AMITY UNIVERSITY

4th Amity National Moot Court Competition

8th - 10th March, 2019

Organized By:

Amity Law School, Gurugram

AMITY MOOT COURT SOCIETY

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DIRECTOR'S MESSAGE

MAJ. GEN. P.K. SHARMA (RETD.)

Director, Amity Law School

At Amity Law School, we incessantly sculpt the personality of students through Academic and Co-curricular activities which inculcate in the students the skills and knowledge essential to be an excellent advocate in the recent dynamic environment. In addition to organising Guest Lectures by eminent professionals, at ALS, we also organise Competitions and Events like Legal Conferences, Parliamentary Debates, Moot Court Competitions, Debates, and Quiz Competitions. I believe that confidence is something one should wear every day. It adorns one's personality like nothing else. The Law School endeavours to transform law students into the 'Heirs of Justice' with the help of most competent Faculty and by giving them competitive environment and inculcating in them moral, ethical and legal principles to serve the society with the finest skills acquired. Presently there are around 500 Law students in Amity Law School, who promise the world a better future and who will definitely be the change in society.

The University is blessed to provide another opportunity to all the students in the form of 4th National Moot Court Competition. I feel so proud when I see such young budding lawyers arguing so gracefully in the court rooms. The Moot Court Competition is not about winning or losing. Moot court is exceptionally important for any law student as it provides practical knowledge about various aspects of the legal system. It is an exercise for the law students before they can actually practice in courts or in any field of law.

I hereby welcome all the exceedingly talented teams to our University. Our Moot Court Society will ensure that the Competition as well as their stay at the university will nurture the participants in the best possible manner. Each one of us is striving hard to achieve the mission of our Hon'ble Founder President and Hon'ble Chancellor of making this Institution one of the most elite Institutions in the world. I also take this opportunity to convey our gratitude to Hon'ble Vice Chancellor, Deputy Vice Chancellor, Pro-Vice Chancellor and Dean of Student's Welfare for their guidance, support and blessings at each stage of this event. This event or any event of the Law School could not have been successful without their support, as they have stood with our department in every hour of need.

I wish the event a great success and may the best Team win.

BEST WISHES.

AMITY LAW SCHOOL

The **VISION** of Amity Law School, Haryana, is to strive to be a leading Institute recognised internationally and known for its socially relevant legal research and education. In pursuing its vision, Amity Law School has as its mission, the creation and sustenance of a research based academic environment which is grounded in values of social justice and excellence. The values of Amity Law School are fully aligned with those of the University with a view to create a culture that reflects these values.

The members of Amity University Law Faculty believe that, **Our community of scholars must base their pursuit of knowledge through research, teaching, and learning with membership acquired on the basis of intellectual merit, ability, and the potential for excellence.** The different perspectives arising from diverse backgrounds and histories that define our identities deepen scholarly inquiry and enrich academic debate.

We cherish: Academic freedom, creative and innovative thought, ethical standards and integrity, accountability and social justice; our staff and students, who are the faculty's core asset.

We foster: An inquiry-led and evidence-based approach of creating knowledge; and academic citizenship, whereby we commit ourselves to harnessing our intellectual abilities in the interest of our nation and humanity.

We recognise that: In a resource-constrained world where vast disparities remain, the Faculty must endeavour to produce Graduates who appreciate the importance of community engagement, entrepreneurial endeavours and innovative actions in generating employment and development in our local communities.

AMITY MOOT COURT SOCIETY

Our Motto

"To create an army of competent and conscious lawyers who shall strive towards dispensation of fair justice to one and all without fear and favour."

The Moot Court Society of Amity Law School, Haryana works through the combined efforts of exceptionally competent Faculty as well as the enthusiastic students and organises various Competitions to brush up the practical knowledge in the field of law in the students. The efforts of the Society are channelized towards grooming the law students to make them fit for the legal world. It provides them with the opportunity to get trained at working in teams by giving different challenges in order to mould their attitude and personalities and prepare them to face life situations gracefully.

Moot Court is a valuable exercise for the law students to hone both their written and oral advocacy skills in the competitive field of advocacy. It has been a part of the process of the training lawyers for decades and plays an important role in legal education at ALS Gurugram and will be organised by **''Amity Law School Moot Court Society''**.

