



**2nd KIIT
NATIONAL
MOCK TRIAL
COMPETITION**

1ST APRIL to 3RD APRIL, 2016



**KIIT UNIVERSITY
BHUBANESWAR**

ABOUT KIIT UNIVERSITY

KIIT started as a modest vocational education institute in 1992 in rented premises in Bhubaneswar. By 1997 (considered as the base year) it commenced graduate programmes in Engineering and postgraduate programmes in Computer Applications and Management. The excellent academic ambience, quality faculty, adherence to strict academic rigor and plethora of other academic activities led to grant of university status to the institute by Ministry of HRD, Govt. of India in the year 2004 just within six years (1997-2004) of its inception. KIIT, now, is a multi-disciplinary University respected worldwide due to its rich educational culture of excellence. Research and innovation feed into the courses, encouraging the students to think critically and creatively. Its cosmopolitan campus is proud to have more than 25,000 students from all corners of India and around 22 countries, creating a mini metropolis in which a diverse multi-cultural community mingles and meets to study and relax together. KIIT University sprawls over 25 sq. km. area with one million square metres of aesthetically constructed built up area. There are 28 constituent schools, contiguously located in impeccably landscaped and modern-technology-enabled campuses offering graduate, post-graduate, doctoral and post-doctoral programmes in a wide range of disciplines. The institute's solemn academic ambience has led to grant of A-Category status to it by the Ministry of HRD, Govt. of India, placing it among the most elite universities of the country. It is accredited by NAAC of UGC in 'A Grade'. Further, it has received Tier 1 (Washington Accord) accreditation by NBA of AICTE for engineering streams. Washington Accord accreditation enables global recognition of degrees of the University and increased mobility of its graduates to 17 countries, including USA, UK, Australia, Canada and Japan. KIIT University is among only six institutions in the country to have this accreditation. KIIT also has one industrial training institute, a polytechnic, and an international school having affiliations with IGCSE-England, International Baccalaureate Programme (IBP).

ABOUT KISS

Started with just 125 tribal students in 1993, Kalinga Institute of Social Sciences (KISS) has today grown into the largest free residential institute for indigenous (tribal) children. KISS provides holistic education from Kindergarten to Post graduation (KG to PG), vocational training, food, accommodation, health care and all other basic necessities of life to 25,000 indigenous (tribal) children of the poorest of the poor background absolutely free. Students are enrolled from 62 indigenous communities (tribes) of Odisha, of which 13 are classified as primitive. There are some students from adjoining states as well. The Institute plans to educate 2,00,000 poor indigenous (tribal) children over the next decade. To achieve this goal, it has set up or is in the process of setting up branches in 10 states, with the support of respective state governments, and all 30 districts of Odisha. Achievements of KISS students in examinations and other academic events speak volumes about high quality of education at the institute. KISS students, many of whom are first generation learners, have been achieving cent percent pass record in the final grade examinations for more than 10 years in a row. They have been representing State in the prestigious National Children's Science Congress every year since 2005. An indigenous (tribal) boy from the institute represented India in the Malala Day United Nations Youth Assembly at the United Nations Headquarters in New York in 2013. The students have also secured admissions in prestigious national-level institutes like NITs, IITs and IIMs, and bagged job offers from top companies like Accenture, TCS and Wipro. The course curriculum of the Institute is unique, for it incorporates vocational training with formal education, thus helping a child grow up educated as well as self-sufficient. Various activities are designed to help indigenous (tribal) children be rooted to their culture and tradition and remain integrated to their society. Students of KISS have proved their mettle not only in academics, but also in sports and cultural activities.

ABOUT KSOL

KIIT School of Law was established by KIIT University in 2007 to meet the growing demand for legal professionals in the wake of globalization and rapid expansion of India's economy. Academic programmes of the School are recognized and approved by the Bar Council of India (BCI), the apex body regulating the legal education in India, and UGC. At present, KSOL is the only law school in India having specialized honours courses in Business Law, Constitutional Law, International Law, Crime & Criminology, Intellectual Property Law, Taxation Law and Human Rights Law.

Legal education is multidimensional-it requires not only procedural skills but also a deep understanding in various epistemologies. For this reason, double degree integrated courses like Law and Management or Law and Social Sciences or Law and Natural Sciences are becoming popular and assuming much importance in the corporate world. Legal studies are now mixed with management or scientific analytical skills to advance the rational judicial system. The curricula of KSOL has evolved upon these paradigms. As an institution of excellence, scholarship and rigour, KSOL is dedicated to nurturing students into leaders inculcating in them the intellectual and ethical values that will mould them into socially responsible professional proficient in the dynamic domain of law. We are committed to the evolution of law as an instrument of social change as well as its employment as a mechanism to confront the challenges thrown up by an increasingly industrialized and complex milieu. We are constantly innovating to ensure new and better ways of training professors of the legal fraternity of tomorrow, who would be competent as well as worthy of public trust.

MESSAGE FROM THE DIRECTOR

Dear Students,

KIIT University is a co-educational deemed university established in 2004 located in Bhubaneswar in the state of Odisha. It was one of the youngest institutions in India and is recognised by Limca Book of records under guidance of our Founder Dr. Achutya Samanta. I must bring to your kind notice that previously School of Law, KIIT University has organised 3 National Moot Court Competitions, which were a huge success. Also SOL is credited with several very useful National and International level IPR/ Human Rights/ International Commercial Arbitration Conferences and Workshops. Presently, SOL is recognised as one of the premier institutions imparting legal education to students from across the country and also some International Students. The Schools runs under the guidance of Prof. N. L. Mitra, Former Director, National Law School of India University, Bangalore who is the chairman of the National Advisory Committee of KIIT School of Law. SOL has signed a MOU with Northumbria University, UK, Miami University, US, and Dong-A University, Korea. Last year students and teachers of SOL in continuation of their tradition organised 1st KIIT National Mock Trial Competition, 2015. Along with massive prize money the competition also witness some of the best legal luminaries in the country, which certainly will prove to be a great learning experience. I invite all of you to participate 2nd KIIT National Mock Trial Competition, 2016 and look forward to your presence in KIIT.

Prof. (Dr.) N. K. Chakrabarti
Director, School of Law



MESSAGE FROM FACULTY CONVENOR

Dear Students,

Greetings from School of Law, KIIT University, Bhubaneswar. It gives me immense happiness to announce that the 2nd National Mock Trial Competition (KNMTC) 2016 is being organized by School of Law, KIIT University, and from 1st- 3rd of April 2016. It deserves mention that last year we organized the 1st National Mock Trial Competition and it was a huge success!

Our law school is one of the most vibrant law departments in India, with the students actively engaged in multifarious academic as well as clinical education programs. We realized that strong advocacy skills, ability to think logically and objectively and neat draftsmanship are part and parcel of a world class legal education. With that aim in mind the Law schools have formulated the Trial Advocacy and Appellate Society (TAAS).

Our students had in the past participated enthusiastically in different such Trial Advocacy competitions across the country, wherein they have won laurels and appreciation. So, now it is our turn to give a platform to the maximum number of students in the campus to witness the advocacy skills of fellow students and being judged by eminent judges and be motivated and the (KNMTC) 2016 will definitely be a great platform.

I hope that the (KNMTC) 2016 is a great success and wish all the TAAS committee members, student board members, volunteers and the participants all the very best!

Dr. Paromita Chattoraj
Faculty Convenor





ABOUT 1ST KNMTC

The 1st KIIT National Mock Trial competition was a huge success. More than 30 teams registered for the competition but due to our first come first serve policy only the top 23 teams were allowed to participate. Symbiosis Pune won the 1st Prize whereas M.S. Ramaiah College was declared as the runners up. This time we aim at further raising the standard of competition and that is why we are looking forward to your participation in the competition. may the best win.

