

SARVODAYA LAW COLLEGE
INSTRUCTIONS TO STUDENTS

THE PRACTICAL RECORD SHOULD REACH BY POST/COURIER ON OR BEFORE 8th July 2020.,

PRACTICAL RECORD SHOULD BE HAND WRITTEN AND HARD BINDED. (*SEPARATE BOOKS ON EACH MOOT COURT PROBLEM, QUESTION NO.4 AND 3RD MOOT PROBLEM IN ONE BOOK i.e., IN 3RD BOOK*) NO TYPED OR XEROX MATTER WILL BE ACCEPTED.

FURTHER THE STUDENTS CAN ATTEND THE VIVA-VOCE PERSONALLY IN THE COLLEGE OR THROUGH ONLINE/WHATSAPP ON 10th (Reg No. 01 to 80) and 11th (Remaining Students from Reg No. 81 onwards) OF JULY, 2020. FROM 11.00.AM. IF YOU FAIL IN SUBMITTING THE RECORD/ATTENDING VIVA-VOCE, YOU WILL BE TREATED AS ABSENT.

INSTRUCTIONS FOR SUBMITTING THE RECORD

1. There shall be a content page. (*INDEX*)
2. The covering sheet of the record shall indicate the name of the *examination, subject, registration number and center code.*
3. All the above Moot Court Memorials and internship record should be *hand written on green sheets on one side only.*
4. The record should be bound *neatly in one book.*
5. Certificates should be enclosed. (*Certificates of Advocate & Legal aid Authority for having visited the Advocate office & Legal Aid board.*)
6. *Students should come in white Shirt & Black Pant.(Advocate Dress code)*

Note:

NAME OF THE UNIVERSITY: KARNATAKA STATE LAW UNIVERSITY

NAME OF THE COLLEGE: SARVODAYA LAW COLLEGE

CENTER CODE: 434

NAME OF EXAMINATION: VI SEMESTER 3 YEARS LL.B, PRACTICAL / MOOT COURT EXAMINATION- JUNE 2020

SUBJECT: CLINICAL COURSE – IV: MOOT COURT EXERCISE AND INTERNSHIP.

REGISTER No:

MOOT COURT PROBLEM – I

The State of ISHWAL introduced the Citizenship Amendment Act, 2019 (CAA), providing citizenship to those minorities who are religiously persecuted in the countries of ASTHAN, BUMAL & PATAL. The same is opposed by the minorities in the State of ISHWAL. Therefore a public protest was organised on 02.01.2020 by the like-minded groups to oppose the introduction of CAA. At an anti – CAA protest, a 20 Year old girl by name Aahalya raised pro – PATALA slogan saying that “PATAL – Zindabad” . She was arrested and a crime NO 111/2020 was registered on 02.01.2020 by the Barathapura City Police for the offences punishable under section 124 A, 153 A and B, 504 and 505 of IPC and submitted FIR to the Jurisdictional Magistrate.

The Barathapura City Police produced the girl before the Jurisdictional Magistrate who remanded the girl to judicial custody. The police, after investigation, filed charge sheet for the said offences on 02.02.2020. The Jurisdictional Magistrate was pleased to take cognizance and registered Criminal Case in No 222/20, the summons was issued to the girl, who was in judicial custody, to appear before the court . On the date of hearing before the charge, the Prosecution papers were furnished to the accused who pleaded not guilty. The charges were framed by the court as under “

“Whether the prosecution establish beyond reasonable doubt that on the said date , time and venue, the accused has committed the offences punishable under Sec 124 A , 153 A & B , 504 and 505 of IPC “.

The prosecution has examined CW1 , CW 2 , CW3 and CW4 , the police officers , as PW1, PW 2, PW3, PW4. The two audience, who are eye witness, are examined as PW 5 & 6. And produced the copy of the complaint lodged by CW1, video clipping and spot mahazar marked them as exhibits P1, P2, and P3. Further, video clipping showing the speech of the accused, badge used by the accused are also produced Ex P4 & 5. The Mike seized on that day is produced and marked as MO 1 .

On behalf of the Defence, the accused is examined as DW1, other witnesses who were present on the said protest, are also examined as DW2 & 3. The previous tweeted copy is produced as Ex as D1.

