and don't drag my name unnecessarily into the mess you have created mindlessly.

Abhishek: you bas....(curses)..

Dushyant: Cuts the phone and put it off..

Conversation 3 (7 April 2016)

Abhishek mobile No: 90900 10101 (Glotel)

Angad mobile no: 90900 20202 (Glotel)

Abhishek: Hi Angad.

Angad: Hi. Did you meet Dushyant?

Abhishek: No. I called him.

Angad: What? Are you serious? Such matter cannot be discussed over phone. I asked you to meet him.

Abhishek: No yaar...I though I will call him and then meet him.

Angad: What did he tell?

Abhishek: Bas.... He is now blaming me. He tells I am stupid and acted in haste. Saala...he only advised me .. now he denies everything...

Angad: You cannot talk like that..He did not advise you...But yes he told this in a fit of rage... You better go and meet him. And don't call and discuss these things over phone & cuts the call

ANNEXURE - 1

FIRST INFORMATION REPORT

1. District: MAVADA PS Year: 2016 FIR No: 316/2016 Date: 7 April 2016
2. Act:
 - (i) Abhishek Lepat: Rabat Penal Code, 1860: Sections 186 & 304 r/w 34
 - (ii) Angad Lepat: Rabat Penal Code, 1860: Sections 186, 304 & 107 r/w 34
 - (iii) Dushyant: Rabat Penal Code, 1860: Sections 304 & 107 r/w 34
3. Occurrence of Offence: 7 April 2016, Time from: 6.30 p.m. Time to: 7.00 p.m
4. Information recorded by: Inspector Bharat Sharma
5. Type of Information: Written / Oral: Oral complaint
6. Place of Occurrence: Direction/Distance from PS: about 1.5 Km east from Police Station. Beat No: 14B
7. Complainant/Informant, Name: Mr. Dinesh, Date of Birth: 16.10.1981 Nationality: Rabat, Passport No: IB5032928, Date of Issue: 11.08.2007
8. Basis on which FIR is lodged: 1. Oral complaint by Mr. Dinesh
9. Details of Known/Unknown/Suspected accused with full particulars: Suspected persons – Mr. Abhishek Lepat, Age 23, S/o Mr. Jiwan Lepat and Angad Lepat, Age: 26 S/o Jitender Lepat
10. Reasons for delay in reporting by the complainant/informant: NA
11. Particulars of Injuries sustained: NA
12. Particulars of Post Mortem Report: NA
13. Post Mortem report done by: NA
14. Inquest report/ Unnatural death Case No. if any..... NA
15. **Brief Facts of the Case:** The complainant has stated that he was harassed and threatened by the accused and the co-accused for reason that they used to visit the tea stall near the accused/co-accused's college. The accused threatened the complainant and his friend of dire consequences if they were seen anywhere near the college. Today as the complainant stopped for a cup of tea, the accused pounced on them and threatened them. In the meanwhile Amit Chaudhary (inspector and victim) intervened and tried to control the situation but the accused picked up an iron rod from a nearby garage and hit the inspector on the head. The inspector fell and hit his head on the stump of a tree and remained unconscious. The complainant called the police. The victim was taken to the hospital and declared "brought dead".
16. Action taken (Since the above information reveals commission of offence (s) u/s as mentioned at item No.2: Hardik Bhatia, Rank: S.I. has taken up the Investigation.
17. F.I.R. read over to complainant admitted to be correctly recorded and a copy given to the complainant free of cost.

Sd/-

**Signature/ Thumb impression of
Complainant/Informant
Name: Dinesh**

Sd/-

**Signature of Officer
Name: Nishtha Arora
Rank: ASI**

ANNEXURE – 2
PANCHNAMA/MAHAZAR

On April 7, 2016 at 11.00 pm the investigating officer visited the crime scene outside Presidency college (near bus stop). After observing the place and taking statements, he prepared a sketch. The following items were taken into possession in front of witnesses:

1. The murder weapon – metal rod
2. Blood sample from the metal rod
3. Finger prints on the metal rod
4. Blood sample from the stump of the tree
5. Victim's holster

Mr. Rupendra Singh and Mr. Saurabh Seth, present on the scene and consented as eyewitnesses and have attested the Panchnama.