RULES & REGULATIONS

The participation shall be restricted to 24 teams only. The first 24 teams that confirm and complete registration and whose confirmation has been conveyed shall only be entitled to participate in the competition.

CHAPTER I- TRIAL ADVOCACY

Article 1- Team Composition

1. Each team shall consist of 3 members (2 speakers and 1 researcher). However, with the prior permission of the organisers a 2-member team shall also be eligible to participate.
2. Each team will receive a team code after the confirmation of their respective registration. Teams should not disclose their identity or that of their institution or city, etc. after receiving their respective team code & such disclosure can also invite penalties including disqualification, though the advocates may disclose their names while addressing the court. The decision for the same shall be at the discretion of the organizer.

*Each college or university is allowed to send only one team comprising of two speakers and one researcher.

*No cross teams are allowed.

Article 2- Date and Venue

The competition is scheduled to be held at School of Law, KIIT University, Bhubaneswar, Odisha from 1st April to 3rd April, 2016.

Article 3- Dress Code and other compulsory formalities

1. Participants are only allowed to wear Advocates attire or normal black and white formals during the competition.
2. Participants shall not carry their college Ids or any other identification marks in any case during the competition.

Article 4- Eligibility

Students pursuing three or five year courses of LL.B degree in current academic year from any recognized law school/ college/ university in India are eligible to participate for the purpose.

Article 5- Registration

The registration fees per team shall be Rs. 3000/- and has to be paid in shape of a Demand Draft in favour of KIIT University payable at Bhubaneswar (Annexure-1).

The first phase of registration is online phase. In the online phase the scanned copy of registration form (Annexure-2) & the scanned copy of Demand Draft and the tentative travel plan (Annexure-3) shall be mailed to knmtc2016@kls.ac.in on or before 1st of March 2016.

The second phase of registration shall be an offline phase where the hard copy of the duly filled registration form along with hard copy of the Demand Draft and the tentative travel plan shall be submitted on or before 8th March '16 at Campus-16, School of Law, KIIT University, Patia, Bhubaneswar-751024 addressed to Dr. Paromita Chattoraj, Faculty Convenor, KIIT University National Mock Trial Competition 2016.

Article 6- Language

The competition shall be in English only. Use of vernacular language during the competition shall be prohibited.

Article 7- Witnesses

Organizers will provide the witnesses. The witnesses will be generally assigned and briefed by the Organizers. However, each team will have an opportunity to specially brief their witnesses. The witnesses to be briefed will be assigned to each team 45 minutes prior to the commencement of the respective rounds. To maintain impartiality and transparency during the rounds a team shall not be assigned similar witnesses in two different rounds. Surprise Witnesses acting as “court witness” may be introduced anytime during the proceedings. Number of witnesses allowed to be examined may vary from round to round. It is not mandatory for the teams to examine all the witnesses.

Article 8- Anonymity

1. Student Counsel may introduce him/herself to the court in the usual manner and may also state their names. However, the team’s affiliation shall not be indicated to the judges at any time.
2. Further, all team members, coaches, advisors, and observers shall refrain from identifying a team’s college at any time (during the competition) and in any manner, including but not limited to wearing any identifying items (such as college clothing, ties, patches or pins) or carrying identifying material (such as books with a college logo or college seal, etc.)

Article 9- Scouting

- 1. Teams will not be allowed to observe the orals of any other teams. Scouting is strictly prohibited. Scouting by any of the teams will result in disqualification.**
- 2. Any team can file a written complaint with the Organizer, reading a case of scouting. The Organizers Decision is Final.**
- 3. The researchers shall sit with the speakers at the time of the orals and shall not attend the court sessions of any other team participating in the competition.**

Article 10- Rounds

The competition will be divided into:

The competition shall comprise of four rounds two preliminary rounds (all teams have to argue in both the preliminary rounds (all teams have to argue in both the preliminary rounds) , Quarter-final, Semi-final and finals.

- 1. Orientation & Draw of lots will be held on 1st of April 2016. The preliminary rounds will be held on 2nd of April 2016.**
- 2. Each team shall argue for both the sides in their preliminary round.**
- 3. Top Eight teams will qualify for the Quarter-finals.**
- 4. The Quarter Final rounds shall be held on 2nd of April 2016.**
- 5. The Semi-final round shall be held on 3rd of April.**

6. The final round to be held on 3rd of April.

7. Witness Briefing for Preliminary round and Quarter Final Round shall be for 45 minutes and for Semi Finals and Finals shall be for a period of 1 hour.

8. All the rounds will be knock-out rounds except the preliminary rounds. Qualifications will be strictly based on the same.

***In case of odd number of teams the institution will provide a dummy team for the preliminary round.**

Article 11- Oral Rounds

I. At the time of draw of lots, the teams are required to go through the following procedure: -

a. Serving of Copies (at the time of written submissions)

b. Framing of charge by the court (at the time of orals) And, remaining time limit will be followed as mentioned.

In the Preliminary and Quarter final round the time slot for each round shall be as follows: -

II. Opening Statement on behalf of the Prosecution-3 minutes

III. Opening Statement on behalf of the Defence- 3 minutes

IV. Examination-in-Chief on behalf of the Prosecution- 8 minutes for each witness.

V. Cross Examination on behalf of the Defence- 10 minutes for each witness.

VI. Examination-in-Chief on behalf of the Defence- 8 minutes for each witness.

VII. Cross Examination on behalf of the Prosecution- 10 minutes for each witness.

VIII. Final Arguments on behalf of the Prosecution- 8 minutes.

IX. Final Arguments on behalf of the Defence-8 minutes.

Each speaker shall have to conduct either of the two examinations and deliver either the opening statement or the final argument in each round. The combination each team would like to follow needs to be informed to the organizers at the time of the orientation and the same shall not be altered for any of the later rounds.

2. In the Semi Final and the Final rounds the time slot shall be:

I. Opening statement on behalf of the Prosecution – 5 minutes.

II. Opening statement on behalf of the Defence – 5 minutes.

III. Examination-in-Chief on behalf of the Prosecution – 12 minutes for each witness.

IV. Cross Examination on behalf of the Defence – 14 minutes for each witness.

V. Examination-in-Chief on behalf of the Defence – 12 minutes for each witness.

VI. Cross Examination on behalf of the Prosecution – 14 minutes for each witness.

VII. Final Arguments on behalf of the Prosecution – 10 minutes.

VIII. Final Arguments on behalf of the Defence – 10 minutes.

Article 12- Judging Criteria

Parameters for judgment are:

- 1. Knowledge of facts**
- 2. Logic & clarity in reasoning**
- 3. Persuasiveness and deference to court.**
- 4. Proper, articulate and systematic analysis of the issues arising out of facts.**
- 5. Understanding of the laws of evidence and procedure.**
- 6. Ability to successfully conduct chief/cross examination within the allotted time.**
- 7. Ability to elicit favourable facts from witnesses.**
- 8. Ability to deal with unreceptive, argumentative or hostile witnesses.**
- 9. Ingenuity (ability to argue by analogy from related aspects of law)**
- 10. Knowledge of the relevant provisions relating to penal laws.**
- 11. Written submission**

Article 13- Pertaining to the Awards:

- Best Team – Trophy and Cash Prize of Rs. 50,000**
- Runners Up– Trophy and Cash Prize of Rs. 30,000**

2nd Runners Up- Trophy and Cash Prize of Rs. 15,000

- **Dr. Kumar Kartikeya Memorial Best Student Advocate – Trophy and Cash Prize of Rs. 10,000**
- **Dr. Kumar Kartikeya Memorial Best Written Brief Award– Trophy and Cash Prize Rs. 10,000**

Article 14-Certificates:

Certificates will be awarded only to the participants during the valedictory ceremony and under no circumstance it will be provided to any of the participants absent during the ceremony.

