



# Sir Syed & Surana & Surana

## National Criminal Law

### Moot Court Competition, 2018



#### CLARIFICATIONS

1. The appeal will come under which jurisdiction of JJ Act, 2015 S. 101 (5) or S. 102?

**A:** The appeal shall be entertained under Section 101 (5) of the JJ Act, 2015. It is an appeal not a revision.

2. The laws of Stark Pradesh are pari-materia to which corresponding state laws in India and the rules of High Court of Stark Pradesh are pari materia to which state's high court's rules?

**A:** No, preposition is not pari materia to any state's laws or policies or any state's high court's rules

3. Whether cannabis is one of the ingredients used for the preparation of NZT CANCER?

**A:** Yes, cannabis were one of the ingredient.

4. Whether the PIL challenges the constitutional validity of the whole Narcotic Drugs and Psychotropic Substances Act, 1985 or specific sections?

**A:** The PIL challenges the constitutional validity of some specific provisions though the participants are free to challenge the whole act using their legal diligence.

5. Paragraph 16 of the facts state that by virtue of 2015 Amendment the Juvenile Justice Board decided to try SSA as an adult given the heinous nature of the crimes involved. Whereas in Paragraph 18 she was found 'in conflict with law' by the special court. Whether the special court estd. Under NDPS Act, 1985 passed the verdict or the special court under Juvenile Justice Act passed the verdict or it was passed by the special court under National Investigation Agency, also what was the punishment awarded?

**A:** She was tried by the Special court known as 'Children's Court' under the Juvenile Act. The Punishment is an irrelevant consideration though Punishment was sufficient to fall under the appeal (Wide section 101(5) and Provisions of CRPC). Please follow the definition of heinous offences under the Act for the quantum of punishment.

6. Whether the research programme has its own department or SSA own the pharmaceutical department? (**Para 4**)

**A:** Manav Cult owned all the Research and Pharmaceutical Programmes.

7. What were the cogent sources in paragraph 16?

**A:** Clarifying para 16, it is to be noted that juvenility of SSA is an **undisputed fact**. Participants are advised not to argue on the sources of her juvenility or on her juvenility.

8. Is the Appeal and PIL consolidated (tagged) by the court or is it merely for the convenience of arguments during the moot?

A: The PIL and appeal are consolidated merely for the convenience of argument in the court. Please refer to Para 21 of the Moot Proposition.

9. It is stated in the rules of the moot on page 4, point (c) of 'Oral Round' that 'the oral arguments' need not be confined to the issues presented in the memorials.' Can new issues be brought up during arguments or can mere extensions of the issues in the memo be done?

A: The participant is advised to use their own legal diligence. Completely new issues and wild imagination is best avoided.

10. There is no mention of procedural safeguards followed by the police and about the license (as given in NDPS Act), so do the participants have to presume its compliance or not?

A: All the procedural safeguards complied with by the police and the cult didn't have any license.

11. Whether the seized cannabis is produced before the court or not? Which were the cannabis found?

A: Yes, they were produced before the court. Flowers and resins of Hybrids, Sativa and Indica.

12. Whether the investigating officer recorded his reason to believe why there was an apparent reason to raid the pharmaceutical facilities?

A: Jamie Sharma had a 'reason to believe' that Manav Cult's SSA had a role in drug trade and obtaining warrants would make the raids unfruitful and the same was communicated after the raid in the due time to his immediate official superior.

13. Did the properties raided include pharmaceutical units of Manav Cult? (**Para 7**)

A: It included both medical facilities and warehouses of Manav Cult.

14. What kind of organization would Manav Cult be defined under?

A: A Religious cult and non-profit social welfare organization.

15. Where was the cannabis found in the other facilities?

A: Cannabis were found inside the facilities.

**NOTE: THIS DOCUMENT WILL BE THE SOLE SOURCE OF CLARIFICATION OF MOOT PROPOSITION IN THE COURT ROOM.**

**THERE WILL BE NO FURTHER CLARIFICATIONS ISSUED.**

NATIONAL ADMINISTRATOR

24 January 2018