Sd/-

Hardik Bhatia
Investigating Officer

Witnesses:

Sd/-

Mr. Anuj Mahajan
R/o

Sd/-

Mr. Aditya Sawhney
R/o

ANNEXURE - 3

**POST MORTEM REPORT
RABAT CITY HOSPITAL**

PM No. 1

Date: 08.04.2016

Name of Decedent: Amit Chaudhary

Sex: Male

Age: 45

Height: 6 feet 1 inches, 182 cms

Weight: 90 kgs

Habits: Alcohol consumer

Home Address: # 14 Galaxy Apartments, PR Road,

Date and time of death: About 5-6 hours before the Examination

Identification Marks: Scar on left eyebrow

By: SI Hardik Bhatia

Requisition Received On: April 8, 2016 at 00.30 hours

Clothes: White shirt, blue jeans, white vest, black boxers, white sneakers.

Pathological Diagnosis

Adult male suffered brain hemorrhage due to head injury.

The following viscera were preserved and sealed for chemical analysis:

- a. Skull and the brain;
- b. Stomach and its contents;
- c. Upper part of the small intestine (about 30 cm in length and its contents)
- d. Liver not less than half kilogram;
- e. One kidney or half of each;
- f. 100ml blood; and
- g. Heart.

External Examination

The body is that of an adult male measuring 182 cm and weighing 90 kilograms. The body is athletic and consistent with the age of 45 years. The scalp is round. The nose is long. The mouth and lips are red. The tongue is white and long. Total no. of teeth present is 31 and is white. The ears are bilateral prominent. Clothed with a white shirt, blue jeans, white vest, black boxers and sneakers. Full rigor mortis. The scalp hair is white and short. Facial hair is prominent. Suggestive that the deceased has not shaved for 1-2 weeks. The corneas are cloudy. The irises are grey. The mouth contains natural teeth. The ears, nose and mouth show no abnormalities. The neck is of normal configuration and there are no palpable masses. The extremities are symmetrical and normally developed. Identifying marks include a birthmark on the upper thigh and a scar on the left eyebrow. There is no evidence of emergency medical intervention in any form whatsoever.

Evidence of Injury

At the time of the post mortem there head was severely injured, the skull was cracked.

Internal Examination

The organs occupy normal positions, and all the internal organs are in a state of autolysis. There are no adhesions or mass lesions.

Head and Neck: Brain weighs 1350 grams. Hemorrhaged

Cardiovascular System: The heart weighs 450 grams and is normal.

Respiratory System: The Right lung weighs 410 grams and left weighs 390 grams.

Digestive System and Liver: The stomach contains fresh food particles, which includes fruit and rice. The liver weighs 1600 grams. The gallbladder contains 9cc of bile. The pancreas is otherwise unremarkable.

Genitourinary System: The right and left kidney weighs 150 and 170 grams respectively. The calyces, pelvis and ureters are patent and unremarkable. The urinary bladder contains approximately 786 cc of urine.

- The intestines are unremarkable and carry partially digested mater.
- The spinal cord is intact.
- There are no signs of decomposition.
- The viscera have been preserved.

Postmortem Concluded at: April 8, 2016 at 06.00 hours

Opinion: Death due to Hemorrhage which was triggered by blow on the head. Body organs removed were sent for detailed examination.

Sd/-

Dr. Kalra
Medical Officer

ANNEXURE - 4

FORENSIC REPORT

Examinations Requested:

1. Skull and the brain
2. Stomach and its contents; Upper part of the small intestine (about 30 cm in length and its contents);
3. Liver not less than half kilogram;
4. One kidney or half of each;
5. 100ml blood; and
6. Heart.

Examination of the Skull and Brain:

There are two distinct fresh injury marks on the skull

This is a case of blunt force being used on the skull. The severity of injuries inflicted as a result of blunt force trauma is because of an object traveling at high speed causing damage to the skull. When hit hard on the head the brain shifted inside the skull and knocked against the bony surface of the skull.

When the victim fell to the ground the motion of his head halted abruptly, inertia forced the brain forward. When that happens, the brain experiences a "coup" (smacking against the front of your skull) and a "countercoup" (the same feeling, but at the back of the skull).

An impact on a small area of a curved surface, such as the head, causes greater damage than would be caused were that same impact to occur on a flat surface, such as the back, since there will be a more concentrated point of impact on the head.

The victim suffered internal bleeding which caused increased intracranial hemorrhage which lead to the victim experiencing a hypovolemic shock leading to the victim's death.