Article 15- Written Brief:

All the teams whose participation has been confirmed by the organizers will have to submit 4 hard copies of written brief from both sides neatly bound without use of any plastic separators, by 20th of March 2016. However, a soft copy of the brief should reach the organizers at knmtc2016@kls.ac.in by 17th of March 2015.

The following requirements for memorials must be strictly followed. Non-conformities will be

Penalized:

- **Each team must prepare memorials for both parties to the dispute (Prosecution and Defense).**
- **The briefs shall be consistent with The Criminal Procedure Code 1973. (Revised)**
- **Once the memorials have been submitted, no revisions, supplements, or additions will be allowed.**

- The memorials have to be submitted on typed A 4 size paper printed on one side and must contain:

- (i) The table of contents
- (ii) The index of authorities
- (iii) The statement of jurisdiction
- (iv) The statement of facts (1 page only and submissions of an argumentative statement of facts would attract penalties)
- (v) The statement of charge
- (vi) The summary of arguments
- (vii) The arguments advanced (15 pages)
- (viii) The prayer

- Arguments must not exceed 15 (fifteen) pages. The font size should be 12, Font Style should be Times New Roman and for double-spaced. Footnotes must be in font size 10,
- Font Style should be Times New Roman single-spaced and double space left between footnotes.
- Memorials should be preferably staple bound. Comb/spiral or any other form of binding will be considered improper binding. Please avoid plastic front sheets / separators.
- Memorials must have a one-inch margin on all sides of each page.
- Page numbering should be on the top right side of each page.
- Covers must be placed on briefs as follows:
- Prosecution: Pale Blue Colour, Defense: Light Red Colour.

- The cover page of Memorials must state the following
 - (i) The cause title
 - (ii) Identity of brief as Prosecution or Defence.
- However, identity of the institution shall not be revealed anywhere in the memorial. Instead code numbers allotted to the teams should be mentioned. Violation of this provision shall result in penalties including disqualification. The Administrator's decision shall be final.
- The teams shall have an option to submit a separate paper book of not more than 25 pages (printed on both sides), which shall carry all the annexure and case laws that have been referred to in the memorial. The paper book shall have a white cover and 2 copies shall be submitted at the time of registration. Any identifying marks/seal of the college on the paper book shall attract severe penalties including disqualification.

The submission of this paper book does NOT necessarily entitle the team to any additional marks.

Article 16- Transportation and accommodation from 31st March-3rd April 2016 will be provided by the organisers.

Article 17- Disclaimer

The Institution/ Society has full right reserved to modify, cancel any rules as it deem fits to the situation at any time in the due course of the competition and the decision shall stand final.

Article 18- Queries and Clarification

All the queries and clarification regarding the case study must be addressed to knmtc2016@kls.ac.in on or before 15th March 2016. No queries directed to contact persons shall be entertained whatsoever the case may be. In case of any other query regarding the competition like submission of written brief etc. shall be made to:

Contact Persons

1) Dr Paromita Chatteraj
Faculty Convenor, 2nd KNMTC, 2016
Email id- paromitachatteraj@kls.ac.in

2) Sangitesh Shivam
Student Convenor, 2nd KNMTC, 2016
Email id- sangiteshshivam.kls@gmail.com
Phone no- 07894241407

3) Ambuj Dixit
Student Joint Convenor, 2nd KNMTC, 2016
Email id- 1283013@kls.ac.in
Phone no- 7205329613

Email id- knmtc2016@kls.ac.in

Facebook-<https://www.facebook.com/Trial-Appellate-Advocacy-Society-TAAS-825064887516675/?fref=ts>

TIMELINE

S. No.	NAME OF EVENT	DATE
1.	RELEASING OF CASE STUDY, RULES & REGULATION AND REGISTRATION FORM	10th February 2016
2.	LAST DATE FOR ONLINE REGISTRATION	1st March 2016
3.	LAST DATE FOR OFFLINE REGISTRATION	8th March 2016
4.	CLARIFICATION ON CASE STUDY	15th March 2016
5.	LAST DATE FOR SOFT COPY SUBMISSION OF MEMORIALS	17th March 2016

6.	LAST DATE FOR HARD COPY SUBMISSION OF MEMORIALS	20th March 2016
7.	REGISTRATION AT VENUE - 4.00 PM OPENING CEREMONY AND DRAW OF LOTS - 6.00 PM DINNER - 8.00 PM	1st April 2016
8.	PRELIMINARY AND QUARTER FINAL ROUNDS	2nd April 2016
9.	SEMI FINALS AND FINAL ROUND OF COMPITITION FOLLOWED BY HIGH-TEA	3rd April 2016



CASE STUDY

BACKGROUND:

Bharat also known as the Republic of Bharat is a country in South East Madhesia. It is the second-largest country by area, the third most populous country with a population of 5 billion people. Bharat is a sovereign, socialist, secular, democratic, federal republic with 32 states. It has five recognised national parties, and out these five national parties, Bharat Capitalist Party (BCP) and Bharat Socialist Dal (BSD) are the two major parties. Since independence in 1940, BSD has always maintained dominance in political field. The reason for such dominance was its ability to meet the aspirations of people and keep up with its promises.

In the year 2009, due to its obsession with power BSD lost the general election. For the first time in the Bharatian history, BCP came into power by forming a coalition government with the two other parties, namely Bharat Oldman Party (BOP) and Bharat Republican Party (BRP), but as has been the fate of most coalition governments worldwide the government came to an end after a 36 days rule. In the same year re-elections were held and with slight majority, BSD came to power. In the year 2012, a report was published in Bharatian times, pointing out the fact that 120 MPs out of 524 MPs in the House of Commons, were accused of crimes. Further out of these 120 MP accused of crime, 94 MPs belong to BSD party. Thereafter various social activist and newspaper agencies with the help of Right to Information Act, 2005 disclosed few of the biggest scandals committed during the regime of BSD Party. Some of the major scams committed in the regime of BSD were the 4G spectrum scam (₹1.7 lakh crore), the 2012 Bharatian Games scam (₹70,000 crore), the Gold Mining Scam (₹1.86 lakh crore).

In 2014, again general elections were held and this time BCP came in power with thumbing majority without any coalition support. The first objective of the government was to raise the standard of health and skill development. In



pursuance of the same objective, in the year 2014-2015, the Department of Family Welfare, Bharat, under the Bharatian Rural Health Mission (MRHM), invited offers for procurement of medicines, operation tool kits, and other disease scanning devices. Under the said program, District Procurement Officers (DPO) and Chief Medical Officer (CMO) of districts of each state were empowered to invite offers for procurements of the aforesaid devices. In March of 2014, a circular no. 12000/20442/MRHM/23052015 dated 23.05.2014 was issued in this regard and the cost of the procurements were fixed by the government.

