

# MOOT PROPOSITION

1. Union of Indiana is a vibrant and diverse nation. It is considered as one of the fastest growing economies in the world. The government of Indiana has done a lot for making the country a dynamic blend of modern and cultural heritage with focusing on preserving the national heritage and also investing in cutting-edge technology driving a robust global presence. However, they have failed to resolve the safety and security issues prevalent in the country especially in its Capital City of Jeli.
2. In the bustling city of Jeli, Indiana, 17-year-old Neha Sharma, a bright and ambitious student, disappeared on January 10, 2023. She was reported missing by her parents, who claimed she did not return home after school. On March 15, 2023, her body was discovered in an abandoned warehouse, wrapped in plastic and showing evidence of severe physical and sexual violence.
3. An investigation revealed that four individuals, Akash Mehta (22 years old), Rahul Sharma (21 years old), Priya Iyer (17 years old), and Kunal Verma (23 years old), had kidnapped Neha. It was alleged that they held her captive from January 10, 2023 to February 20, 2023, during which she was subjected to extreme physical and mental torture, repeated sexual assaults, and neglect that led to her eventual death.
4. The post-mortem report, dated March 17, 2023, confirmed multiple injuries, including severe burns, broken bones, and internal trauma. Public outrage intensified as the news broke, with calls for strict action against the accused.
5. Adding complexity to the case, on April 5, 2023, during the trial, a Video allegedly showing Neha willingly accompanying Akash Mehta was submitted by the defense. This video was widely circulated online on a leading social media platform named 'Integra', leading to public speculation about Neha's character. The prosecution contended that the video was fabricated using AI-based deepfake technology to manipulate evidence and defame the victim. On April 15, 2023, An Expert forensic analysis by an independent organization confirmed that the video was a deepfake, but its release had already caused significant reputational harm and diverted public attention from the actual crime.
6. Complaint was made to get the video removed from social media platform Integrathrough email on April 17, 2023. However, the social media company failed to respond in time and took nearly a month to put the video down. Thereby, serving as an accomplice to further tarnishing the reputation of the victim. The video was finally taken down from social media on May 12, 2023.
7. The police filed a chargesheet on May 20, 2023, against the accused under:
  - Sections 101 (Murder), 138 (Kidnapping for ransom), 70 (Gang rape), 236 (Causing disappearance of evidence), and 3(5) (Common intention) of the Bharatiya Nyaya Sanhita, 2023 and
  - Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO).



8. Additionally, a separate case was registered against Akash Mehta and his accomplice Kunal Verma under:
  - Section 66D of the Information Technology Act, 2000 (Cheating by personation using a computer resource), and
  - Section 354 of Bharatiya Nyaya Sanhita, 2023 (Defamation).
9. The trial began on June 15, 2023, before the Jeli Sessions Court. During the trial, accused Rahul Sharma pleaded legal insanity, contending that his troubled home environment and history of familial abuse caused episodes where he acted without full awareness of his actions. This claim was supported by a medical expert, who testified that Rahul exhibited symptoms consistent with Intermittent Explosive Disorder (IED) and impaired judgment during stressful situations.
10. On December 10, 2023, The Sessions Court convicted all four accused based on confessions, digital evidence, witness statements, and the forensic report on the deepfake video, awarding:
  - Death penalty to Akash Mehta, and Kunal Verma,
  - 10 Years Imprisonment to Rahul Sharma, Considering her mental Health Condition and
  - 7 Years Imprisonment to Priya Iyer, citing her age and limited involvement.
11. The accused appealed the conviction in the Jeli High Court. After prolonged arguments, on June 30, 2024, The High Court reduced the sentences, stating that:
  - The trial court erred in not considering the mental health and socio-economic background of the accused.
  - The evidence of certain witnesses was contradictory and insufficient to establish their direct role in the crime conclusively.
  - The video being deepfake is still questionable as the national Cyber Crime Cell has neither confirmed nor denied the video being deepfake, Moreover, the video did not directly affect the primary charges against the accused.
12. The High Court commuted the sentences to:
  - Life imprisonment for Akash Mehta and Kunal Verma
  - 7 Years to Rahul Sharma
  - Priya Iyer getting the same sentence i.e., 7 Years Imprisonment.
13. A Public Interest Litigation was filed against Social Media Giant Integra on September 20, 2024 for not being quick with their response towards putting the alleged Deepfake video down.
14. The State of Jeli has filed a Special Leave Petition on January 10, 2025 in the Hon'ble Supreme Court, challenging the High Court's decision, seeking:
  - I. Restoration of the death penalty for the three male accused, citing the heinous nature of the crime and its societal impact.
  - II. Reconsideration of Priya Iyer's role, alleging that her involvement was more direct than assessed by the High Court and that she should be tried as an adult.
  - III. Stronger legal safeguards against the use of deepfake videos in judicial proceedings and stricter punishment for those who create and distribute such content.



15. The accused/respondents argue that:

- I. Priya Iyer is a Minor and other accused are young adults at the time of the crime and deserve an opportunity for reform.
- II. The evidence presented during the trial was insufficient to warrant the death penalty and the punishment awarded by the High Court should be proportionate to their roles and backgrounds.
- III. The video in question is not deepfake and does not defame the victim but it is merely an act of desperation to prove innocence.

16. The Supreme Court also merged the PIL against Integra with the present matter and fixed a date for hearing.

#### **ISSUES:**

1. Whether the High Court erred in reducing the death penalty to life imprisonment for the three male accused.
2. Whether Priya Iyer's sentence of 7 Years Imprisonment is Justified.
3. Whether the circulation of alleged deepfake video tarnished the reputation of the victim and could Integra be considered responsible for that along with the people who made it.
4. Whether the socio-economic background and mental health of the accused can be mitigating factors in cases involving heinous crimes.

#### **NOTE:**

1. The laws in the Union of Indiana and the Union of India are in pari materia.
2. The Counsels representing both sides are required to address the issues that are specifically mentioned in the moot problem.
3. The Counsels may formulate their own sub-issues in the above-mentioned issues.