Every year the Society manages to develop a hypothetical legal problem for the Competition that provides a decent opportunity to students to utilise their skills. It also ensures the availability of study rooms for the students to help them prepare for the Competition. The main aim of the Society is to ensure a nice and safe stay of all the Teams by looking into all necessary matters like accommodation, food, transport, security, connectivity etc.

The successful organisation of 4th Amity National Moot Court Competition is clearly on the to-do list of all the members of the Society. This event will be another milestone for the Law School as well as the University.

1st Amity National Moot Court Competition, 2016

The 1st Amity National Moot Court Competition saw thirty-six participating teams arguing on Constitutional Law related problem. The Teams from NLIU Bhopal, USLLS Delhi, Amity Law School Rajasthan and CNLU Patna made up to the Semi-Final Rounds. Finally, the top two Teams NLIU Bhopal and USLLS Delhi put their best foot forward to claim the winning trophy and were argued and judged before a dynamic panel of judges.

The Winners received Rs. 30,000 as cash prize and SCC Online Platinum Web Edition. The Runner Up Team received Rs. 15,000 and a SCC Online Platinum Web Edition. The Winners of the Best Memorial, Best Researcher and Best Speaker awards received trophies, and SCC Online Platinum Web Edition.

Winner	-	National Law Institute University, Bhopal
Runners Up	-	University School of Law and Legal Studies, Dwarka
Best Memorial	-	Chanakya National Law University, Patna
Best Speaker	-	Prateek Singh Tomar (NLIU, Bhopal)
Best Researcher	-	Saumya Kapoor (Campus Law Centre, Faculty of Law, DU)

2nd Amity National Moot Court Competition, 2017

This Competition was yet another milestone in its stride towards academic and professional excellence of Amity Law School, Gurugram. Following the active participation of 36 Teams in the last competition, this year the counting continued for 38 selected Teams battling out in this Competition to discuss and determine the standing of Constitutional Law related issues.

The Competition was graced by the presence of Hon'ble Mr. Justice G.S. Shinghvi, Former Judge Supreme Court of India, Shri Ram Jethmalani, Senior Advocate Supreme Court of India, and Shri Salman Khurshid, Senior Advocate Supreme Court of India.

The Winners received Rs. 30,000 as cash prize and SCC Online Platinum Web Edition. The runner up team received Rs. 15,000 and a SCC online Platinum Web Edition. The winners of the Best Memorial, Best Researcher and Best Speaker awards received trophies, and SCC Online Platinum Web Edition.

Winner	-	Symbiosis Law School, Pune
Runner up	-	Rajiv Gandhi National University of Law, Patiala
Best Memorial	-	Chanakya National Law University, Patna
Best Speaker (Male)	-	Mr. Rohan Priyadarshi, Symbiosis Law School, Pune
Best Speaker (Female)	-	Ms. Raina Mahapatra, Symbiosis Law School, Pune
Best Researcher	-	Ms. Khyati Lohan, Symbiosis Law School, Pune

3ru Amity National Moot Court Competition, 2018

The 3rd Amity National Moot Court Competition was another excellent opportunity for all the budding lawyers to get back in form and put their best word forward. The legacy continued and the 3rd National Moot Court was no less but only better with the active participation of 33 Teams from all over India. The event aimed at stirring the pot of advocacy in order to get the participants gulp of the potion and get trained for the world. The Constitution related Moot problem seemed not to be a shackle for the young and talented participants. The Teams from ILS Law College, Pune, School of Law Christ University, Bengaluru , Government Law College, Mumbai and School of Law, Shastra University, Tamil Nadu made up to the Semi-Final Rounds . Finally, the top teams were Christ University, Bengaluru and ILS Law College, Pune battled for the winning trophy with their argument and oratory skills and were judged by a dynamic and elite panel of judges.

The Inaugural Ceremony was graced by the presence of Shri Ram Jethmalani, Senior Advocate Supreme Court of India and member of Parliament (Rajya Sabha); Padma Shri Dr. T.K. Visvanathan; Ms. Ruby Yadav, Mrs. Universe West Asia 2015; Ms. Sushma Sahu, Former President of Mahila Morcha, Bihar and Ward Councilor, Patna Municipal Corporation. The guests for the Veldictory Ceremony were Hon'ble Justice Swatanter Kumar, Former Chairperson NGT; Shri Salman Khurshid, Senior Advocate Supreme Court of India; Mr. Anand Grover, Senior Advocate, Supreme Court of India; Ms. Geeta Luthra, Senior Advocate, Supreme Court of India, Dr. Mukulita Vijayawargiya, Eminent Lawyer, Academician and Administrator;