Under the aforesaid policy, the centre granted a grant of Rs. 5000 crores to the State of Midas (A state in the North-west of the State of Bharat) for future payments for its procurement. The State of Midas has 50 districts and hence the total grant of Rs. 5000/- crores was divided into 50 parts and each district was provided a sum of Rs. 100 crores. After receiving the grant, CMO and DPO of various districts of State of Midas issued quotations in all the leading newspapers calling upon companies and individual dealers to participate, according to the rate fixed under the circular dated 23.05.2014. Due to inflation and rising competition, very less number of people applied for the proposed procurements. A firm namely M/S. Health Tech along with two others submitted offers and since the offer submitted by M/S Health Tech was found to be the lowest, a contract was awarded to it. Under the terms of the contract, a sample piece was to be provided by M/S Health Tech before purchase/procurement orders can be issued. On 28.07.2014 the same was done by the firm and samples of the electronic devices and medicines were sent to the CMO. Seeing the sub-standard quality of product, CMO, along with DPO rejected the product and issued a letter asking them to improve the quality of their product else the contract will be cancelled. The same letter was received by the firm on 1.08.2014 and a reply dated 03.08.2014 was sent to CMO and DPO quoting the reasons for low quality. One of the reasons was the rate of procurement which was extremely low and below the market price. CMO and DPO on their own initiative increased the rate of procurements but decreased the number of medical devices to be procured so that the cost of the devices doesn't exceed the total grant made to them. Thereafter the same was confirmed by the higher authorities. Against the confirmation of the new rates, various writ petitions were filed by other companies who didn't apply for tender, alleging violation of Article 14, 19 and 21 before the Hon'ble Supreme



Court of Bharat under Article 32 of the Constitution of Bharat. The Court even though observed that the CMO and DPO should have given a fresh opportunity to all the persons after the rates were revised, but seeing the urgent necessity of medicines and scanning devices and the shortage in various Government hospital, all the writ petitions were dismissed with a direction to the Centre, State and the concerned CMO and DPO not to repeat the same in the future.

On 15.08.2014 an FIR was lodged against Mr. Manish Malhotra of M/S Health Tech, by Mr. Shubham Singh (DPO). On the said FIR, a trap was laid on 16.08.2014 by the police and Manish Malhotra was thereafter arrested. However, before Mr. Manish could be arrested, someone unlawfully entered the house of the DPO and several rounds were fired on his wife but she dodged the bullets by running around the house. After that police came and the trespasser ran away. On 17.04.2015 a charge sheet was filed against the accused Manish Malhotra. On 28.06.2015, the accused appeared before the Court and pleaded not guilty. The Prosecution examined 7 witnesses, whereas the defence examined 3 witnesses. The statement of the accused was taken under Section 313. The mock form of the trial is scheduled at School of Law, KIIT University in the month of April, 2016.



THE LIST OF DOCUMENTS, EXHIBITS AND TESTIMONIES OF WITNESSES IS PROVIDED BELOW:

- 1) First Information Report dated 15.08.2014
- 2) Charge-sheet dated 17.08.2014
- 3) Statement under Section 161 of CrPC
 - Mr. Shubham Singh (Statement taken on 16.08.2014)
 - Mr. Hermit Tagore (Statement taken on 16.08.2014)
 - Mr. John Marshal (DSP) (Statement taken on 16.08.2014)
 - Mr. Ritesh Nayar (Statement taken on 16.08.2014)
 - Mr. Dharam Naidu (Statement taken on 16.08.2014)
 - Mrs. Aishworya Singh (Statement taken on 16.08.2014)
 - Mr. Chulbul Pandey (Statement taken on 16.08.2014)
- 4) List of witnesses
 - P.W. 1: Mr. Shubham Singh (Complainant No. 1)
 - P.W. 2: Mr. Hermit Tagore (Hostile)



- **P.W. 3: Mr. John Marshall (DSP)**
 - **P.W. 4: Mr. Ritesh Nayar (Constable)**
 - **P.W. 5: Dr. Dharam Naidu (Expert)**
 - **P.W. 6: Mrs Aishworya Singh (Wife of the complainant)**
 - **P.W. 7: Mr. Chulbul Pandey (Neighbour of the complainant)**
 - **D.W. 1: Mr. Akshat Kushwaha (Office Peon)**
 - **D.W. 2: Mr. Druv Metha (Colleague of the complainant)**
 - **D.W. 3: Mr. Rakesh Kirorimal (Friend of the accused)**
- 5) List of Exhibits**
- **Exhibit 1: Panchanama prepared by the Police**
 - **Exhibit 2: Photographs**
 - **Exhibit 3: The box**
 - **Exhibit 4: The report from the expert**
 - **Exhibit 5: Tape recording of the conversation recorded in writing**
 - **Exhibit 6: Site Map**
 - **Exhibit 7: Empty bullets found at Mr. Singh's house**
- 6) Statement of the accused under Section 313 Cr PC**



FIRST INFORMATION REPORT:

FIR No.66

P.S. Police Department, Daman, Midas

Dated 15.08.2014

Under sec: Section 186, 189, 441, 443, 444 and 307 of the Bharatiya Penal Code, 1860; Section 9 of Prevention of Corruption Act, 1988

Offence committed at: District Procurement Officer (DPO) of Daman, Midas' house and office.

Time of commission of Offence: 15.08.2014

Day: Friday

Time: Part committed in the morning at DPO's office and the other part committed in the evening at around 8:00 PM

Action of investigation: Immediate.

Type of Information: - Written

Address of Police Station: - Plot No. 2, Daman Nagar, Midas

Details of the Informant

Name of the Informant: Mr. Shubham Singh

Son of: Ramprasad Bismil Singh

Resident of: H. No. 698, Sector 16, Nareshganj, Daman, Midas



Occupation: -Public Servant

Details of the accused

Name of the accused: Manish Malhotra

Son of: Devesh Malhotra

Resident of: General (Retd.) Aviral Dyer Malhotra

Occupation: Businessman

Time of registration of Complaint: Through special report and then final F.I.R lodged in the evening.

Statement of Shubham Singh S/o Ramprasad Bismil Singh, R/o H. No. 698, Sector 16, Nareshganj, Daman, Midas

I am a DPO in the state of Midas. After the tender was opened for the Centre's ambitious project, the deal went in favour of M/S Health Tech. However, the purchasing order was not issued in their favour as their sample products were sub-standard. After certain adjustments were made and writ petitions decided by the Courts the government approved the products of the aforesaid firm. However, the procedure takes time and several trials have to take place and only after that the purchasing order can be issued. On 15.08.2014 the said Manish Malhotra of the firm came to my office with one of his colleague Hermit Tagore and asked that as the products have been confirmed by the government I should issue the purchasing order. However, I informed him about the trial of the products, but he was adamant and started shouting at me. After hearing a lot from him I shouted back at him and then he said "I will kill you Mr. DPO, you don't know who are you messing with. I want my grant money as soon as possible and if you don't issue the purchase order by 4:00 PM today then you and your family will face the consequences. However, even after that if you change your mind just meet us at the back of your office building at 10:00 AM tomorrow i.e. 16.08.2014. Bring with you an empty box of Mandiram sweets in which we will give you the money." Hermit Tagore did not utter



a word throughout this time. At 5:00 PM I came back to my house thinking that first I will inform my superior CMO and then with his advice I will file an FIR against Malhotra. However, when I came back my wife told me that someone broke into the house and tried to kill her and guided me to the place where bullets were fired and I found 3 empty bullets from that place. Also, my wife told me that the person said to her after firing bullets that she should tell her husband i.e. me, that if he wants his family safe then he should accept our offer and meet us tomorrow at the notified place. That is why I came here to the police station to register the complaint and ask for laying a trap and also complained about the offences committed at my house.

(Shubham Singh) 15.08.2014

Police action: I am the Deputy Superintendent of Police and was present in my office at vigilance office Daman when Shubham Singh, DPO came to my office and got the statement recorded with me against Manish Malhotra who offered him a bribe for issuing a procurement order. He also complained about the offences that were committed at his home. He also placed his signature below his statement in English which I have attested. I asked him, when has Manish called him again to pay the amount? The complainant informed me that he was called the next day i.e. 16.08.2014. Thereafter I called Hermit Tagore, an officer of Health Tech who had accompanied with Manish Malhotra to the office of the complainant, to cooperate with us in laying the trap on Manish Malhotra. To that Hermit Tagore agreed to be part of the plan. On the next day i.e. 16.08.2014 one Investigating officer, Ritesh Nayar was summoned. Ritesh Nayar brought a packet of sweets from the local Mandiram store. In everyone's presence the content of the sweet box was emptied. Thereafter a check was conducted on the plastic sheet with the solution to see whether there is any powder on the box and there was no change of colour. The sweet box was wiped with a fresh cotton and handed over to Shubham Singh in the presence of all witness with the direction to give the box with Phenolphthalein powder to Manish on his demand to fill it with money, in lieu of doing the work, and not to give the box without the demand being raised by him and also not to shake hands with the accused. We also gave him a recorder (Sony tape recorder with serial number 2344BPA3412246666) to record the whole conversation. We asked him to switch the



button only when he meets up with Manish Malhotra. He was asked to sneeze twice when he has given the box to Manish and then we would enter the place where the bribe was being given.

