



MAR GREGORIOS COLLEGE OF LAW
MAR IVANIOS VIDYANAGAR, THIRUVANANTHAPURAM
AFFILIATED TO THE UNIVERSITY OF KERALA & APPROVED BY THE BAR COUNCIL OF INDIA
FIRST NAAC ACCREDITED LAW COLLEGE IN KERALA



SECOND MAR GREGORIOS NATIONAL MOOT COURT COMPETITION (HYBRID MODE) 2024-25

09-11 JAN 2025

PRIZES WORTH 100K

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ABOUT MGCL

Nestled amid the picturesque environs of Mar Ivanios Vidya Nagar, the humble yet vibrant Mar Gregorios College of Law (MGCL) aspires to be a wellspring of academic excellence in legal education. MGCL was established as a constituent institution in the Mar Ivanios Vidya Nagar Campus. Though our college was established as recently as 2012, we strive to build upon the proud legacy of this campus, founded in 1949 by the esteemed Venerable Archbishop Geevarghese Mar Ivanios. The institution was conceived and made a reality by His Beatitude Baselios Cardinal Cleemis, the father and head of the Syro-Malankara Catholic Church. It is our privilege to be named after Archbishop Benedict Mar Gregorios, a profound humanist and accomplished linguist, economist and educationalist whose spirit of love and compassion we seek to embody.

Since our beginnings a decade ago, we have diligently evolved into a center of educational excellence, attaining the distinction of being Kerala's sole NAAC-accredited law college. We offer five-year integrated B.A., LL.B., BBA, LL.B. and B.Com., LL.B. courses at the undergraduate level, and a specialized LL.M in Constitutional Law at the postgraduate level. Though we have been honored with accolades such as the SILF-MILAT National Institutional Excellence Award, our true reward is shaping bright legal minds and contributing meaningfully to the field of law. Beyond academics, we strive to spark creativity and inquiry across diverse realms, providing a holistic educational experience.



ABOUT THE MOOT COURT SOCIETY

The Moot Court Society of Mar Gregorios College of Law is a dedicated body of students and faculty, aiming to enhance the advocacy and legal research skills of the students by promoting participation in Mooting, Client Counselling, ADR and Trial Advocacy Competitions. The Moot Court Society is steered by the Internal Competitions Committee, the External Competitions Committee, the Training Committee and the Technical Committee, the functioning of which is further supervised by the Core Committee.

The Moot Court Society was at the helm of the Commonwealth Legal Education Association Mooting Competition (South Asian Rounds) in 2022 successfully hosted by our institution. Additionally, the Society annually conducts Internal and Novice Mooting Competitions. In order to promote a mooting culture, the Society regularly organizes various training sessions and demonstrative workshops that assist the student body in getting accustomed to the nuances of mooting. Under the aegis of the Society, members have secured various accolades in National and International Moot Court Competitions.



ABOUT THE COMPETITION

In 2022, we organised the CLEA Mooting Competition (South Asia Rounds). More than 30 colleges participated in the Competition from across South Asia. The winners of the Competition was School of Legal Studies, CMR University, Bengaluru and the Runner-Up position was secured by SASTRA Deemed University, Tamil Nadu.

We conducted the very 1st edition of Mar Gregorios National Moot Court Competition from 25th to 27th Jan 2024. A total number of 30 teams took part in the competition. The problem was pertaining to the constitutional and legal rights of the LGBTQIA+ community in a domestic situation. Participating colleges that won prizes in the first edition were Chennai Dr. Ambedkar Government Law College, Sastra (Deemed University), School of Law, Thanjavur, Christ (Deemed to be University), Bangalore, SOEL, The Tamil Nadu Dr. B. R. Ambedkar Law University and KLE Law College Bangalore.

We are proud to present our second edition National Moot Court Competition, an event that epitomizes the spirit of legal advocacy and critical thinking. The Second Mar Gregorios National Moot Court Competition of Mar Gregorios College of Law, Thiruvananthapuram, is scheduled to be held offline from 9th to 11th of January, 2025.