Winner	-	School of Law, Christ University, Bengaluru
Runner up	-	ILS Law College, Pune
Best Memorial	-	Symbiosis Law School, Pune
Best Mooter	-	Ms. Tanya Chib, GLC, Mumbai
Best Researcher	-	Mr. Nakul Mehta, Law College, Dehradun

MOOT PROPOSITION

Statement of Facts

1. Indiana is a land-locked country in Central Asia comprising of 7 states. According to the latest census of Indiana, 70% of the population of Indiana practices Hinduism, 18% adheres to Islam while the remaining 12% adheres to other religions like Christianity, Sikhism, Buddhism, Jainism and various other ethnic religions. Zoroastrianism and Judaism also have ancient history in Indiana and each have thousands of Indiana's adherences. Constitution of Indiana protects matters of religious doctrine or belief, as well as, acts done in pursuance of religious rituals, observances, ceremonies and modes of worship.
2. Arya Pradesh is the largest state in Indiana both in terms of area and population. 80% of the people residing in Arya Pradesh are disciples of Lord Jogeshwara whose temple is situated at Katra (capital of Arya Pradesh) which is of great antiquity to Lord Jogeshwara. Lord Jogeshwara Trust is the governing and administrative body devoted towards development of Lord Jogeshwara Temple and all other temples in the premises of 1001 acres of land named as Jogeshwara Akhara. Lord Jogeshwara is a deity depicting a 'hyper masculine God' born out of the union of two male Gods.
3. Pundit Ram Kishan was the pontiff in Lord Jogeshwara's temple. The temple was built around 900 B.C. and the deity in the temple is in the form of Yogi or Bramhachari. Since the deity is in the form of Nasthik Bramhachari it is therefore believed that young women between the age of 11 to 51 years should not offer worship in the temple so that even the slightest deviation from celibacy and austerity observed by the deity is not caused by the presence of such women. In short, women after menarche up to menopause are not entitled to enter the temple and offer prayer at any time of the year. Pundit Ram Kishan and millions of people of Arya Pradesh firmly believe and promote this notion that if the women between the age group of 11 to 51 years are allowed to offer prayers in the temple then celibacy and austerity observed by Lord Jogeshwara will be curtailed and the temple will lose its ancient cultural and religious significance.
4. Constitution of Indiana embodies the principles of religious tolerance that has been one of the essential characteristic of the country's civilization. Constitution also emphasizes on the secular nature of Indiana's polity which the constitution makers of the country considered to be the very basis of the Constitution. The Upper House of Indiana,

considering it necessary and expedient in national interest, passed a resolution in 1985 that parliament of Indiana should make law prohibiting the entry of women at Lord Jogeshwara temple. The parliament of Indiana, by virtue of power conferred to it through Constitution of Indiana, enacted the Lord Jogeshwara Temple (Prohibition on Entry of Women) Act in 1985. The said Act was enforced till 2016 as the said resolution of Upper House was renewed many times till 2016.

5. In 2013 Pt. Ram Kishan died because of cardiac arrest and as he had no son to be appointed as new pontiff of the temple, therefore, with unanimous consent of other priests in the temple, Pt. Kali Charan was appointed as the new pontiff. He had an influential character and connections with the local politicians of Katra due to which he later appointed his two sons (Bhanu and Kalu) as priests in the same temple.
6. Three months after his appointment as the pontiff, on 24.04.2013, Pt. Kali Charan, made a divulgation that women are not only prohibited to enter in the temple for offering prayers but they are also not allowed to go to any other land which belongs to Jogeshwara Akhara. This divulgation of Pt. Kali Charan was welcomed by majority of people in Katra.
7. Reema and Riya were the two daughters of Pt. Ram Kishan, who were law graduates from National Law College, Katra. After completing their graduation in year 2013 they along with some other women of Katra registered an NGO with the name of 'KADAM EK PEHAL' which has its registered office at Mohini Bazar Katra located around 2 kms from their residence.
8. On 01.05.2013 Reema and Riya, in the name of their registered NGO, filed a PIL before the Supreme Court of Indiana seeking issuance of direction against the Government of Arya Pradesh, Lord Jogeshwara Trust and District Magistrate of Katra to ensure entry of female devotees between the age group of 11 to 51 years to Lord Jogeshwara Temple at Katra which had been denied to them on the basis of Lord Jogeshwara Temple (Prohibition on Entry of Women) Act 1985, customs and usages as unconstitutional being violative of fundamental rights guaranteed under the Constitution of Indiana and further to pass directions for the safety of women pilgrims.
9. On 23.12.2016, Hon'ble Supreme Court of Indiana pronounced judgment with 2:1 majority allowing the petition filed by KADAM and held that *"every place of worship shall be open to all classes and sections of people, women being one of them, irrespective of any custom or usage to the contrary."* The Court further held that *"the*