From the perusal of the statement of the complainant an offence under Section 186, 189, 441, 443, 444 and 307 of the Bharatiya Penal Code, 1860; Section 9 of Prevention of Corruption Act, 1988. The hands of government witnesses and the raiding parties were washed and my own hands were also cleaned with soap water. I along with shadow witness, Government witness, Shubham Singh, Mr. Hermit Tagore, Mr. Ritesh Nayar, on a Government Gypsy PB.02-P-4647 driven by Dodh Singh and other private vehicle along with investigating bag drove to the spot.

Mr. John Marshall

16.08.2014



FINAL REPORT FORM:

(Under Section 173 CrPC)

FIR No.66

P.S. Police and Vigilance Department, Daman, Midas

Dated 16.08.2014

Final Report/Charge-Sheet No: 112/2015

Date of submission of Final Report: -17.04.15

Under sec: Section 186, 189, 441, 443, 444 and 307 of the Bharatiya Penal Code, 1860; Section 9 of Prevention of Corruption Act, 1988

Offence committed at: Back of the Office of District Procurement Officer (DPO) of Daman, Midas

Time of commission of Offence: 15.08.2014 and 16.08.2014

Day: Friday and Saturday

Time: 11:30 AM

Nature of Final Report: Charge sheet filed

If Final report is of the nature of did not occur, then the reasons: N/A

If charge sheet is filed: Original

Name of the investigating officer: Ritesh Nayar



Designation of Investigating Officer: Senior Inspector

Details of the Complainant

Name of the Complainant: - Shubham Singh

Son of: Ramprasad Bismil Singh

Resident of: Daman, Midas

Occupation: -Government Servant

Details of the accused

Name of the accused: Manish Malhotra

Son of: General (Retd.) Aviral Dyer Malhotra

Resident of: H-215, Daman Nagar, Midas

Occupation: Businessman



Things obtained at the time of investigation/confiscated and property relied upon/details of the articles (if necessary add a separate list along with the same)

Sr.	Description of the Property	Estimated Value (Rs.)	Property recovered from whom and from where	Disposal
1.	The box	10,00,000	From the accused	NA
2.	Tape Recorder of conversation	NA	From the complainant	NA
3.	Photographs	NA	By I.O.	NA
4.	Bullets at Mr. Singh's house	NA	NA	NA



Particulars of accused persons charge-sheeted:

Name of the accused: Manish Malhotra

Son of: General (Retd.) Aviral Dyer Malhotra

Resident of: H-215, Daman Nagar, Midas

Occupation: Businessman

Sex: Male

Nationality: Bharatian

Passport No: NA

Date of issuance: NA

Religion: Hindu

If belongs to SC/ST:-No

Profession: Businessman

Regular Offender No: NA

Date of Arrest: 16.08.14

Status of the accused: On Bail



STATEMENTS OF WITNESSES:

P.W.1: Statement of Mr. Shubham Singh

Name: Mr. Shubham Singh

Age: 36

Residence: H. No. 698, Sector 16, Nareshganj, Daman, Midas

Son of: Ram Prasad Bismil Singh

Working as: DPO, Government of Midas

I am a DPO in the state of Midas. After the tender was opened for the Centre's ambitious project, the deal went in favour of M/S Health Tech. However, the purchasing order was not issued in their favour as their sample products were sub-standard. After certain adjustments were made and writ petitions decided by the Courts the government approved the products of the aforesaid firm. However, the procedure takes time and several trials have to take place and only after that the purchasing order can be issued. On 15.08.2014 the said Manish Malhotra of the firm came to my office with one of his colleague Hermit Tagore and asked that as the products have been confirmed by the government I should issue the purchasing order. However, I informed him about the trial of the products, but he was adamant and started shouting at me. After hearing a lot from him I shouted back at him and then he said "I will kill you Mr. DPO, you don't know who are you messing with. I want my grant money as soon as possible and if you don't issue the purchase order by 4:00 PM today then you and your family will face the consequences. However, even after that if you change your mind just meet us at the back of your office building at 10:00 AM tomorrow i.e. 16.08.2014. Bring with you an empty box of Mandiram sweets in which we will give you the money." Hermit Tagore did not utter a word throughout this time. At 5:00 PM I came back to my house thinking that first I will inform my superior CMO



and then with his advice I will file an FIR against Malhotra. However, when I came back my wife told me that someone broke into the house and tried to kill her and guided me to the place where bullets were fired and I found 3 empty bullets from that place. Also, my wife told me that the person said to her after firing bullets that she should tell her husband i.e. me, that if he wants his family safe then he should accept our offer and meet us tomorrow at the notified place. That is why I came here to the police station to register the complaint and ask for laying a trap and also complained about the offences committed at my house.

Thereafter on 16.08.2014 a trap was laid on him by the Police officers and Hermit Tagore, who had accompanied the accused to my office. I along with police party and Hermit went to my office at the back of which I met Manish. As I was with him, I switched on the Tape recorder. He asked me whether I have brought the box of sweets or not? Listening this I handed over the sweet box to him. He filled the box with notes. Mr John Marshall was standing outside, and our code was to sneeze twice to give a signal to the police party, who after hearing the signal reached at the spot and asked the accused to raise his hands. His search was done by the official witnesses and the tainted box with the currency notes was recovered from him and was taken into police possession. Solution of water was prepared and his hands were put into it and his finger's colour changed to pink, which was transferred to a nip and was sealed and taken into police possession. The writing work was done there and we left the place at about 11:00 AM. The nip and shirt were taken into police possession by preparing a parcel vide memo Ex.-1 all the memos were attested by me and other witnesses.



P.W.2: Statement of Mr. Hermit Tagore(Hostile)

Name: Mr. Hermit Tagore

Age: 40

Residence: F-412, Due Nagar, Midas

Son of: Rajguru Tagore

Working as: Director of M/S Health Tech

I am the managing director of M/S. Health Tech, and after getting the procurement sanctioned I and my colleague Manish Malhotra, presently the director of M/S Health Tech met Mr. Subham Singh, District Procurement Officer (DPO) of Daman, Midas in his office on 15.08.2014 and requested him to issue an order for allowing procurements at the new rate decided in furtherance of the amended agreement dated 08.08.2014. It was brought to his notice that the new rates are preferable to us and we have accordingly started the production of the medicines and medical devices according to the new agreement. We also told him that the new product was also approved by the CMO on 05.08.2014.

Even after agreeing to the new rates and being satisfied with the quality of our product, the DPO said that he cannot issue the purchase orders because several trials of the products are to be conducted. Hearing which me and my colleague felt very agitated. Thereafter, the DPO proposed that he may be willing to waive off the trials and issue the purchase order forthwith if we also take care of his interest. To that Manish asked him what he can do for him. Then the DPO stated that he can issue the purchase order after receiving the amount of Rs.10, 00,000. And he asked Manish to bring the money inside a sweets box of the famous brand Mandiram and seal it with a plastic cover and meet him at the back of his office building at 10:00 AM tomorrow i.e. 16.08.2014.