IMPORTANT DATES



Release of Rules
and Moot
Proposition

**September 11,
2024**



Last Date for
Preliminary
Registration

**October 15,
2024**



Last Date for
Requesting
Clarifications

**October 20,
2024**



Submission of
Argument Note

**November 7,
2024**



Preliminary
Oral Rounds
(Online)

**November
9 - 10, 2024**



Declaration of
Results of Oral
Rounds (Online)

**November 15,
2024**



Last Date for
Final Registration

**December 10,
2024**



Submission of
Soft Copy of
Memorials by
Qualifying Teams

**December 26,
2024**



Submission of
Hard Copy of
Memorials by
Qualifying Teams

**December 30,
2024**



Date of
Reporting for
Competition

**January 9,
2025**



Dates of the
Competition

**January
9 - 11, 2025**



RULES AND REGULATIONS

ARTICLE 1: REGISTRATION

The registration shall be done in two phases i.e., Preliminary Registration and Final registration after Preliminary Oral Rounds (Online).

A. Preliminary Registration

The Preliminary Registration shall be completed on or before **October 15, 2024**, using the Google Form provided below: <https://forms.gle/JkAkuhkkqRXbHXp76>

B. Final Registration

After the result declaration of Preliminary Oral Round (Online), selected teams shall complete the Final Registration on or before **December 10, 2024**. The same shall be done through the Google Form that will be provided to the qualifying teams.

ARTICLE 2: REGISTRATION FEES

A. Preliminary Registration

1. Teams shall pay an amount of **INR 2000** for the Preliminary Registration. The receipt of the same is required to complete the registration through Google Form.
2. The following particulars, among others are required for the Preliminary Registration:
 - (a) Details of the Participating Institution
 - (b) Details of the Team members
 - (c) Details of the Moot Court Society
 - (d) Receipt of Payment
 - (e) Bonafide Certificate
3. Upon Preliminary Registration, each team shall be given a **Team Code** which shall hereafter be used throughout the competition.



RULES AND REGULATIONS

B. Final Registration

1. The selected teams shall pay an amount of **INR 3000** for the Final Registration. The receipt of the same is required to complete the registration through the Google Form.
2. Teams shall pay the amount towards the registration fee through Payment Gateway provided on the website:

ARTICLE 3: TEAM COMPOSITION AND ELIGIBILITY

1. Students pursuing the three or five-year courses of the LL.B. degree or its equivalent in the academic year 2024-25 from any recognized Law School/ College/ University in India are eligible to participate.
2. Each institution shall send only **one (1) team** of such eligible participants.
3. Each team shall comprise a minimum of two and a maximum of three members. In a team of two members, both the members shall be designated as Speakers. In a team of three members, two members shall be designated as Speakers and the third member of the team shall be designated as a Researcher. Teams members will not be allowed to exchange the position of Speaker 1, Speaker 2 and Researcher after the commencement of the Competition.
4. Any additional member who accompanies the team will not be provided accommodation or food. Such person is also not allowed to be present in the court rooms during the oral rounds of the competition.



RULES AND REGULATIONS

ARTICLE 4: SELECTION ROUNDS

A. First Round of Selection

(Oral Selection Round in Online Mode)

1. There shall be an initial Oral Selection Round in **Online Mode** for all registered participants of the competition. For the aforesaid Oral Round, teams will be given an opportunity to argue for either the petitioner or the respondent. Selection of side to be argued will be based on picking of lots.
2. The maximum time allotted for oral submissions shall be thirty (30) minutes for each team. This time is inclusive of the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker shall reserve more than fifteen (15) minutes for their individual oral submissions.
3. No team shall be allowed more than five (5) minutes for rebuttal or sur-rebuttal. The sur-rebuttal shall be limited to the rebuttals made by the opponent team. Only one (1) speaker from each team shall be permitted to rebut/sur-rebut.
4. Participants shall submit an argument note of not more than three to five pages (describing the summary of their arguments for the Petitioners or the Respondents, as the case may be). The front page of the argument note shall have the title page and the Team Code provided as in a full-fledged memorial. Other parts of memorial such as table of contents, table of abbreviations, table of authorities, statement of facts, statement of jurisdiction are not necessary for the argument note. The argument note shall be structured in the form of Issues Raised, Arguments Advanced and Prayer. However, separate marks will not be awarded for the argument note.