practice of prohibiting women of particular age group to enter in Lord Jogeshwara Temple is violative of Fundamental Rights enshrined in the Constitution of Indiana."

10. On 24.12.2016, after receiving a copy of judgment, Reema and Riya with some other women tried to enter Lord Jogeshawara Temple for offering their prayers. On the way from their residence to temple they were stopped by protesters (including men and women) who were shouting that 'IF ANY WOMEN WILL STEP INTO THE TEMPLE OF LORD JOGESHWARA SHE WILL FACE DIRE CONSEQUENCES AND THEIR ENTIRE FAMILY WILL BE KILLED'. They further indicated Reema and Riya and shouted that they are trying to become leaders and they are the ones who are responsible for the entire chaos and Lord Jogeshwara will not condone them for this sinful act and they will die and face atrocities in hell.
11. Reema and Riya reached the gate of temple under police protection where thousands of people had gathered to stop them from stepping into the pious temple. Pt. Kali Charan had blocked the gate of the temple with his two sons Bhanu and Kalu. He directed the other priests Bhawani and Jagga to bring lathis from the temple for teaching a life lesson to the women, particularly Reema and Riya, who were trying to enter in the temple and committing a disgraceful and ignominious act.
12. At around 1:00 a.m. on 30.12.2016, Mrs Radha (mother of Reema and Riya) informed the police that her daughters have not arrived home till now and requested police to lodge a missing complaint and investigate further. However, the police denied to lodge FIR but started searching for the twin sisters. While patrolling, the police discovered a suspicious SUV in an abandoned jungle, near Mohini Bazar and towed the same to Mohini Bazar Police Station.
13. In the morning, at around 5:30 a.m., Pt. Kali Charan called the police and informed about a dead body lying near the *Sanctum Sanctorum* of Lord Jogeshwara temple. The police immediately reached the temple. As Mrs. Radha approached the police for registering the missing complaint of her daughters, they called her, and she identified the body as that of Reema. Subsequently, the body was sent for post mortem.
14. After the identification of Reema's body, on the incessant request made by Mrs. Radha, the police lodged FIR against Pt. Kali Charan, Bhanu, Kalu, Bhawani, and Jagga. The police arrested Pt. Kali Charan and his sons from the temple but Bhawani and Jagga were missing. During preliminary investigation, the police discovered a dead body from the jungle near Mohini Bazar on 31.12.2016 which was later identified as that of Riya. The

FIR was subsequently amended and all the accused were charged for murder of both Reema and Riya.

15. A lot of hue and cry emerged among the people of Katra and this issue was broadcasted on various national News Channels. A demand was made for CBI probe and subsequently, on 05.01.2017, the Government of Indiana ordered CBI inquiry into the incident. During investigation, CBI recovered 3 *Daraatis* and 2 *Lathis* and sent the same for forensic investigation. Meanwhile, CBI arrested Bhawani from his relative's house outside Katra.
16. The matter was tried by CBI Court and the Court found all accused guilty of abduction and murder of Reema and Riya, and also for the rape of Riya. The Court sentenced all of them to death. All the accused preferred an appeal against the order before the High Court of Arya Pradesh. The High Court reversed the order of the Trial Court and acquitted all the accused on the ground that prosecution had failed to establish its case beyond all reasonable doubts. An appeal against the order of High Court of Arya Pradesh was filed before the Honourable Supreme Court of Indiana in December, 2018, which had agreed to hear the appeal. (Cr. App. No. 1028 of 2018)
17. After the acquittal order passed by the High Court of Arya Pradesh, Pt. Kali Charan filed a Curative Petition in the name of Lord Jogeshwara Trust against the order of Supreme Court passed in year 2016 allowing entry of women into Lord Jogeshwara Temple, which the Honourable Supreme Court has agreed to hear. (CP. No. 111 of 2018)
18. Hot on the heels of Supreme Court's much debated and controversial judgment of December 2016, a petition had been moved before the High Court of Arya Pradesh in December 2018 by Mr. Ajay Tripathi, a social activist and director of an NGO, RAAHEE (Regional Association for Awareness in Health, Education, and Environment), seeking an end to all practices discriminatory to women and also to men of all faiths and make the act of discrimination a penal offence. The Apex Court of the country is satisfied that this writ petition also involves substantially the same question of law of general importance and has withdrawn it from the High Court for disposing it off by itself (WP. No. 1008 of 2018). The prayers which the petitioner had made to ensure an end to the discriminatory religious practices are:
    i. Direction to the centre to ensure that menstruating/non-menstruating women of any religion can enter and pray at Zoroastrian Fire Temple and Temple of Silence.