After that in the evening I was called by John Marshall, DSP and asked to be part of a trap that was laid on Manish by the Police officer and one another person. I declined to do so but I was threatened that if I do not cooperate then charges will be levelled against me for offering bribe to a Public Servant along with Manish. So, reluctantly I had to agree. The next day at about 10 AM I along with police party went to the DPO office where we met my colleague Manish, who handed over the Mandiram sweet box to the DPO. Thereafter the DPO signalled Mr. John Marshall standing outside which was to sneeze twice , after hearing the signal the Police Party reached at the spot and asked the accused to raise his hands. His search was by the official witnesses and the tainted box with the currency notes was recovered. Solution of water was prepared and his hands were put into it and his fingers colour changed into pink, which was transferred to a nip and was sealed and taken into police possession. The writing work was done there and we left the place at about 11:00 AM.

P.W. 3- Mr. John Marshal

Name: Mr. John Marshal

Age: 50

Residence: H-121, Sick Nagar, Midas

Son of: Mr. Malbury Marshal

Working as: District Superintendent of Police

I am the District Superintendent of Police (DSP) in Daman and was present in my office at police and vigilance (Vigilance and police department in Midas are same) office Daman. Shubham Singh came to me and told me the story about Manish Malhotra asking him to take bribe and threatening to harm his family. He also told me what happened at his house and the firing of gunshots and got the statement recorded with me. I asked him when Manish has asked



him to come with the box. He replied “tomorrow”. I asked him to come in the morning. Thereafter I called Hermit Tagore, an officer of M/S Health Tech who had accompanied with Manish Malhotra to the office of the complainant, to cooperate with us in laying the trap on Manish Malhotra. To that Hermit Tagore agreed to be part of the plan. The next day he came in the police station and Ritesh Nayar was summoned to join the raiding party. I asked Ritesh Nayar to bring a packet of sweets from the local Mandiram store. In their presence the content of the sweet box was emptied and box dipped in phenolphthalein and then covered with sheet of plastic. Thereafter a check was conducted on the plastic sheet with the solution to see whether there is any powder on the box or not. The test was negative as no change in colour was seen on the box. The sweet box was wiped with a fresh cotton and handed over to Shubham Singh in the presence of all witnesses with the direction to give box to DPO on his demanding it only, to give bribe, in lieu of doing the work, and not to give without the demand being raised by him and also not to shake hands with the accused DPO. We also gave him a recorder (Sony tape recorder with serial number 2344BPA3412246666) to record the whole conversation. We asked him to switch the button only when he has met up with Manish Malhotra.

Thereafter a trap was laid on him by me with the complainant, Hermit Tagore and Ritesh Nayar. I along with the other members of raiding party went to the DPO office. The complainant with Hermit Tagore went inside the DPO Office. I was able to hear the whole conversation by standing near the door. He asked them as to whether the complainants have brought the sweets for goddess Lakshmi and started laughing and listening to this the complainant Shubham Singh handed over the sweet box to him which was filled with notes by Manish. I was standing outside, and our code was that we will move inside the room only when the complainant sneezes thrice. As soon as the complainant sneezed thrice, we entered into the room and asked the accused to raise his hands. His search was done by the official witnesses and the tainted box with the currency notes were taken from him. Which were taken into police possession vide memo Ex.-4. Solution of water was prepared and his hands were put into it and its colour changed into pink. Droplets of the solution was transferred to a nip and was sealed and taken into police possession. The writing work was done there and we left the place at about 11:00 AM.



P.W. 4: Mr. Ritesh Nayar

Name: Mr. Ritesh Nayar

Age: 55

Residence: D-773, Gazal Nagar, Midas

Son: Mr. Chandrashekhar Nayar

Working as: Investigating officer

I joined the police party on 16.08.2014 and went to the office of DSP Vigilance, where Mr. Shubham Singh and Mr. Hermit Tagore were present. DSP John Marshall gave demonstration regarding the use of Phenolphthalein powder to us and asked me to bring Mandiram sweet box and a plastic sheet. I went to the market and brought a sealed box of Mandiram sweet and the same was opened by me very carefully and the box was kept separate from the inner tray. I washed my hand with soap and DSP John Marshall asked me to wear gloves and smear the box with phenolphthalein and then a thin sheet of plastic was wrapped around the box. Thereafter solution was wiped on the box to cross check whether the same changes colour. The box didn't turn pink or no patches were seen on the box. Thereafter fresh cotton was used to wipe the box and thereafter the same was handed over to Shubham Singh. DSP John Marshall directed the complainant to give signal to the police party on the handing over tainted box to the accused. Our signal was that the complaint will sneeze twice. Shubham Singh and Hermit Tagore went inside the office whereas the remaining party remained outside. Signal was given and we went inside the office and told the accused to raise his hands. Solution water was arranged and the fingers of hands of accused were got washed in it and the colour changed to pink which was transferred to a nip and sealed and taken into possession. The water was transferred to the nip and sealed. My statement was recorded under section 161.



P.W.5: Dr. Dharam Naidu (Expert)

Name: Dr. Dharam Naidu

Age: 60

Residence: E-112, South Urban, Midas

Son: Mr. Vir Naidu

Working as: Forensic Expert

I am working as a forensic expert in the Midas Forensic Laboratory. On 16.08.2014, I received a list of item with a file. Three items were sent to me:

- **The Mandiram sweet box containing money (Sealed and stamped)**
- **The solution in a glass jar (Sealed and stamped)**
- **The nip of the solution (Sealed and Stamped)**

In the Report I made the following observation:

- **On inspection of the Mandiram sweet box, there were finger print marks and on applying the solution, at various places pink patches could be seen.**
- **The Solution is pink which is seen when Phenolphthalein is mixed with Calcium Hydroxide solution. I couldn't find any adulteration to it and the solution was not tampered with.**
- **The nip was containing a solution and the same was not tampered with.**



P.W.6: Mrs. Aishworya Singh (Wife of Complainant)

I was making tea in the evening when one person armed with a knife and a revolver came into our house and fired several rounds at me. I was very scared and ran around the house to save my life. I finally went into our bedroom and locked it from inside. The person then stopped firing and warned me in a loud voice that I should tell my husband, that if he wants us safe then he should accept their offer and meet them at the notified place tomorrow.

P.W.7: Mr. Chulbul Pandey (Neighbour of DPO)

I live next to the house of Mr. Singh. My father was a very good friend of Mr. Singh's father. My father and his father studied in the same school. They even worked in the same government office. Mr. Singh is a very good and friendly person. He is very honest and donates a lot of money to the colony temple. That evening we heard sound of gunshots from his house. Though I don't know what is the kind of sound a gunshot produces but I heard some loud sounds from his house and later in the evening when I asked Mr. Singh, he told me that gunshots were fired at his house.

D.W.1: Mr. Akshat Kushwaha

I am currently employed as a peon in the DPO's office and was present at the date when these police officials came to our office. I saw Mandiram sweets box was in the hand of DPO sir only and was never handed over to Mr. Malhotra. Mr. Singh, Mr. Malhotra and Mr. Hermit were just sitting and talking and having sweets from the box at the back portion of our office. No one gave any money as I was continuously looking at these three in the hope that they will give me some sweets but they did not. However, when Manish sir started walking towards the back gate of the office as his car was parked there only, some people in civil dress came and arrested Mr. Malhotra while Mr. Malhotra was



still asking what his fault is? He was also asking them who are they? I felt really bad that I did not get any sweet but felt worse for Mr. Malhotra as he is a very nice person. He gives me a tip of 10 rupees, whenever he comes to the office. One day I told him sir I am a government peon and why do you keep giving me this 10 rupee tip? At this he replied every government servant should make some black money to keep his collars white and we burst into laughter.