Examination of the Liver:

Examination of the Blood: High level of alcohol has been detected along with high level of toxins. Potassium level 2.5 mmol/l (millimoles per litre).

Conclusion:

Death due to intracranial hemorrhage.

Dr. Russell
Pathologist

ANNEXURE - 5

STATEMENT OF WITNESSES

(Statements under Section 161 of the Code of Criminal Procedure Code, 1973)

1. Abhishek (accused)

My name is Abhishek Lepat. I am from the Lepat community which is a very backward and poor community in India. During childhood I saw my family and community struggle. It was very difficult for us to manage a daily living. We were subjected to one particular occupation only. We could not mingle with the rest of the crowd as we were considered outcasts. But I decided that I could change all this if I could study hard and make my way to a big city a big university and fight for my community so that we could have equal rights and live freely in the society. From a very young age I was interested in politics and the charm of it just stuck to me. I continued to work hard and got into Presidency College from where I completed by graduation and am currently pursuing my post graduation in Political Science and Administration. I am actively involved in student level politics since my first year of graduation at the Presidency College. I am also the President of the student union.

Politics for me is not just name and fame but hard work and safety for my fellow men. I cannot tolerate hooliganism and anarchy. I have always stood against anything that is unethical and intolerable especially misbehavior with women.

Tanya and Natasha are my juniors in college. They complained to me that there were two men in particular who were teasing them and making life difficult for them. They girls feared these men would do something as they looked like goons. So I and Angad used to escort these girls till they boarded the bus back home.

One afternoon or evening, I don't remember exactly, all four of us were standing at the bus stop right outside our college, two men on a motor cycle came along and started commenting on Tanya and teased them. Even though we were standing right next to these girls, the men had the guts to tease the girls in broad public view. This clearly showed that these men were goons and worthless scum. I shouted at them and they drove off.

This episode repeated after a couple of days. I and Angad threw stones at the motorists and they hurriedly drove away. The motorists threatened us with consequences and threatened to kill us. They even showed their hands like guns aimed at us. I don't get intimidated by such tactics.

The same evening a police officer came along when I was standing outside the college gate with Angad. The police officer threatened us and said that we were anti-nationals and that he would kill us if we didn't keep quiet. I did a little background check on this police officer who had a name badge Amit Chaudhary pinned on his uniform. I got to know that he was responsible for the encounter of some local goons sometime back.

I also asked around about the guys who came on the motorcycle to tease girls from our college. I was informed that they were Dinesh and Peter. The former being the son of a MLA of the ruling party and Peter was just his man Friday. I also got information that Amit Chaudhary was very close to the ruling party and was always found in the company of local goons. I got a little worried but I was not afraid. I took the matter to my seniors who were local leaders of a political party who confirmed the information about Amit Chaudhary and told me not to get intimidated by his scare tactics.

After a week or so i.e. on April 7, 2016 the same guys on a motorcycle approached the girls and started teasing them. I and Angad picked up stones and threw at the bikers who quickly fled the spot. As we were standing there, Amit Chaudhary came from behind and slapped me. He was not in uniform but I recognized him. He caught me by the neck and took his other hand to remove his pistol from the holster. I wriggled my way out of his grip and picked up whatever came into my hand and threw it at Chaudhary. The rod hit his head and he tripped and fell hard on his head. His head hit the base of tree and he stayed put. These goons on the bike came rushing back and called the cops. I just acted in self defence. I did not intend to kill Chaudhary. He tripped and fell and that's how he injured himself and succumbed to his injuries and died. I was well within my rights to defend myself.

2. Angad (co-accused)

My name is Angad. I am currently a student at the Presidency College where I am pursuing my Master's Degree in Political Science and Administration. I have Abhishek's childhood friend and we still continue to be. I am also from the same community as Abhishek is. Our community is very backward and poor. Our childhood was very difficult. We were treated like outcasts. And if it had not been for people like Abhishek who have been visionaries, we would still be treated as outcasts. I thank god for giving me a person like Abhishek to be a friend. He also is my guide and mentor. When you come from where we have come from things are not easy. We have to prove ourselves in everything we do so that the next generation which rises from our community can have a peaceful and progressive life.

I am not exactly into politics but I stand beside my friend Abhishek who has lead by example and shown that it is important to fight for your rights and also to stand up against atrocities faced by weak members of the society.