After the closer of the evidence and the arguments, the Jurisdictional Magistrate held the accused guilty of the offence punishable under Sec 124A of IPC. And acquitted the accused for the remaining offences by judgement and conviction dated 22/02/2020 and sentenced to undergo 10 years Rigorous Imprisonment with a fine of Rs. 1000/- , in default of fine amount , the accused shall undergo 6 months simple imprisonment. Being aggrieved by the same, the accused preferred Criminal Appeal No 111/2020 before the Hon’ble High Court, Karunadu, mainly contending that merely raising the alleged slogan do not amount an act of sedition, the state argued that there are materials to show that there was intentional act before shouting a “PATAL – Zindabad”, as accused continued to shout even after taking into custody. The Hon’ble High Court listed the appeal for final hearing.

1. The students should prepare Criminal appeal against the Judgement and conviction dated 22.02.2020 in CC No 222/2020 passed by the Jurisdictional Magistrate.
2. The students to prepare written arguments on behalf of both the state and the accused based on the oral and documentary evidence.
3. The students should write in their own hand writing legibly, neatly.

THE EVIDENCE OF THE PARTIES:

1. PW1 – Is the Complainant, who is the Circle Inspector of the Police, he is the CW1, narrated the incident that happened on the date of occurrence regarding shouting as “PATAL – Zindabad”.
2. PW2 – Is the CW2, arrested the accused, and deposed that the accused continued to shout /raise the slogan against the country.
3. PW3 – Is the CW3 who produced before the Magistrate, and deposed that the accused continued to shout.
4. PW4 – Is the CW4, who collected the programme details and deposed that the accused was also in the list of speaker on the date of the protest.
5. PW5 – is the audience, who deposed that her slogan induced the public to repeat her slogan again and again.
6. PW 6 – is the resident of her own village who deposed that her slogan created religious enmity as some of the villagers also supported her slogan.

DOCUMENTS ON BEHALF OF THE STATE

1. Ex P 1 – Copy of the complaint.
2. Ex P2 – Video Clipping
3. Ex P3 – Spot Mahazar
4. Ex P4 – Video clipping of the accused making similar speech in the previous protest.
5. Ex P5 – Badge used by the accused

MATERIAL OBJECT

1. MO 1 – Mike used for raising the slogan.

DEFENCE EVIDENCE

1. DW1 - The deposition of the accused that the slogan not in the context of sedition.
2. DW2 } Both are the audience who deposed that accused was not allowed to complete the
3. DW3 } speech.

DEFENCE DOCUMENT

1. Ex D1 – Previous twitted copy showing that the accused raised similar slogan for all the neighbouring countries.

MOOT COURT PROBLEM – II

The Government of India declared on 24.03.2020 , a complete Lock down throughout India due to spreading of Corona Virus . On 28.03.2020 Mr. Quarantine S/o of Mr. Covid, , the owner of the Mini Bus bearing No KA 00 T 0000, was going in his Bus to his native Wuhana .The Bus was driven by his driver namely Mr. Mask. Though such movement during such Lockdown period is restricted Mr. Quarantine was travelling in his vehicle as stated above. The police, on duty ,prevented his bus on the road, but escaped.

One person namely Mr. Sealdown tested Corona positive, as there was no vehicle facility in the village, the local Doctors and police were unable to arrange vehicle to shift the patient to the nearby Govt Hospital, at that time, when they were looking for any vehicle, they found the vehicle of Mr. Quarantine, who was travelling in his mini bus, was going in the same route. The said mini bus was intercepted and forcibly the vehicle was used for shifting of the Corona infected patient, in view of emergency situation, while shifting in the said vehicle , the vehicle met with an accident due to rash and negligent driving of the driver. Mr Mask, in which patient died on the spot on 28.03.2020.

The MVC No 22/20 was filed seeking compensation by Mrs. Coron wife of Mr. Sealdown against Mr. Quarantine, Mr. Mask & ABC insurance Company, before the Wuhan MACT.

After registering the cases, summons was issued, after appearance, ABC insurance company filed written statement denying liability, while admitting the fact that the driver had effective driving licence and the policy is in force, but denied liability on the ground that the vehicle was illegally moving on the road which was not permitted to move during the Lock Down period that amounts violation of terms and conditions of the insurance contract . Mr. Quarantine and Mr. Mask in their written statement admitted the accident and contended that the policy is in force and there is a valid driving licence. Further the Government used the Vehicle for shifting of Mr. Sealdown, a corona patient. Hence, ABC insurance company is liable to pay compensation.