D.W.2: Mr. Dhruv Mehta

I am the Joint DPO for Daman, Midas and my office is just next to Mr. Singh's. We have previously also heard rumours about Mr. Singh's corrupt practices. On 16.08.2014 when Mr. Malhotra came to the office to meet DPO sir he looked upset and that is why I asked him why is he looking so dull? At this he said "Mr. Mukherjee your senior is a corrupt man and is not issuing my purchase order. I have already taken a lot of money from the market which I have to return back as soon as possible, but for that purchase order is necessary as without that we cannot get the grant from the government. However, your senior is asking us for money which I am not in the position to pay and that is why I have come to your office today." He also asked me to keep this a secret and to not tell this to anyone.

D.W.3: Rakesh Kirorimal

On the evening of 15.08.2014 Manish was with me from 15:00 hours to 18:00 hours. After that we went to "Vextasy" to grab some beers and then came back to my house so there is no chance that he went to someone's house and fired gunshots. While drinking he was very dull and told me that the DPO is asking for a lot of money but he will not go against the law even if he doesn't get the purchase order as he is a law abiding citizen



EXHIBITS

EVIDENCE ON BEHALF OF THE PROSECUTION PRODUCED BEFORE THE COURT:

Exhibit 1: Panchanama prepared by the Police

On 15.08.2014 at 04.00 PM, the investigating officer with the Complainants and the other members of the raiding team were present in the office of DPO, Midas. After observing the place and taking statements, I prepared a sketch. The following items were taken into possession in front of witnesses.

1. Droplets containing the pink solution of Phenolphthalein taken from the finger of the accused
2. The solution jar that turned pink
3. Photographs of Mr. Manish Malhotra's hands
4. Sony Tape recorder with serial number 2344BPA3412246666 of the conversation between Mr. Malhotra and the Complainant.
5. The sweet box
6. Empty bullets recovered from the house of the complainant (On the night of 15.08.2014)



Mr. Ujjwal Kumar & Mr. Ashraf Khan, who were resident of Rajnagar, Nagpur, present on the scene and consented as eye witnesses and have attested the Panchnama both at the house of the complainant and his office.

Investigating officer

Sd/-

Ritesh Nayar

Investigating Officer

Witnesses: -

Sd/-	Sd/-
Ujjwal Kumar, Flat No.203, Rajnagar, Midas.	Ashraf Khan Flat No.101, Majestic Heights, Midas.

Exhibit 2: Photographs of Mr. Manish Malhotra



Exhibit 3: The Mandiram Sweet box





Exhibit 4: The report from the Forensic expert

The following items were send to me for forensic analysis: -

- **The Mandiram sweet box (Sealed and stamped)**
- **The solution in a glass jar (Sealed and stamped)**
- **The nip of the solution (Sealed and Stamped)**

Observation made: -

- **On inspection of the Mandiram sweet box, there were finger print marks and on applying the solution, at various places pink patches could be seen.**
- **The Solution is pink and is the colour which is seen when Phenolphthalein is mixed with Calcium Hydroxide solution. I couldn't find any adulteration to it or the solution was not tampered with.**
- **The nip was containing a solution and the same was not tampered with.**

Exhibit 5: Tape recording of the conversation in writing

Manish Malhotra: Hello Sir!!!

Subham Singh: Hello!!! Please have a seat.

Hermit Tagore: Sir, please issue the purchase order, our work is going to suffer if purchase order is not issued by you



Manish Malhotra: Yes Sir, the production has started and we have invested a lot of capital in it, please issue the purchase order as fast as possible or else you will have to face the consequences as I have told you earlier.

Subham Singh: Yes yes I agree to your offer and I am also very afraid after what happened to my family yesterday. You went to my house yesterday?

Manish Malhotra: Just give me the box let us all taste some sweets... (laughs loudly) ... I went to your house? But I don't think that you ever invited us. However, we should not waste our time on the past. Let us live the future together.

Subham Singh: Ok...I will ask my clerk to type to order by today and in the afternoon it will be issued by you.

Manish Malhotra: Yes, the box of sweets is for you to enjoy!

Subham Singh: Yes!!Yes!!

Manish Malhotra: Ok so let me open the box for you and share the prasadam... (opens the box)

Then Mr. Singh sneezes twice

John Marshall: Hands up!!! Arrest him and take the box in custody and bring the solution

Manish Malhotra: What is this, who are you?

John Marshall: Bring the solution

Manish Malhotra: This is Mandiram sweet box, there are sweets in it.

John Marshall: Put your fingers in the solution

John Marshall: Switch off the tapes!! Our trap is complete

Exhibit 6: Site Map

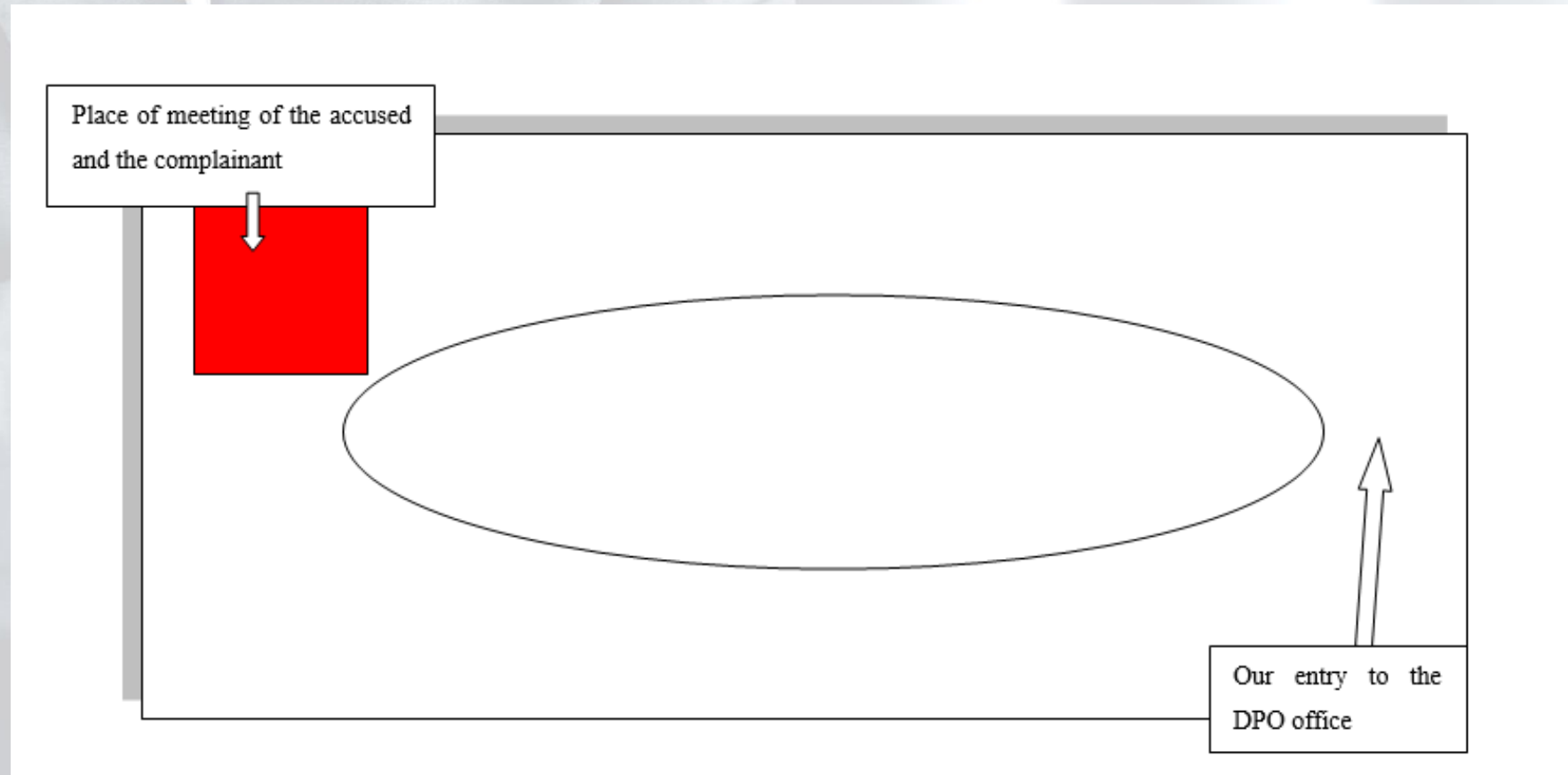


Exhibit 7:

90 mm bullet recovered from the house of the complainant.





