

MOOT PROBLEM

The Union of Indiana is a democratic, independent country situated in South East Asia. The socio-economic dimensions of the country are such that the constitution drafters have always favoured affirmative action in support of females and other disadvantaged communities of our society.

The Indiana Penal Code, of 1860 is the general penal statute of Indiana. Enacted in 1860, it is a comprehensive code designed to meet all substantive features of criminal law. The Act came into force in the year 1862 and has since then been amended many times. At present, the Act is enhanced by other special criminal provisions.

Babita is a 21-year-old girl who completed her LL.B degree from B.O.S.S.U (Bawa Oswal South School University) in 2012. Babita's parents were looking for a suitable match for quite some time and were enthusiastic when Babita's marriage was fixed on 25.03.2013 and the marriage took place on 25.04.2013 in Loni Ghaziabad. The groom's name is Suraj, he is a young charming person and has a plan to start his own gym. Suraj's father is a business tycoon with high political influences in the city. Babita and Suraj's marriage was a very grand affair in the city of Delhi. Guests and relatives from all around the nation came to bless the happy couple. After getting married, Babita went to her in-laws' house in Mandoli, Delhi. At the time of marriage, Babita's father gave expensive cars, clothes, utensils, jewelry, furniture, and other household things as dowry. He also gave 5 crores cash to his son-in-law, Suraj. Suraj is a jeweller and has a jewellery shop in Karol Bagh, New Delhi. A few days later, when Babita came to her father's house for a ceremony, she was silent and had marks of assault on her body. When Babita's mother asked her about the above-mentioned injuries, she told her that her in-laws were demanding cash and when she refused, they beat her a lot. After this incident Babita took two lakhs cash and went back to her husband's house. These incidents happened to be reported by Babita to her parents frequently and continued to happen. Babita's parents tried to talk through this to Suraj's parents but it was of no use & due to the political influence of Suraj's father they couldn't approach the police or take any other recourse to resolve this. On 7th of March, 2020, Suraj called his mother-in-law to inform

that Babita had died; she committed suicide by hanging herself. When Babita's parents reached her in-laws' home the police were present there and they were doing their investigation. The police officer told them that Babita's husband called and informed the police about the unfortunate event. Babita's mother told the police officer that being a lawyer Babita can never commit suicide and narrated all the incidences of assault committed against Babita for dowry. The police then lodged an FIR against Babita's husband, Suraj, and the in-laws u/s 304B, 498A & 306 IPC r/w Sec 3/4 Dowry Act, 1961. The police commenced the investigation on the matter and recorded the statements of all possible witnesses.

The provisions of Indiana law is *pari materia* with the Indian Law.

Issues-

1. Whether Babita was subjected to harassment and demand of dowry?
2. Whether Suraj is punishable for the dowry death of Babita?
3. Whether Suraj's parents are punishable for the Dowry death of Babita?
4. Whether other relatives, i.e. sisters, brother-in-laws are punishable for the dowry death of Babita?

ARREST MEMO

P.F No _____ (SEW _____ C.R.L.J _____)

1. P.S & Case Reference: _____ Date: 08/03/20

2. Name and Address of the Arrestee: 1. Mr Suraj S/o Baburam Verma

2. Mr Baburam S/o Kishore verma

3.Smt Sunita w/o Baburam

All r/o Mandoli Delhi

4. Smt Kanak d/o Baburam w/o Kamal

5,Kamal s/o Khushiram

r/o Karol bagh Delhi

3. Date. Time & Place of Arrest: · 08/03/20; 21:30 P.M. Mandoli, New Delhi

4. Name & Designation of Officer affecting arrest: Rajveer Singh, Inspector of Police

5. Ground of the arrest: Arrested on the charge of

Dowry Death: Sec 304B IPC r/w 3/ 4 Dowry Act, 1961.

6. Place of Detention: Mandoli Police station Shahdra Delhi

7. Description role of the arrestee 1:

(I) Height: 180 cm

(II) Complexion: Fair

(III) Identification Mark: Black color spot as Birth

Mark on mid of forehead

(IV) Built: Perfectly built, strong posture

(V) Face: Oval faced

(VI) Age: 34

(VII) Profession: Jeweller

(VIII) Education: Graduate

(IX) Physical Peculiarities, if any: NO

8. Details of injuries notice on the body of the

arrestee at the time of arrest: No

9. Serious ailment of disease if any: No

10. Special mention if any: NO

FIRST INFORMATION REPORT

Distt.: Shahdra

PS: Mandoli, Delhi

Year: 2020

F.I.R. No: DKLN5433/2020

Date: 08th March 2020

1. Acts and Sections

I. Act: Indiana Penal Code, 1860, Section: 304B

II Act: D.P.Act, 1961, Section 3/4.

2. Occurrence of Offence:

a) Day: Saturday Date: 7th March, 2020.

c) Information Received at P.S Date: 07th March

2020 Time: 16 .25PM

c) Daily dairy Reference: Entry No. DD No.