One evening as we myself, Abhishek, Tanya & Natasha (juniors in college) were standing outside the college, near the college gate. Two men came on a motor cycle and started commenting on Tanya and teased them. Even though we were right there with the girls, the men had the audacity to tease the girls in broad public view. This clearly showed that these men were goons and worthless scum. Abhishek shouted at them and they drove off.

This episode repeated after a couple of days. Abhshek and I threw stones at the motorists and they hurriedly drove away. The motorists threatened us with consequences and threatened to kill us. They even showed their hands like guns aimed at us. I got a little intimidated by them but Abhishek was far from being threatened by these guys.

The same evening a police officer came along when Abhishek and I were standing outside the college gate. The police officer threatened us and said that we were anti-nationals and that he would kill us if we didn't keep quiet. We did a little background check on this police officer who had a name badge "Amit Chaudhary" pinned on his uniform. We got to know that he was responsible for the encounter of some local goons sometime back.

We also asked around about the guys who came on the motorcycle to tease girls from our college. We were told that they were Dinesh and Peter. The former being the son of a MLA of the ruling party and Peter was his minion. I also got information that Amit Chaudhary was very close to the ruling party and was always found in the company of local goons. I got a little worried but I was not afraid. I took the matter to my seniors who were local leaders of a political party who confirmed the information about Amit Chaudhary and told me not to get intimidated by his scare tactics.

After a week's time, on April 7, 2016 the same rotten guys came on a motorcycle towards the girls and started teasing them. I and Abhishek picked up stones and threw at the bikers who quickly fled the spot. As we were standing there, Amit Chaudhary came from behind and slapped Abhishek. I was shocked seeing this. He caught Abhishek by the neck and started abusing him. He moved his hand to remove his pistol from the holster. I tried to stop him as Abhishek struggled his way out of his paws and picked up a metal rod, which was lying on the ground, and threw it at Chaudhary. The rod hit his head and he tripped and fell hard on his head. His head hit the base of a tree and he stayed put. These goons on the bike came rushing back and called the cops. Abhishek had no other option but to protect himself, he just acted in self defence.

3. Dushyant (co-accused)

My name is Dushyant. I am a political leader. I do not understand why I am being charge sheeted and for what. From what I gather, Abhishek acted in self defence. Anyone in his place would have done the same thing or some other thing in order to save themselves from a monster like Amit Chaudhary. I know him very well and I also know what he's best known for. He has a history of intimidating people who have the guts to stand up for what's right. He has put the name of the police force to shame and as far as I am told he was not in his uniform the time this incident happened. Those who play with fire die by it.

Abhishek came to meet me one day. He wanted to know my opinion on something that happened to him. He was not afraid but wanted to know the correct way to handle the situation. I don't think there is anything wrong in advising a young friend how to handle bullies. There is always a correct way to go about and handle a particular issue. As a student union and a popular student it is his bounden duty to take charge of the situation especially one which happens in front of his eyes. How can hooligans be supported by the state machinery i.e. the police.

I have known Abhishek for quite some time now. He is a good friend and a very responsible citizen of this country. He has always stood what's right and never shied from taking sides. He is very hard working and intelligent. He has shaped himself to be the student union leader which considering his background and the community from which he comes from is a wonder in itself. I'm sure "Truth will be victorious" as is the motto of our nation.

4. Tanya

My name is Tanya and I am a student at the Presidency College pursuing my graduation in Political Science and Administration. I also do modeling and thus have to make sure I look good all the time.

I also hail from the Lapat Community but it is not because of this that I became friends with Abhishek and Angad. When I joined college, they were the ones who would always step up for the students or even the college for any problem whatsoever. As we all are pursuing the same course we shared a common ideologies and goals in life.

After Abhishek organized a rally for Ram, we were looked down upon in our own college. People would often comment on us. But there were two guys who in particular created a lot of problems for me and Natasha. Natasha is my class mate in college and we are very close friends.

I complained to Abhishek about these guys teasing us regularly so Abhishek as an elder brother willing offered to accompany us to the bus stop and be with us till we boarded the bus. To my utter shock, even though Abhishek and Angad were with us, these guys came on a motorcycle and started passing comments on me and Natasha as if we were all alone. Abhishek warned these

guys and told them to stop all this nonsense but they shamelessly continued till a few people standing nearby created a ruckus.

The same thing happened a couple of days later. Abhishek and Angad started pelting stones at the bikers. But as we calmed down, these guys returned and threatened to hurt Abhishek and Angad. They said something like “fatal accidents can happen”.