RULES AND REGULATIONS

5. The top 16 teams shall be selected based on their aggregate marks in the Oral Selection Round in Online Mode. Only these 16 teams shall be eligible to participate in the next stage of competition including submission of memorial and Oral Rounds in Physical Mode. The Organising Committee reserves the right to increase/decrease the number of teams selected for the Oral Rounds in Physical Mode.

B. Second Round of Selection

(Oral Rounds in Physical Mode – General Rules)

1. The Second Round of the Competition shall be held physically at Mar Gregorios College of Law, Thiruvananthapuram over a period of three days from **January 9 to 11, 2024.**
2. The Competition shall consist of four sets of rounds: the Preliminary Rounds, the Quarter-final Rounds, the Semi-final Rounds and the Final Round.
3. The criteria for selection from the Preliminary Rounds will be based on league cum win method. Selections from the remaining advanced rounds, namely the Quarter-final Rounds, the Semi-final Rounds and the Final Round, will be on the basis of knock-out.
4. Memorial scores will be taken into account solely for deciding on deciding the prize for Best Memorial, Second Best Memorial and Third Best Memorial.
5. Prior to the commencement of an oral session, each team shall indicate to the Court Officers the division of time between the first and the second speaker and the time allotted for rebuttals and sur-rebuttals.



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6. The decision of the judges on any procedural or factual dispute will be final. Time extensions may be given in every round at the discretion of the Judges.

7. Issues not addressed in the primary pleadings shall not be raised in the rebuttals or sur-rebuttals

C. Preliminary Rounds

1. Each team shall have to argue twice, once as the Petitioner and once as the Respondent.

2. The maximum time allotted for oral submissions shall be thirty (30) minutes for each team. This time is inclusive of the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker shall reserve more than fifteen (15) minutes for their individual oral submissions.

3. No team shall be allowed more than five (5) minutes for rebuttal or sur-rebuttal. The sur-rebuttal shall be limited to the rebuttals made by the opponent team. Only one (1) speaker from each team shall be permitted to rebut/sur-rebut.

D. Quarter-final Rounds

1. Selection from the Preliminary Rounds shall be on the league-cum-win method, and the selected eight (8) teams shall qualify for the Quarter-final Rounds.

2. The maximum time allotted for oral submissions shall be thirty (30) minutes for each team. This time is inclusive of the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker shall reserve more than fifteen (15) minutes for their individual oral submissions.



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3. No team shall be allowed more than five (5) minutes for rebuttal or sur-rebuttal. The sur-rebuttal shall be limited to the rebuttals made by the opponent team. Only one (1) speaker from each team shall be permitted to rebut/sur-rebut.

E. Semi-final Rounds

1. The four (4) teams winning the Quarter-final Rounds will qualify for the Semi-final Rounds.
2. The maximum time allotted for oral submissions shall be forty-five (45) minutes for each team. This time is inclusive of the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker shall reserve more than twenty-five (25)

F. Final Round

1. The two (2) teams winning the Semi-final Rounds will qualify for the Final round.
2. The maximum time allotted for oral submissions shall be forty-five (45) minutes for each team. This time is inclusive of the submissions of both the speakers from the team and the time reserved for rebuttal/sur-rebuttal. No speaker shall reserve more than twenty-five (25) minutes for their individual oral submissions.
3. No team shall be allowed more than five (5) minutes for rebuttal or sur-rebuttal. The sur-rebuttal shall be limited to the rebuttals made by the opponent team. Only one (1) speaker from each team shall be permitted to rebut/sur-rebut.