SHLPo_____

3.Type of information: Oral

4.Place of occurrence:

a) Address: Mandoli Shahdra Delhi

5. Complainant I information:

- a) Name: Rajveer Singh
- B) Nationality: Indian
- e) Occupation: IO, Delhi police
- f) Address: PS Mandoli Shahdra Delhi

6. Details of known/suspected/unknown accused with full particulars:

- 1. Mr Suraj S/o Baburam Verma Aged 34
 - 2. Mr Baburam S/o Kishore verma Aged 59
 - 3.Smt Sunita w/o Baburam Aged 55
- All r/o Mandoli Delhi
- 4. Smt kanak d/o Baburam w/o kamalAged 30
 - 5,Kamal s/o Khushiram Aged 33
- r/o Karol bagh Delhi

7. Reasons for delay in reporting by the complainant/Informant: No Delay

CHARGESHEET

(u/s 173 Cr.P.C.)

IN THE COURT OF THE SESSIONS JUDGE,

KARKARDOOMA

Dist.: EAST Delhi, P. S: Mandoli Shahdara police

Station, the Year 2020

FIR No.: DKLN2211/2020, Date: 8th March, 2020

Final Report/Charge-Sheet No: 3054/2020

Date: Nov 11, 2020

Name address & occupation of the complainant or

informant: Rajveer Singh, IO Delhi Police

Name and address of accused person not sent up of

trail: 1. Mr Suraj S/o Baburam Verma Aged 34

2. Mr Baburam S/o Kishore Verma Aged 59

3. Smt Sunita w/o Baburam Aged 55

All r/o Mandoli Delhi

4. Smt kanak d/o Baburam w/o kamal Aged 30

5, Kamal s/o Khushiram Aged 33

r/o Karol bagh Delhi

Chargers of Information: u/s 304B IPC r/w 3/4DP act

Magistrate: _____

Particulars of witnesses to be examined:

S/No.

Name

Occupation/Introduction

Type of Evidence to be rendered

1)

Suraj

Accused

Police Statement

2)

Rajveer Singh

Investigation Officer

Police Statement

3)

Sunita

Accused's Mother-

Police Statement

4)

Kanak

Accused's Sister

Police Statement

5)

Bansilal

Prosecution witness, Babita's father

Police Statement

6)

Anand Singh

Suraj's Neighbour

Police Statement

STATEMENT OF WITNESSES

I. Brief facts of the case: To be treated as the statement of the investigating officer

The investigation began which led to the discovery of evidence attached herein: recording of statements from witnesses.

The accused is in judicial Custody.

Name: Rajver Singh. The police began investigation on the matter and records the statements of all possible witnesses.

II. Suraj (Accused)- The middleman had arranged my marriage with Babita. Babita was a well-educated woman. But after marriage his behavior was somewhat strange. She used to act strangely. As if she was crazy. Sometimes she would hurt herself and start peeling loudly. We consulted a psychiatrist but his treatment also failed. When we told Babita's parents, they threatened to implicate us in a dowry case. One day when I was at my jewelry shop and my parents were sleeping, he suddenly hanged himself. Seeing this, my mother got scared, so she informed on the phone and I informed the police.

III. Sunita (accused's mother)- My son's fate is bad. He got married to a mad. And now she hanged herself and his parents got us jailed. My son is very simple. He does not bother anyone. My daughter-in-law has pushed me from the bed many times. After that she used to laugh. She used to threaten to hang us on refusal. Her family members used to threaten us to implicate us in a dowry case. Now we are sitting in jail in a false case.

IV. Kanak (accused's sister)- -My sister-in-law was illiterate and her mental balance was not right. Sometimes she used to sweep again and again. We were not there when all this happened, we reached Shahdara on the call of our father. I have been falsely implicated.

V. Bansilal (prosecution witness, Babita's father)- Babita's marriage with Suraj took place on 25.04.2020 in Loni Ghaziabad. After getting married, Babita went to her in-laws' house in Mandoli, Delhi. At the time of marriage, i gave clothes, utensils, furniture and other house hold things in dowry. I also gave 5 crore cash to his son-in-law Suraj. Suraj is a jeweler. He has a jewellery shop in karol bagh Delhi. A few days later, when Babita came to house for the ceremony, she was silent and had marks of assault on her body. When Babita's mother asked her about the said injuries, she told that her in-laws were demanding cash, when she refused, they beat her a lot. After that Babita took 2 lakh cash and went back to her husband's house. A week later, Suraj call to his mother-in-law that Babita had died, she had committed suicide by hanging herself .When we reached her in-laws home. The police was present there and they were doing their investigation. The police officer told to my wife that Babita's husband had called and informed them. Babita has committed suicide. My wife told to that policeman Babita could not do the suicide ,on the contrary their husband and relatives of her husband were harassing her for dowry. My wife told all the scenario to the police and also give them some information about the harassment of my daughter.

VI. Anand (accused's neighbour)- I live in Suraj's neighborhood. Sometimes I come to meet Suraj, Babita was often threatened by Suraj. I have friendship with Suraj. I used to come to Suraj's house before suraj's marriage. Suraj is a money minded boy. He always thinks about money. When his marriage was fixed, he told me that it is a rich party. I will get a lot of money; she is the single child of their parents. We will ask for a good dowry.