ii. To ensure that women of any religion can enter and pray at men-only temples anywhere and allow men to pray at women-only temples anywhere in Indiana.

iii. Ensuring that women of any religion can enter and pray at mosques along with men on Fridays.

iv. To ensure that women of Hindu religion can observe fast, enter in kitchen, offer prayers or to go to any place during menstruation.

v. Ensuring that women professing Hinduism/Islam/Christianity or any other religion can be ordained to be a Pujari/Purohit/Head/Priest/Bishop/Decan as per their respective religions.

vi. Ensuring that act of non-ordination to above mentioned will be held unconstitutional and attract penal provisions.

19. Realizing that the outcome of all the three cases (Cr. App. No. 1028 of 2018), (CP. No. 111 of 2018) and (WP. No. 1008 of 2018) are interrelated, the Chief Justice of Indiana clubbed them and placed them before the appropriate bench for hearing on 10.03.2019. The Supreme Court of Indiana framed the following issues:

1- Whether prohibiting women of a particular age group from entering Lord Jogeshwara Temple is violative of the Fundamental Rights enshrined under the Constitution of Indiana, and the claim for the exclusion of women from religious worship founded in religious text, is subordinate to the Constitutional values of Liberty, Dignity and Equality?

2- Whether all practices discriminatory to women, and also to men, of all faiths will be made an act of discrimination contrary to Constitutional values, and penal offences?

3- Whether the accused are guilty of abduction and murder of Reema and Riya, and the High Court of Arya Pradesh erred in acquitting them?

4- Whether all accused are guilty for committing rape of Riya?

- **The laws of Indiana are in pari material with the laws of The Union of India.**
- **This proposition must be read with the foregoing Annexure.**

Annexure 1-A

FIRST INFORMATION REPORT
(No.676 of 2016) u/s 154 of Cr.P.C, 1973

1. District: Katra **Police Station:** Disawar

2. Date: 27.12.2016

3. Type of Crime: Theft u/s 379 of IPC

4. Occurrence of Offence: 27.12.2016

5. Time From: 6:00 p.m. **Time to:** 8:00p.m.

6. Information Recorded By: Head Constable Ramphal Gupta

7. Type and Time of Information: Oral Information recorded at 11:45 p.m.

8. Place of Occurrence- Direction/ Distance from Police Station: Near Gali no. 5, Disawar, about 5 km South from the Police Station.

9. Details of the Complainant/Informant

a) Name: Jagga Ram Manik Chand s/o Shri Ramesh Chand Shukla
b) Date of Birth: 27.10.1975
c) Nationality: Indiana
d) Residence: Indra Nagar, Katra, Arya Pradesh
e) Description of crime: I went to visit my relative who lives in Gali No. 5 Disawar at around 5:30 pm. I reached there and parked my white SUV registered, AP 05 XS 8K8K outside the closed shop area. The street was not busy that evening. When I came outside at about 8:15pm after meeting my relative, I couldn't find my car where I had parked it. I thought my co-priests Bhanu and Kalu were pranking me, because they have a duplicate key of it but I called them and asked about the incident and they were also unaware about it. After repeated search done by me and my co-priests we were unable to find the vehicle. Then I came to the police station.