ARTICLE 5: MARKING CRITERIA FOR ORAL PRESENTATIONS

1. The judges would assign marks to each individual speaker out of a **One hundred (100) marks**. The team score would be the aggregate of the total marks for oral presentations of the 2 speakers out of **Two hundred (200) marks**.

The following shall be the Marking Criterion and the Marks allocated to each category:

a) Knowledge of Law (30)

Excellent (27-30 pts); Very Good (24-26pts); Good (21-23 pts); Adequate (18-20 pts); Poor (17 pts. and below)

b) Application of Law to Facts (25)

Excellent (23-25 pts); Very Good (20-22 pts); Good (17-19 pts); Adequate (14-16 pts); Poor (13 pts. and below)

c) Ingenuity and Ability to Answer Questions (30)

Excellent (27-30 pts); Very Good (24-26pts); Good (21-23 pts); Adequate (18-20 pts); Poor (17 pts. and below)

d) Style, Poise, Courtesy and Demeanor (10)

Excellent (9-10 pts); Very Good (7-8 pts); Good (5-6pts); Adequate(4-3 pts); Poor (2-1 pts.)

e) Time Management and Organization (5)

Excellent (5 pts); Very Good (4 pts); Good (3 pts); Adequate (3 pts); Poor (1 pt.)



RULES AND REGULATIONS

ARTICLE 6: MARKING CRITERIA FOR MEMORIALS

1. The Memorials shall be assessed by a Committee of Judges. Every memorial shall be marked out of Hundred (100) marks and the total memorial score shall be the sum of both sides (Petitioner/Respondent).
2. The Marking Criteria and the Marks Allocated to each category are as listed below:

SI No.	Category	Marks
1.	Knowledge of Facts & Law	Min: 05 pts Max: 20 pts
2.	Proper & Articulate Analysis	Min: 05 pts Max: 20 pts
3.	Extent & Use of Research	Min: 05 pts Max: 20 pts
4.	Clarity & Organization	Min: 05 pts Max: 20 pts
5.	Citation & Sourcing	Min: 02 pts Max: 10 pts
6.	Grammar & Style	Min: 02 pts Max: 10 pts

3. Each Team registered through Preliminary Registration shall submit a soft copy of the memorials i.e., one for the Petitioner side and one for the Respondent side, in both .pdf and .docx on or before **December 26, 2024 , 11.59 PM IST** via E-mail ID: mgclmoot2024@mgcl.ac.in



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4. No change in the memorials shall be permitted afterward.
5. Additionally, each team shall submit three (3) hard copies of the memorials by post on or before December 30, 2024 to the address given below:

Mar Gregorios College of Law,
Mar Ivanios Vidyanagar, Nalanchira,
Thiruvananthapuram, Kerala, India, 695015

Format of Memorials:

- (a) Font: Times New Roman
- (b) Font Size: 12 pts
- (c) Line spacing: 1.5 Pts
- (d) Paragraph: Justified
- (e) Standard International A4 Size Page

Format of Footnotes:

- (a) Font: Times New Roman
- (b) Font Size: 10 Pts
- (c) Line Spacing: 1 Pt
- (d) Paragraph: Justified

6. Quotations from sources outside of the memorial of Fifty (50) words or more in any part of the Memorial shall be block quoted (i.e., right and left indented) and must be single-spaced.
7. The memorial shall follow the ILI Footnoting Style. The Memorial shall not contain details identifying the participants or their institution.
8. The Petitioner and Respondent memorials must be differentiated by Blue and Red colour cover pages, respectively.
9. The Memorial shall not exceed more than thirty-five (35) pages excluding title page, table of contents, index of authorities, table of cases, table of abbreviation and statement of jurisdiction.