After a week or so, the same incident repeated once again. They biker guys started teasing us with filthy comments. Abhishek and Angad started pelting stones. Suddenly out of nowhere this tall guy comes from behind and grabs Abhishek by his neck and rattles him. Everyone around panicked and fled the scene. The tall guy reached for his gun which was buckled up in his holster. Angad shouted something and jumped on the tall guy who I think might be a cop (colour of the holster looked like what normal cops carry their guns in).

Both Abhishek and Angad Struggled with the cop and finally Abhishek cut lose and reached for a stick or pipe which was lying on the side of the road and threw at the cop. The stick hit him on his head. The cop lost balance and fell to the ground hitting his head on the tree stump. He held his head in his arms and collapsed. The biker guys came rushing and called the police. We four were just standing in shock. The provocation was so sudden and grave that none of us knew what happened.

5. Natasha

My name is Natasha and I am a student of Presidency College. I am pursuing a bachelor’s degree in Political Science and Administration. I too hail from the Lapat Community.

I am here only because of Abhishek. We are family friends and it is only because of him that I was pushed into pursuing my higher studies. He always encouraged me to push myself and work hard so that our community would get equal status in the society. This was a great motivating factor for me.

When I came to Presidency College, Abhishek and his friend Angad whom I also know since childhood supported me in college and encourage me all the time to be actively involved in college affairs. Thus, I along with Tanya were always involved with all the affairs where Abhishek and Angad were involved. I learnt a lot from them.

After Abhishek and Angad lead a rally urging the government to free Ram, we were under a lot of pressure and ridicule even in our own college. But nothing that would put fear in our hearts or discomfort us except for two guys who would come and tease me and Tanya whenever we stepped out of the college premises. It was as if they were watching us. They would pass lewd comments and make obscene gestures. We were very distressed due to this. So we complained to Abhishek who was kind enough to accompany us to the bus stop.

The other day all four of us were standing and these guys came and started the usual teasing as if we were standing all alone. Abhishek got angry and tried to chase these guys away but they continued teasing us and left only when the people around us created a commotion. This happened time and again. The goons threatened to hurt Abhishek and Angad.

One evening we all were standing outside the college gate when the biker came and started teasing us. Abhishek and Angad pelted stones and chased the bikers away. Suddenly a tall guy came crashing in throwing me to the ground. All that I was holding in my hand also fell down and

I started gathering my stuff. By the time I looked up everyone was silent and staring at the tree. I did not realize what had happened. It was so sudden.

6. **Worker at the Auto Garage:**

My name is Jatin. I work at the auto garage right next to Presidency College. I open and shut the garage. The garage remains closed if I am on leave. But mostly I can't afford to keep the garage closed as it is the only source of bread for me and my family.

I know Abhishek and his friend very well as they are always involved in some ruckus or the other. I detest from such people who think that they know everything and try to be vigilantes.

People like them create false hopes as they are bad examples in the society. You must be wondering how an auto mechanic can analyze and know so much. Well just to remind you that never underestimate the power of a common man. I live in practicality and not in my phone or the social media.

I knew this day would come when Abhishek and his friend would get caught. It's just natural for them to find and get into unwanted trouble.

On April 7, 2016 I exactly don't remember what happened but I saw Abhishek and his friend fighting with tall guy. They were struggling with this guy. Abhishek ran towards my shop and picked up a rod hit it on the ground almost taking my feet away and threw it at the tall guy. The rod hit his head and he fell with a thud to the ground. I guess he died instantly. He just didn't move.

ANNEXURE - 6

REPORT OF INVESTIGATION OFFICER U/S 173 OF THE CRPC

In the Court of the Chief Judicial Magistrate, Rabat

1. District: _____ PS: Division 3, Year: 2016, FIR No. 003113 Date: 07.04.2016
2. Charge sheet No. 17/2016
3. Date: 14.08.2016
4. Acts/ Section(s) :
 - a. Abhishek Lepat – Rabat Penal Code: Sections 186, 304 r/w Sec 34
 - b. Angad Lepat – Rabat Penal Code: Sections 186, 304 & 107 r/w Sec 34
 - c. Dushyant – Rabat Penal Code: 107 & 304 r/w sec 34
5. Type of Charge sheet: Charge sheet against: (i) Abhishek Lepat, (ii) Angad Lepat, and (iii) Dushyant
6. Offence as mentioned did occur as per the contents of the FIR.
7. Original Charge sheet, supplementary to follow against the rest of the accused.
8. I.O.: Hardik Bhatia : SI
9. Complainant: Mr. Dinesh
10. Date of properties/Articles/Documents Recovered/seized during investigation and relied upon: Recovered vide Panchnama dated 07.04.2016
11. Particulars of accused persons charge sheeted:

S.No.	Name of the Accused	Status of the Accused
1.	Abhishek Lepat	In Custody
2.	Angad Lepat	In Custody
3.	Dushyant	In Custody

12. FIR is not false.
13. Result of the forensic report attached
14. Brief facts of the case:
 - i. On 7 April 2016, the police received a complaint from Mr. Dinesh, a student of Presidency College, Mavada that Abhishek and Angad, students of the same college had hit Inspector Chaudhary with an iron rod and the inspector had fallen unconscious at the bus stop near the college.
 - ii. The police immediately reached the spot and took Chaudhary to the Rabat City Hospital, where he was declared brought dead.
 - iii. Abhishek and Angad are Post Graduate students of Political Science and Administration at Presidency College, Mavada. They are childhood friends and found always together. They belong to the same Lepat Community. Abhishek is the leader of the Union and Angad an office bearer. They are quite active in the Union activities. This earned them lot of friends as well as adversaries. Getting into trouble is not new to them. The union is affiliated to Collective Party of Rabat (CPR). The party is fighting against the government for the inclusion of their community in “OBC” list. The leader of the CPR is a fire brand leader and is booked for sedition for inciting the party members to kill a few policemen rather than commit suicide for the cause.

- iv. Abhishek organised two protests at the college. One against the detention of their leader Kidar Lapat and for scrapping of sedition laws. The other was in support of Ram of BN University. Ram and two others were detained under sedition for organizing a protest on the anniversary of the hanging of Safal Rugu, the mastermind behind the plotting of bombing the parliament. These two protests created wide spread hatred in the Presidency College against Abhishek and Angad.
- v. Tanya and Natasha are final year students of under graduate course at Presidency College. They are members of the Union and are close to Abhishek and Angad. They are members of the union and were staunch supporters. They complained to Abhishek that two students regularly tease them at the Bus stop.
- vi. Abhishek and Angad mostly accompanied them in the evening to the bus stop and saw that the safely board the bus home. During this time they had chased the two boys Dinesh and Peter several times. Dinesh is the son of an MLA of the ruling party. Peter is his friend. On enquiry Dinesh and Peter said that they were merely talking to a few friends at the bus stop. Abhishek and Angad threatened them and threw stones at them. For this they had complained to Inspector Chaudhary who is known to them.
- vii. On 30 March 2016 Inspector Chaudhary had warned Abhishek and Angad for obstruction of carrying out his duty and there was some exchange of harsh words between them.
- viii. It appears that Abhishek and Angad were a little perturbed after this and had contacted Mr. Dushyant Liko, a local leader of CPR. This was confirmed by the record of the telephonic conversation between Abhishek, Angad and Dushyant. In the meeting Dushyant had incited Abhishek and Angad to be more aggressive and in a fit of rage has told to kill Inspector Chaudhary if need be.
- ix. I have gone through the personal computer of the Accused 1 and found that he had researched on details of Dinesh, Peter and Inspector Chaudhary and also legal provisions regarding protection under self defence.
- x. On 7 April Accused 1 & 2 were expecting some confrontation from the police especially inspector Chaudhary and were well prepared for it.
- xi. From the investigation conducted by me, I submit the following
 - a. Abhishek and Angad had obstructed Inspector Chaudhary from discharging his duties.
 - b. They had met Dushyant and discussed how to deal with Inspector Chaudhary
 - c. Researched on the backgrounds of Dinesh, peter, Chaudhary and also the legal provisions regarding protection against self defence.
 - d. Motivated enough to prove their worth to their political bosses
 - e. Were prepared to confront inspector Chaudhary
- xii. Therefore there is probable cause that Abhishek be tried for offences punishable under sections 186, 304 read with section 34 of the Rabat Penal Code, Angad for offences punishable under sections 186, 107 & 304 read with section 34 of the Rabat Penal Code and Dushyant for offences punishable under sections 107 & 304 read with section 34 of the Rabat Penal Code.
- xiii. Notice served and despatched

Sd/-
House Officer

Sd/-
Investigating Officer