10. Details of Known/Unknown/Suspected accused with full particulars:

a) Unknown to the Complainant

11. Delay in Recording FIR: No Delay

Annexure 1-B

FIRST INFORMATION REPORT
(No. 442 of 2016) u/s 154 of Cr.P.C., 1973

1. District: Katra **Police Station:** Mohini Bazaar

2. Date: 30.12.2016

3. Type of Crime: u/s 302, 364, 376-D, 34, 120B IPC

4. Occurrence of Offence: 29.12.2016

5. Time of occurrence of offence: from 11:00 p.m. onwards

6. Information Recorded By: Head Constable Vijay Sharma

7. Type and Time of Information: Oral. **Time:** 7:30 a.m.

8. Place of Occurrence- Direction/ Distance from Police Station: Unknown

9. Details of the Complainant/Informant

a) Name: Radha w/o Late. Pt. Ram Kishan

b) Date of Birth: 12.04.1968

c) Nationality: Indiana

d) Residence: H.No.102/3, Mohini Bazaar Colony, Katra.

e) Description of crime: My daughters, Reema and Riya, aged 24 years did not come home last night. As they were protesting against Pt. Kali Charan and other priests of the Temple to implement the judgment of the Supreme Court dated 23.12.2016 (KADAM EK PAHAL v. Union of Indiana), they had previously intimidated my daughters to kill them as they were against the aforesaid judgment of the Honourable Supreme Court. This morning, dead body of one of my daughter Reema was found lying in the temple and my other daughter Riya is still missing. It is my firm belief that both of my daughters are abducted and killed by Pt. Kali Charan and his co-priests of Lord Jogeshwara Temple under the colour of revenge and enmity.

10. Details of Known/Unknown/Suspected accused with full particulars:

a) Pt. Kali Charan s/o Shri Amar Chand,
b) Pt. Bhanu s/o Pt. Kali Charan,
c) Pt. Kalu s/o Pt. Kali Charan,
d) Pt. Bhawani s/o Shri Dhikari Chand Dubey, and
e) Pt. Jagga s/o Shri Ramesh Chand Shukla

11. Delay in Recording FIR: No Delay

12. Post-Mortem Report: Received

Annexure 2-A

POST- MORTEM REPORT OF REEMA
POST–MORTEM REPORT No. A-312

Autopsy Number: A- 312

Name: Reema D/o Late Pt. Ram Kishan

Age: 24 years Complexion: White Sex: Female

Admitted: 30.12.2016 Time: 8:00 a.m.

Autopsy Date: 30.12.2016 Autopsy by: Dr. Vijay Raman

Identification marks: 1. Tattoo on left hand

2. Birth mark on right side of back

Body Identified by: Mrs. Radha Kishan

Brought by: PC Mr. Shaurya Arya, Mohini Bazar, Police Station.

Blood Group: B +ve

Death Expected Time: 3:00 a.m. - 4:00 a.m.

Manner of Death: Homicide

Cause of Death: Slit throat, Multifarious Stabbing wounds, battering of face and Intracranial Hematoma.

Nature of Injury	Description
• Wounds	Injecting scars on left forearm, Deep cut in mid-line of throat, Multifarious stab wounds in chest and stomach
• Bruises	Multiple bruises marks on neck, left hand, stomach and right leg
• Permanent privation of eyes	Pupil is posturing out
• Fracture/Dislocation	Mandibular fracture, multiple fracture on both the arms, Intracranial Hematoma

External Examination

The autopsy began at 8:30 a.m. on 30.12.2016. The victim was wearing a white kurta which was torn and a multi-coloured dupatta, with mud stains and sand particles. External examination revealed a well-developed white female, measuring 5'2" in height and weighing approximately 60 kgs. The hair were black, slightly brown and curly. The fingernails were of medium length and fingernail beds had turned blue. Blood stained froth was found around the mouth and nostrils. The direction of slit throat was from left to right. Carotid artery is lacerated, resulting to fatal and massive blood loss. Cause of death was slit throat, multifarious stabbing wounds, battering of face and Intracranial Hematoma.

Verified by: Dr. Vijay Raman

Annexure 2-B

POST- MORTEM REPORT OF REEMA
POST–MORTEM REPORT No. A- 314

Autopsy Number: A- 314

Name: Riya D/o Late Pt. Ram Kishan

Age: 24 years Complexion: White Sex: Female

Admitted: 31.12.2016 Time: 6:00 a.m.

Autopsy Date: 31.12.2016 Autopsy by: Dr. Vijay Raman

Identification marks: Tattoo of Lord Jogeshwara on neck

Body Identified by: Mrs. Radha Kishan

Brought by: PC Mr. Nimit Yadav, Mohini Bazar, Police Station.