RULES AND REGULATIONS

10. The Title Page shall include the Team Code on the top right corner (E.g., for Team MG-16, the Memorial for the Petitioner shall indicate 'MG-16P' and the Memorial for the Respondent shall indicate 'MG-16R')

11. The Memorial shall not exceed more than thirty-five (35) pages excluding title page, table of contents, index of authorities, table of cases, table of abbreviation and statement of jurisdiction.

ARTICLE 7: RESEARCHER'S TEST

1. A Researcher's Test will be conducted for the qualifying teams after the memorial selection rounds. This test aims to evaluate the research skills of the team researchers.

2. The test will consist of a written component and an interview round. The written test will assess skills such as legal research, memorial drafting, and awareness of current legal developments. The interview round will evaluate the researchers' subject knowledge, analytical thinking, and articulation of the subject.

3. Only the researchers from the teams qualifying the Physical Oral Round will be eligible to take the test.

4. The scores obtained in this test will be considered for determining the Best Researcher.

5. The Researcher's Test for qualifying teams will be conducted offline at the competition venue.

6. Comprehensive details regarding the test format, syllabus, evaluation process etc. will be provided to the qualifying teams in advance.

ARTICLE 8: CLARIFICATIONS

1. The last date for seeking clarifications regarding the Moot proposition is **October 20, 2024**.

2. Clarifications may be sought at mgclmoot2024@mgcl.ac.in



RULES AND REGULATIONS

ARTICLE 9: CODE OF CONDUCT

A. Court Manners

1. The language for the competition shall be English to maintain uniformity.
2. All participants must maintain proper decorum in the court during the competition and conduct themselves in a manner befitting the legal profession.
3. Communication of any form between the participants and any person, other than the court officers and judges on the bench, is strictly prohibited. Any such communication will result in disqualification or penalty.
4. Submission of any written material other than memorials and compendia is prohibited.
5. Failure to appear in allotted courtrooms at the scheduled time shall result in penalty or disqualification.
6. Prohibition of Scouting: Participants, reserves, or persons affiliated with a team cannot observe arguments in any courtroom where their team is not competing, as long as their team remains in the competition. Violations of the scouting prohibition will result in disqualification.
7. All participants must adhere to the formal dress code during the competition rounds. The dress code mandates,
White Shirt, Black Trousers and Black Blazer for men;
White Salwar Kurta or Black Trousers/ Skirt and White Shirt with Black Blazer for women.



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ARTICLE 10: AWARDS

1. The Winning team and Runner-Up team would be awarded Trophies, Cash Prizes and Certificates in recognition of their achievements. There will also be awards for the Best Memorial, Best Advocate (Male), Best Advocate (Female), and Best Researcher based on the evaluation during the competition.
2. All participating teams will be awarded Participation Certificates. All achievement and participation certificates, trophies and cash prizes will only be awarded to teams participating in the valedictory function of the Competition.

ARTICLE 11: DISPUTES

1. It shall be the discretion of the Organizing Committee to decide on any violation of the provisions of the Rules and Regulations during the rounds and whether that violation entails a penalty. If a participating team, Judge, or Court Officer believes there has been a violation of the provisions, they must inform the Organizing Committee of their claim. The Organizing Committee shall review the merits of each claim and provide direction to judges on factoring any verified violations in their scoring.
2. Any dispute regarding the conduct of the Competition shall be referred to the Organising Committee in a timely manner. In all matters of complaints or disputes, the decision of the Organising Committee shall be final.

ARTICLE 12: MISCELLANEOUS

1. Cheating, misconduct, or using unfair means of any kind is strictly prohibited and if indulged in, shall result in disqualification of the team.