After conclusion of hearing, the MACT, Wuhan, awarded compensation of Rs. 5,00,000/- but fixed liability on the ABC insurance company by Judgement and award dated 01.06.2020. Being aggrieved by the same, the ABC insurance company preferred the appeal in MFA No : 111/2020 before the Hon'able High Court, Wuhan , against Mrs. Coron w/f of Mr. Sealdown, Mr. Quarantine and Mr. Mask arrayed as respondent No :1, 2 and 3 respectively in MFA No : 111/2020. The said case is listed for hearing to consider the following issue.

“Whether the ABC insurance company shall be absolved from liability to pay compensation as Mr. Quarantine and Mr, Mask took the Mini bus to the road during Lockdown period without permission even though the Government used the mini Bus to shift Mr. Seal down,a corona patient, to the hospital.

The students to prepare the appeal on behalf of the ABC Company and also to prepare written statements on behalf of Mr. Quarantine, Mr. Mask and argue on behalf of either of the parties.

MOOT COURT PROBLEM – III

Mr. Ramesh agreed to purchase 500 quintals of flowers of different types from Avinash for Rs. 5,00,000/-, so that Mr. Ramesh could sell in the open market on 24.03.2020. On that day, 'Yugadhi' festival was there. Accordingly, agreement was entered into between Ramesh & Avinash on 20.03.2020, One of the conditions in the agreement was that Avinash had to supply 500 Quintals of flowers on or before 22.03.2020 at 6.00 PM. Mr. Ramesh already paid the consideration amount of Rs. 5,00,000/- to Avinash.

Mr. Ramesh intimated to Mr. Avinash about the existence of special circumstances. Since, on account of Yugadhi, there was heavy demand for flowers, agreeing to supply the flowers, Mr. Avinash entered into contract.

In the meanwhile, due to the corona virus, the Government of India declared Janatha Curfew to be observed from 6 AM to 9 PM on 22.03.2020 compulsorily, the day on which Mr. Avinash was supposed to supply flowers as agreed, in view of the same, Mr. Avinash failed to supply as agreed even on next day also i.e. 23.03.2020. In this respect, though Mr. Ramesh tried to contact Mr. Avinash, his mobile remained switched off.

As there is actual breach of contract, Mr. Ramesh issued a legal notice on 01.04.2020 calling upon Mr. Avinash to pay compensation of Rs. 10,00,000/-. Mr. Avinash who received the legal notice dated 01.04.2020 on 04.04.2020, neither replied nor paid compensation; therefore Mr. Ramesh has filed O.S. No : 111/2020 before the Civil Judge at XXX seeking compensation of Rs. 10,00,000/- against Mr. Avinash.

After receipt of summons, Mr. Avinash appeared through a counsel and filed written statement denying the averment made in the suit. And contended that due to Janatha Curfew and Lockdown from 24.03.2020 at midnight, he could not discharge his liability under the contract dated 20.03.2020, because of supervening event, the same cannot be performed, Therefore Mr. Avinash prayed the Court to dismiss the suit.

Mr. Ramesh claimed that though there was a time for Mr. Avinash to supply flowers on 23.03.2020, Avinash failed to supply, when contacted, he intentionally avoided phone call, therefore, the suit may be decreed based on the decision of Hadly V/S Baxendale case. After hearing, the Learned Judge decreed the suit partly on 17.06.2020 holding that Mr. Ramesh is entitled only to the extent of Rs. 5,00,000/- with 6% interest and not the compensation as sought as the contract stands discharged due to supervening event.

Being aggrieved by the Judgement and decree dated 17.06.2020 passed by the Learned Judge in O.S. No : 111/2020 dismissing suit in so far as compensation is concerned. Mr. Ramesh preferred Regular Appeal No : 22/20 Under Section 96 of CPC before the Senior Civil Judge at XXX.

Now the Appeal No : 22/2020 is listed to hear the following issue.

- (i) Whether the contract stands discharged due to supervening event as alleged.
- (ii) Whether Mr. Ramesh is entitled Compensation or Not.

The students to prepare plaint, written statement and Regular Appeal and argue the case on behalf of either of the parties.

NOTE : The students can assume certain facts and circumstances.

**QUESTION NO 4 :- (This can be bonded along with 3rd Moot Court Problem):
(total 3 books)**

a. Interviewing techniques observed at the Advocates Office and Legal Aid-Board and Mediation Centre. during your visit

- 30 marks

b. What have you observed in the Advocates Office in respect of Pre – Trial preparations and preparation of documents and court papers in Civil and Criminal Cases?

- 15 Marks

c. Write a Note on the observations made by you during the court visit in respect of Trial in one criminal case and in civil case.

- 15 marks