Blood Group: O +ve

Death Expected Time: 1-2 days

Manner of Death: Homicide

Cause of Death: Asphyxia

Nature of Injury	Description
• Vaginal Examination	The nature of vaginal injuries suggests forceful penetration by more than two persons
• Nail Marks	Nail abrasion marks measuring 1-1.5 cm present over left side of the neck
• Bruises Marks	Different bruises were present obliquely over the right side of the neck
• Strangulation marks	The marks found of strangulation were manual in nature

External Examination

The autopsy began at 6:30 a.m. on 31.12.2016. External examination revealed a well-developed white female, measuring 5'3" in height and weighing approximately 50 kgs. The

hair were black, slightly brown and straight. Two crescent shaped nail abrasion marks measuring 1-1.5 cm were present over the left side of the neck. Diffused bruises were present obliquely over the right side of the neck. Ligature marks were present. The hymen was found to be torn. Mucosa of the stomach, small intestine and large intestine were found congested. 20cm of cylindrical rod has been inserted into it which has caused the hymnal tear into 3'0clock to 8'oclock in position. Cause of death was asphyxia as a result of manual strangulation which is homicidal in nature.

Verified by: Dr. Vijay Raman

Annexure 3

CBI INVESTIGATION REPORT

Report No: 172 of 2017 **Investigation Officer:** Randhir Singh

Crime Scene Investigation: The Investigation of the Crime Scene was conducted on 07.01.2017 from where the bodies were recovered but no conclusive proof has been found as the evidences had been tampered due to direct contact of nature.

Blood Samples: Blood which was recovered from the Crime Scene was sent for Forensic Test.

Items Recovered on: 09.01.2017

Description of the items recovered:
1. Two *daraatis* were recovered from the temple premises- one under the neem tree, having some blood stains on it and the other was recovered from the gutter tank of the Temple.
2. One more similar *daraati* was recovered from the House of Pt. Kali Charan.
3. Two *lathis* were recovered from the car which was ceased by the police

All the items were immediately sent for Forensic Laboratory Test.

Investigation of the Car: After Investigation it has come to light that the car is a white SUV. The number plate had been broken into two pieces, bearing the registration number AP 05 XS 8K8K. It was found in the custody of Mohini Bazar Police Station and is registered under the name of Jagga Ram Mohan Shukla.

Arrest made of the Accused: Arrest was made of the fourth accused person named Bhawani Das on 11.01.2017 from his relative's house outside Katra. He was caught in the state of absconding and his passport was ceased.

Interrogation of the Witnesses: After the investigation, five witnesses had come out. Witness number four, Uday Shetty was not at duty from 2 a.m. to 6 a.m. and during interrogation it came out that it was extremely cold that night due to which he went to his relative's house nearby to escape the cold.

Interrogation of the Accused Persons: The accused persons were interrogated, out of which Accused no 2 and 3 were silent and the remaining gave the statement.

Search of the Missing Accused: The search was made for Accused No. 5, named Jagga Ram Mohan Shukla but no evidences were recovered of his whereabouts.

Annexure-4

Statement of the Witnesses*
[Before the Trial Court]

The witnesses have been examined, cross-examined and re-examined and the following statements have been put on record by the court.

Persons examined:

1. Mrs. Radha Kishan
2. Mrs. Savita
3. Mr. Krishna Das
4. Mr. Uday Shetty
5. Mr. Shyam Sunder

1. Mrs. Radha Kishan

I am mother of the deceased twin sisters named Reema and Riya and I, for sure believe that the pontiff of Jogeshwara Temple, Pt. Kali Charan and his other priests, who are also the accused in this case have killed and raped my daughters. The priests were very jealous of my daughters because they both were protesting against the ancient practice. They were also being threatened by the priests. They had earlier conspired against my husband to remove him from the temple, but were unsuccessful in their attempts.

2. Mrs. Savita

My name is Savita w/o Bhawani. On the night of 29.12.2016, he came home at around 3:00 a.m. It was very cold and windy that day. I asked him from where he was coming from so late at night, but he didn't reply. After continuous questioning, he asked me to pack the bags and said that we were going somewhere out for few days. I asked him the reason for the same, to which he answered that a sinful act had been committed by him and God will never forgive him for that act, which he had committed because Pt. Kali Charan had brain-washed him and instigated him by saying wrong things about the sisters. On the very next day we went to our relative's house outside Katra. I observed him for few days and he was acting weirdly. Later, when I came to know about the brutality of the crime committed by my husband from newspapers and posters, I quickly informed the police after which they came and arrested him.