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2. The participants are required to comply with the rules formulated by the Organizing Committee at all times during the Competition.
3. If any one of the members of a team is informed of any detail or information concerning the Competition, it shall be deemed as if the said team as a whole has been duly informed.
4. The Moot Proposition is not meant to resemble any incident or person, alive or dead. Any resemblance between the two is merely coincidental.
5. Accommodation will be arranged for all teams from **January 9 to 11, 2025**. Participating teams are requested to indicate via the Final Registration Form their accommodation details to the Organizing Committee well in advance to enable arrangements. The organisers will provide Accommodation Guidelines upon final registration and the teams shall strictly adhere to the same.
6. The Organising Committee reserves the right to appropriately amend the Rules and Regulations for the Competition as may be found necessary for the smooth conduct of the Competition.



RAMESH KUMAR v. STATE OF GANDHAR

1. 'Indica' also known as 'Bharta' is a country located in the Asian continent with a population of over 1.4 billion. Until 1950 when the country gained independence, 'Indica' was under the yoke of imperial Britania. It was known globally as 'Britin Indica'. The colonial rule which had commenced in the late 18th century continued for almost two centuries. Many legislations were created for Britin Indica by the Britania Parliament like the 'Indican Penal Code', 'Indican Evidence Act' etc. These legislations continued to be in force even after independence. Several post-independence Law Commissions recommended the repeal of outdated laws and to substitute them with new laws.
2. In 2022, a new penal law was drafted to substitute 'Indican Penal Code'. The new Code was named as 'Bharta Justice Code' (BJC). The new Act was passed by the Parliament and assented by the President. The Bharta Justice Code was notified and became applicable as penal law of Indica from January 26, 2023. Most of the sections of the Indican Penal Code was adopted into the new Code but with changed numbers for the sections. Some new sections were radically different from the similar provisions of the early statute.
3. Section 106 of BJC deals with death caused by rash and negligent act and reads as follows:

Section 106

(1) Whoever causes death of any person by doing any rash or negligent Act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years and shall also be liable to fine; and if such act is done by a registered medical practitioner while



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performing medical procedure, he shall be punished with imprisonment of either description for a term which may extend to two years, and shall be liable to fine.

Explanation- For the purpose of this sub-section “registered medical practitioner” means a medical practitioner who possesses any medical qualification recognised under the National Medical Commission Act, 2019 and whose name has been entered in the National Medical Register or a State Medical Register under that Act.

(2) Whoever causes death of any person by rash and negligent driving of vehicle not amounting to culpable homicide, and escapes without reporting it to a Police Officer or a Magistrate soon after the incident, shall be punished with imprisonment of either description of a term which may extend to ten years, and shall also be liable to fine.

4. Ramesh Kumar, aged 56, was a driver of a truck owned by a firm 'Heera Transports'. He was working in this firm for more than twenty-five years. Even though Ramesh only had formal education up to matriculation, he was a voracious reader who was very active in social media and always updated about changes in society and politics. Ramesh used to drive with load from the industrial city of Cambay to Packnow located almost two thousand kilometres away through the Grand trunk highway. Cambay was the capital of Gandhar state. Outside the city limits the major part of land adjoining the highway was deserted, but for some small hotels and petrol pumps located thirty to forty kilometres apart.



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5. On January 27, 2023, at 6 PM Ramesh reached the workshop-cum-garage of Heera Transport to take the truck. The mechanic intimated Ramesh that there seems to be some minor problem with the brakes of the vehicle. After examining the vehicle Ramesh replied that it's alright and he has driven vehicles in worse conditions. After loading the truck from a nearby godown, he started his journey by around 9 PM. After travelling about one hour, the truck crossed the city limits and crossed into the deserted part of the highway in Gandhar. Some time after this Ramesh realised that the brake is not functioning. He was in panic and couldn't control the vehicle.
6. When the truck got into a sloping part of the road it began to gain momentum. At this juncture, a lone driver in a scooter (Mr. Sadhu) rushed into the highway from a byroad and collided with the truck. Though Ramesh could see him, he couldn't stop the truck as the brakes were not functioning. The scooterist was thrown away from his vehicle. Ramesh couldn't do anything, but continue riding his vehicle.
7. A physically and mentally exhausted Ramesh drove for some more kilometres and on the sight of a small sand hill drove the truck into it and by sheer luck the truck stopped without much damage. Totally ruffled, Ramesh got out of the truck and much to his relief saw a cluster of hotels and trucks some distance away. He slowly and painstakingly walked to one of the hotels. Ramesh had left his cellphone and other belongings in the truck. The hotel was full of truck drivers. Ramesh sat in a chair and ordered food. When the waiter came, he told him that his truck is lying near the sand hill, its brakes failed and that he needed help. After drinking water and one chappathi,



