MOOT PROPOSITION

Note -Kindly assumes new Criminal Laws came into force from 1st July 2013

24-year-old man named Sohal, who allegedly strangled his live-in partner, Minni, with a mobile phone cable on June 30, 2013, between 11 p.m. and 12 a.m. and dumped her body in a refrigerator at a dhaba on the outskirts of Mitra village, 50 km away from Prime City (the capital of Indica).The reason for the murder was that Minni wanted Sohal to fulfill his promise to marry her. One of the police officers who stayed in the Krishna area received information that Minni's family could not contact her. A tip-off was then received that a man had killed his girlfriend and gotten married to another girl, Manisha, on the same day.Minni was an energetic girl who lived in Baldoa village in Mirpur, 100 km away from Prime City (the capital of Indica). She had left her village to study and fulfill her aspirations. Sohal, a resident of Mitra area, 50 km away from Prime City, had prepared for his SSC exams at a coaching center in Prime City in January 2010. Minni was preparing for her medical entrance and was enrolled at another institute in Ram Nagar of Prime City.The two met while traveling in the same bus, and their friendship blossomed from there. Soon, they fell in love. In February 2010, Sohal took admission to a college in Prime City (the capital of Indica), and Minni followed suit, enrolling in the BA (English Honors) course. Thereafter, in 2013, the two started living together in a rented house in Prime City.Sohal did not inform his family members about his relationship. Later, his family pressured him to get married and fixed his wedding. Minni got to know that Sohal's engagement had been fixed. His wedding was on the following day. She kept pressuring him to call off the wedding.Around 9 p.m. on June 30, 2013, Sohal reached the Krishna area, and the couple left home in his car. They reached the Roman Gate area at 10 p.m. and fought for almost an hour inside the car. Infuriated, Sohal strangled her with the data cable of his mobile phone in his white Verna car on the night of June 30, 2013. He panicked and roamed the area for a few hours, not knowing what to do with the body, and eventually carried it in his car to his dhaba.On reaching the dhaba, Sohal stuffed her body in a blue-colored single-door fridge and closed it using cable wires. Since it was his wedding, the dhaba remained closed for the next couple of days.The police investigated the matter and stated that Minni's father had stated that on the same day, Minni had called him, saying Sohal was not fulfilling his promise to marry her and that she was very disturbed.Vijay Arora, Special Commissioner of Police, Crime Branch, stated that the accused, Sohal, was arrested on July 1, 2013, in the evening by a team from Mitra Village. He admitted to his crime.The police stated that they recovered the body of the woman from the fridge due to his confession statement and recovered the data cable from his car.A case of murder, destruction of evidence, and false promise to marry was added on July 2 at Baba Haridas Nagar police station.The police invoked Sections 103 of BNS (Murder), 238 (Disappearance of evidence), and Section 69 (False promise to marry) of the new criminal laws.The police started an investigation according to the new criminal laws,

took custody of Sohal beyond the period of 15 days, and handcuffed him. He was asked to sign his statements but he did not signed.The police added Section 215 of BNS for refusing to sign the statement. They seized the phone and laptop of the accused and his father, who objected that it was against their right to privacy.Investigations into the murder also revealed that hours after allegedly killing her, Sohal deleted all the data from his cell phone. The accused was aware that phone conversations could be used as evidence against him. They sent his mobile phone, which was recovered from his possession, to the Forensic Science for further analysis and retrieval of previous conversations were conducted, but the data could not be retrieved. However, the report stated that data had been deleted from his phone. In the wedding photographs analyzed by the police, Sohal did not appear anxious. 'He partied and danced with his family members.All this while, he didn't look anxious,' the officer said, adding that the police also analyzed the wedding videos.The police recovered the personal diary of the deceased, in which she wrote about her sadness and depression due to Sohal's inability to convince his parents about their relationship and wedding. She mentioned Sohal telling her that 'he did not want his parents to die over a girl.'The mobile tower location of the accused was found near the dhaba on that day. The statements of the sister and friend of the deceased's sister were recorded before a Judicial Magistrate under Section 183 of BNSS.They stated that, in their presence, the deceased and accused left the room where they lived together. The sister appeared as a witness in trial court, but the friend did not.The post-mortem report stated that the ligature mark was transverse, not completely encircling the neck, and crossed the midline on the thyroid cartilage, indicating a fracture.Death was caused by suffocation, and the time of death was between 10 and 12 p.m. on June 30, 2013.The defense argued that Sohal had been falsely implicated in the case, claiming they were just friends and he was not with her that day. He stated he did not know if she had committed suicide or been murdered by someone else.Sohal produced a rent agreement copy from the landlord of Krishna Enclave, showing only Minni's name as the tenant. He also claimed he never gave a confession statement to the police.The Trial Court sentenced Sohal to death for murder and other offenses based on electronic evidence, medical evidence, testimony from the father and sister of the deceased, police witnesses, and statements recorded by the Judicial Magistrate.The High Court later converted the death sentence to life imprisonment.The accused filed an SLP in the Supreme Court averred for acquittal, vitiation of trial for application of new criminal laws,and also challenging the constitutionality of certain provisions of the new criminal laws.The parents requested the death sentence for the well-planned heinous crime.

Legal Issues-

1.Whether SLP is maintainable?

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2.Whether the guilt of the accused has been proved beyond reasonable doubt?

3.Whether the old or new law shall apply in the present case

4.Whether certain provisions of new criminal laws are constitutionally valid?

Note: Teams are free to frame any additional issue and prepare written arguments in the Moot Memorial on such issue.