3. Mr. Krishna Das

When I was walking on the road near Mohini Bazaar at around 11:30 p.m. on 29.12.2016, I heard two girls screaming. As it was a very foggy night, I was unable to apprehend from where the noise was coming. However, I tried to follow the direction from which noise was coming and started moving towards it. I ran towards the main gate and saw four men

dragging two girls into an SUV car. I observed that all of them were wearing saffron *dhotis*. As I could not speak, I was unable to call for help and I saw them racing the car towards west.

4. Mr. Uday Shetty

I am a police head constable and I was deputed outside Jogeshwara Temple from 23.12.2016 till 05.01.2017. On the night of 29.12.2016, I saw Pt. Kali Charan inside the temple while he was chanting prayers. At around 12:00 p.m. he came outside the temple and gave the *Pooja Prasad* to me and went away. After sometime, I went away to my relative's house because it was extremely cold that night.

5. Mr. Shyam Sunder

My name is Shyam Sunder and I am the watchman of the Green Avenue Colony where the family of Pt. Bhawani resides. I remember that Pt. Bhawani did not come home on 29.12.2016. As it was very cold and I was feeling sleepy, I went to the nearest tea stall for half hour at 3:00 a.m.

*The participants are free to derive valid assumptions from the same as long as they are able to properly establish the connection between such assumptions from the above-mentioned statements.

Annexure 5

STATEMENT OF ACCUSED
u/s 161 Cr.P.C., 1973

1. Pt. Kali Charan (Accused 1)

I am very sad about the incident that happened to my friend's daughters. I live inside Lord Jogeshwara Akhara. On 29.12.2016, I was chanting prayers as it was Amawasya. I met the constable on duty and gave him *pooja parasad* and proceeded towards my residence. The twin sisters were doing the wrong thing as they were hurting the religious feelings of the devotees by their acts. Moreover, they were also giving a wrong message to the society by playing with the sentiments of the devotees of Lord Jogeshwara. My friend Pt. Ram Kishan was also a devotee of Lord Jogeshwara and this act of his daughters is a disgrace to his family. There are many devotees of Lord Jogeshwara and any of them would have killed them as they were trying to abolish the ancient custom and a lot of people of Katra were against them. I had warned them that Lord Jogeshwara will not forgive them for their sinful acts and the same has been done to them. If I would have killed them, then why would I have informed the police? I don't have any kind of enmity against them. They both have been punished by Lord Jogeshwara for their sinful acts and the same will be done against any other person who will raise voice against the Lord.

2. Pt. Bhawani (Accused 4)

I live inside Lord Jogeshwara Akhara. My family lives away from me as no women are allowed to live inside the Jogeshwara Akhara. My wife is suffering from some kind of dissociative identity disorder, so I rarely visit her. I don't know anything about the girls, who were they and what they were doing against us, but I only know that Lord Jogeshawara has punished them.

Annexure 6

Forensic Science Laboratory Report

1. **Date of Report**: 11/01/2017.
2. **Laboratory Address**: RML Katra Forensic Science Laboratory
3. **Case Pertaining to:** FIR 442 of 2016.
4. **Laboratory Tracking No**: 23
5. **Written Title for the Case**: Murder of Reema and Riya.
6. **Examinations Requested**:
    a. Examination of *Daraatis*.
    b. *Daraatis* Comparison and Identification.
    c. Examination of *lathis*
    d. Blood group analysis
7. **List of Evidence Items Received**:
    a. Three *daraatis*.
    b. Two *Lathis*
    c. Blood sample of Reema and Riya.
8. **When, how and by whom the evidence items were received**:
    Evidence received on 09/12/2016 personally by Dr. Ashish Chaddha, Chief Examiner.
9. **Examinations performed**:
    a. Examination of *Daraatis*:

Two *daraatis* recovered from the temple premises were sharp and sufficient in nature to cut a soft object like skin. The cut on the victim's neck measuring of 1.5 inches is possible to be caused by the weapons recovered.

The third *daraati* which was recovered from the house of the Accused no.1 was very blunt in nature.

b. Examination of *Lathis* and Blood Sample

The *Lathis* which were recovered from the car having blood stains were examined. The examination reveals that the blood stains found on the *lathis* matches with those of the deceased.

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