EVIDENCE ON BEHALF OF THE DEFENDANTS

PRODUCED BEFORE THE COURT:

Defence Exhibit 1: Movie tickets

Cine-Mexicana

Shantanagar, Daman, Midas

Movie: Fast and Suroor 17

Show Date and Timing: 15.08.2014/15:00 hours

Ticket for: 2



Defence Exhibit 2: Beer Cafe Invoice

Downtown Beer Cafe

For: Mr. Rakesh Kirorimal Date: 15/08/2014

Particulars: 4 Budmixers

Amount: Rs. 1260 + 300 (Taxes)

Total: Rs. 1560



SOME EXTRACTS FROM THE STATEMENT OF THE ACCUSED UNDER SECTION 313 Cr PC:

Question: Did you ask the complainant to bring a sweet box so that you can bribe him in that box? Did you threaten to harm him if he doesn't accept your bribe?

Answer: No, I did not ask him to bring any sweet box. And I did not give him any sort of threats.

Question: Did you ask went to the complainants house and tried to kill his wife?

Answer: No, I was with my friend at that point of time.

Question: What were you saying about prasadam?

Answer: Mr. Singh is a bhakt of Lakshmi so I thought the sweet box is some prasadam from some temple and that is why I asked.

Question: Do you have to say anything in your defence?

Answer: Yes, I wanted the purchase order to be issued in my name, but I am not a criminal and I am not a bad person either. I am a human and I follow the religion of humanity. Why will I try to kill his small child and his wife? I have a wife



and a child too and I love them very much. I am not a criminal. Rather it was Mr. Singh who wanted bribe and on 16.08.2014 I went to him to tell that I cannot give him any bribe as I am a law abiding citizen.

[Note: Questions to the accused are not limited to this and more questions can be asked by the Judge or counsels during their Examination as per their own discretion.]

**** Laws of Bharat are in *pare materia* to India**



ANNEXURE I

Demand Draft Details:

Amount: Rs. 3000

In favor of: Kalinga Institute of Industrial Technology

Payable at: Bhubaneswar



ANNEXURE 2

REGISTRATION FORM

2ND KIIT NATIONAL MOCK TRIAL COMPETITION
ORGANISED BY TRIAL AND APPELLATE ADVOCACY SOCIETY (TAAS)
SCHOOL OF LAW, KIIT UNIVERSITY

Name of the Institute-
Contact person of the Institute-
Mobile no.-
Email Id-

Payment Details:

Demand draft should be made in the favour of **KALINGA INSTITUTE OF INDUSTRIAL TECHNOLOGY** payable at **BHUBANESWAR** of Rs. 3000 per team.
(Note: Please enclose scanned copy of Demand Draft to knmtc2016@kls.ac.in)

DEMAND DRAFT NUMBER AND DATE:.....



Team Details:

Advocate-I

Name-

Year of Study-

Mob No.-

Email Id-

Sex- Male/Female

Signature

Advocate-II

Name

Year of Study

Mob No.-

Email Id-

Sex- Male/Female

Signature



Researcher

Name-

Year of Study-

Mob No.-

Email Id-

Sex- Male/Female

Signature

A large, empty rectangular box with a black border, intended for the researcher to provide their personal and contact information.A large, empty rectangular box with a black border, intended for the sign and seal of the head of the institution.

**Sign and Seal of the
Head of the institution**



ANNEXURE 3

TRAVEL FORM

2ND KIIT NATIONAL MOCK TRIAL COMPETITION

ORGANISED BY TRIAL AND APPELLATE ADVOCACY SOCIETY (TAAS)

SCHOOL OF LAW, KIIT UNIVERSITY

NAME OF THE INSTITUTION-.....
.....
.....

ARRIVAL DETAILS-

Mode of Arrival-.....

Name and number of Bus/Train/Flight-.....

Date-.....

Time of arrival-.....



DEPARTURE DETAILS-

Mode of departure-.....

Name and number of Bus/Train/Flight-.....

Date-.....

Time of departure-.....

Team Details-

Advocate-I

Name-

Year of Study-

Mob No.-

Email Id-

Sex- Male/Female

Advocate-II

Name

Year of Study

Mob No.-

Email Id-

Sex- Male/Female

Researcher-

Name-

Year of Study-

Mobile No.-

Email Id-

Sex- Male/Female



ANNEXURE 4

ADDRESS FOR HARD COPY OF DEMAND DRAFT/ FOR HARD COPY OF TRAVEL PLAN/ HARD COPY OF MEMORIALS AND OTHER CORRESPONDENCE

All correspondence should be *addressed to* Dr Paromita Chatteraj, Faculty Convenor, KIIT National Mock Trial Competition and shall be *sent to*:

School of Law,
Campus-16,
KIIT University,
Patia,
Bhubaneswar- 751024



ORGANISING COMMITTEE

Chief Patron-

Prof. Achuyta Samanta

Founder and Mentor KIIT and KISS

Patrons -

Prof Dr N.L Mitra

Chancellor, KIIT University

Prof Dr P.P Mathur

Vice Chancellor, KIIT University

National Co-ordinator -

Prof (Dr) N.K Chakrabarti

Director, School of law, KIIT Univeristy

Faculty Convenor-

Dr Paromita Chatteraj

Asst Prof-II, School of law, KIIT University



Student Committee

TRIAL AND APPELLATE ADVOCACY SOCIETY MEMBERS LIST

(SESSION 2016-2017)

STUDENT BOARD

NAME
SANGITESH SHIVAM (STUDENT CONVENOR)
AMBUJ DIXIT (STUDENT JOINT CONVENOR)
DEBOTTAM CHATTOPADHYAY
ANKITA ROY
VINAY SINGH CHANDEL
RICHA GOYAL
DEBAMALINEE AISHWORYA
CHANDAN MOHANTY
TRISHA SINGH
SIDDHANT MISHRA



STUDENT ADVISORY BOARD

NAME
RAJNEESH DUBEY
HARSH VINIT
SARVANI BHARADWAJ
SURABHI ASWALE
NARAYAN SHUKLA
RITIKA AKHIL

ASSOCIATE MEMBERS

NAME
NIKHIL RANJAN
PRATIK MANU
ALI MOID
NIHARICA CHOUWDHARY
TASMIA AHMAD
VIBHAV SETH
KAJAL VERMA
GAURAV SATHPATHY
SUBHAM GUPTA
SHUBHAM BHUT



Contact Persons

1) Dr Paromita Chatteraj
Faculty Convenor, 2nd KNMTC, 2016
Email id- paromitachatteraj@kls.ac.in

2) Sangitesh Shivam
Student Convenor, 2nd KNMTC, 2016
Email id- sangiteshshivam.kls@gmail.com
Phone no- 07894241407

3) Ambuj Dixit
Student Joint Convenor, 2nd KNMTC, 2016
Email id- 1283013@kls.ac.in
Phone no.-7205329613

4) Nikhil Ranjan
Organising Secretary
Email id- nikhilranjan3000@gmail.com
Mob No- 9776306703

Email id- knmtc2016@kls.ac.in

Facebook-<https://www.facebook.com/Trial-Appellate-Advocacy-Society-TAAS-825064887516675/?fref=ts>