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Ramesh fainted. He was taken to a big hospital 20 kms away. Ramesh was diagnosed of a severe cardiac attack and was admitted to the ICU. He regained consciousness only after some days. Even after this, he couldn't clearly recollect what had happened.

8. Mr. Sadhu who was severely injured was lying soaked in blood with bruises all over his body. A passing car driver stopped the car on sight of the injured man and carried him to a hospital some kilometres away. Sadhu was alive and breathing when he reached the hospital but without consciousness. The hospital was a multi-specialty one and a group of doctors under Dr. Chiranjeevi made all attempts to save Sadhu. All their attempts proved to be in vain and the patient succumbed to his injuries.
9. As the hospital authorities intimated the police, without much delay, the police officials arrived. As the officials were not able to have a clear picture of the cause of death, to rule out every possibility the police registered a case against the doctors for causing death by rash and negligent act under Section 106 (1) of BJC. When the post mortem report came, it became evident that the death was caused possibly by a collision or vehicle accident. Subsequent to this the case against the doctors was dropped and the police started investigation on the possible accident.
10. In the course of the investigation, they discovered Ramesh's truck and after questioning hoteliers of the locality, they got the details of the accident. Four days after the incident, the police came to the hospital to question Ramesh. As Ramesh was unconscious they couldn't question him. Two weeks later, the police came again. Though Ramesh was out of ICU, he was



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still in the hospital and was under sedation. The police posed questions not caring for his condition. Ramesh admitted that he had an accident and that the brake of his truck was not functioning.

11. The police registered a case under Section 106(2) of BJC for causing a fatal accident and for not reporting the same to the Police. After investigation, the case was committed to the Sessions Court. The Court charged the accused (Ramesh) under Section 106(2) of BJC. During the trial, on some days Ramesh was unable to attend the Court as he was still under treatment and on many days hospitalized. In spite of all these facts, the trial continued and in October, 2024 the Court pronounced its judgement. Ramesh was found guilty of the offence charged and sentenced to nine years imprisonment and fine of Rs. Two lakhs.
12. Ramesh applied to the High Court for stay of the sentence which was disallowed. Aggrieved by this, Ramesh files a Special Leave Petition to the Supreme Court against the judgement and sentence of the Sessions Court as arbitrary, erroneous and against rules of proportionality. It was pleaded on behalf of Ramesh that he had not tried to escape and hence Section 106(2) is not applicable in the present case. Further, it was also claimed that Section 106(1) and (2) of BJC is constitutionally invalid as it was violative of the Petitioner's Fundamental Rights under Articles 14, 21 and 20(3) of the Constitution of Bharta.

Proposition Created By:

MANOJ KRISHNA A.,

Associate Professor,

**Mar Gregorios College of Law, Trivandrum, for and on behalf of
Moot Court Society, Mar Gregorios College of Law.**



ORGANIZING COMMITTEE

His Beatitude Dr. Baselios Cardinal Cleemis,

Major Archbishop-Catholicos

Patron & Manager, Mar Gregorios College of Law, Trivandrum

President, Malankara Catholic Educational Society of the

Archdiocese of Trivandrum

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Prof. (Dr.) John P. C., Principal

Fr. Adarsh Kumbalath, Bursar

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