



**1<sup>ST</sup> GALGOTIAS UNIVERSITY NATIONAL TRIAL ADVOCAY COMPETITION (ONLINE)**

**2020-21**

**SCHOOL OF LAW, GALGOTIAS UNIVERSITY**

**IN THE COURT OF SESSIONS, MALAKPUR**

**State of Xenon Vs Ravi, Mukul & Rahul**

**in**

**S.C. No. 246 of 2021**

1. Ravi and Mukul are childhood friends. They are now doing a Masters Degree in Political Science & Administration from the Ramaiyah College (“**College**”) in Malakpur, capital city of Xenon, Union of Hindia. Ravi is politically very active and wants to be a political leader. Mukul adores Ravi and is constantly in his company. Both belong to the Tosi Community (“**Community**”) that is not very prosperous but hardworking and industrious. The community was fighting for its inclusion in the Other Backward Class (“**OBC**”) list of the Government of Hindia.
2. Ravi contested the College Union (“**Union**”) Election and was elected as its President in 2019. He was very active in the functioning of the Union and organized several programs, protests against the Government. Majority of the office bearers of the Union belonged to the Democratic Party of Hindia (“**DPH**”). DPH was in alliance with the opposition party.
3. Ravi and his friends constantly got into altercation with other students in the College who belonged to the rival parties. But mostly it was a duel of words and the occasional physical confrontation. For this, they were reprimanded a few times by the Principal of the College.
4. Tanvi and Nidhi are students of the same College and they are final year students of B.A. Political Science & Administration. They are also members of the Union and are close to Ravi and Mukul as they all belonged to the same Community.
5. In October 2019, Ravi arranged for a protest against the arrest of Kedar Tosi for sedition. In a controversial remark, Kedar Tosi, a 22-year-old fiery leader, had allegedly advised a youth from the Community to kill policemen rather than commit suicide.
6. Kedar Tosi was a self styled leader of the Tosi Community and he had a wide following for his militant quality. People who belonged to this community have been

carrying on a prolonged agitation for the inclusion of their community in the OBC list to derive the benefits of reservation in government jobs and for admission in reputed educational institutions.

7. There was wide support for Ravi from students who belonged to Tosi Community who were quite a number in the Ramaiyah College. Tanvi and Nidhi were also present in these protests. Students belonging to other groups opposed the protest and there was a clash among the students. There was widespread arson and many of the class rooms and the furniture of the college was damaged. Police was brought in to bring the situation under control. The College was closed indefinitely.
8. The College was reopened after three weeks after assurance from the various sections of the students was given. The College was functioning normally but the atmosphere was extremely tense. Slowly the situation improved.
9. In February 2020, in C C University (“CCU”) in Malli the Capital city of Hindia, Rohan, the student union leader and the 3 other office bearers were arrested during a protest program against the “judicial killing” of Amal Guru who was hanged in 2013 for plotting against the government and for masterminding the plot to bomb the Parliament during its session in 2001. This was held during the anniversary of the day of Amal Guru’s hanging. Subsequently there was also a huge protest by the students of CCU against the arrest of Rohan and others and this drew widespread attention due to the concerted focus by the print and electronic media.
10. On March 15, 2020, Ravi egged on by his political masters organized a rally in support of Rohan urging the government to free him. They also wanted the provision on sedition from the Hindia Penal Code be removed. This protest rally was much resented by many of the students of Ramaiyah College. There was a clash among students, but due to the timely intervention of the Principal and the police, it was contained.
11. After this incident, the students who participated in the protests were looked down upon and were jeered. Tanvi and Nidhi too faced these insinuations. They complained to Ravi that two boys in particular were teasing them regularly. Many times, Ravi and Mukul escorted them to the bus stop and were with them till they safely boarded the bus.
12. One evening when all the four (Tanvi, Nidhi, Ravi & Mukul) were standing at the bus stop; the two boys came in a motorcycle and started teasing them. Ravi threatened them with dire action. They continued teasing. When a few people among the public started abusing them they left.
13. The incident repeated after 2 days on March 30, 2020. Ravi and Mukul were furious and they started pelting stones at them and they hurriedly drove away. But after a few minutes they returned and commented to Ravi and Mukul saying “*Do you think of yourself as heroes, be careful, accidents do happen often, sometime fatal.*” They

speed off in their motorcycle while showing their hands like a gun at Ravi. For this Mukul showed his fists and retorted *"let's see, who causes accidents."*

14. In the evening after College hours, a police officer accosts Ravi and Mukul and threatens them saying *"keep your trap shut and mind your own business otherwise I will have to show you my stuff"*. He also said *"I know your kind of people who support anti-nationals, I have dealt with them"*. The police officer, an inspector, Mr. Anant Sharma was earlier involved in the encounter of some local goons.
15. Later Ravi found out that one of the two motorcycle boys was Danish, the son of the MLA of the ruling party. The other was John who was his minion. Ravi and Mukul surfed the internet to find out about Danish and John. He also dug up details regarding Anant Sharma. He found from news items that he was close to the ruling party and was friendly with shady characters and goons. He was also briefly suspended in an encounter case where a local goon was killed. But he was later reinstated for want of evidence of his role in the death of the goon. Ravi discussed with his friend Rohit who is a local leader of the political party, to which the Union is affiliated. Rohit and Daksh were angry when they heard about Anant Sharma and in a fit of rage he said *"iski yeh himmat, salley ko mar dalo, kam se kam hamare neta toh khush honge"* and comforted Ravi not to be afraid or worry and the party will support and protect him, come what may. He also encouraged him by saying *"You are a hero yourself and you know what to do and how to defend yourself."*
16. Ravi and Mukul that evening sat and browsed various provisions regarding police action during riots, provocations etc. They were also browsing details regarding legal protection under self defence.
17. After a week on April 7, 2020 the boys come again to tease the girls near the bus stop. The bikers are heard saying *"come with us lovelies, life will be beautiful and no harm will come to you. You do not know who we are"*. Ravi and Mukul started pelting stones at the bikers. The people standing at the bus stop started running in panic. Suddenly the inspector comes from behind and slaps Ravi and violently threatens him saying *"I will teach you a lesson you will never forget. I have taught this lesson to many"*. During the fracas, the inspector puts his hand on his belt showing the gun holster. Mukul shouted *"he is going to shoot you, quickly escape"*. Ravi in a fit of rage runs and takes a rod that was lying down in the auto garage next to the bus stop and throws it at the inspector. The inspector not expecting this gets hit on the head and falls awkwardly on the pavement and gets hit on the head again by the stump of a tree.
18. All of this happened so suddenly. The students immediately ran away from the spot. The Police after being informed of this incident rushed to the spot and then the inspector was taken to the hospital where he was declared brought dead. Ravi was arrested along with his friend Mukul and charged with manslaughter of a police officer on duty.

19. Ravi & Mukul were arrested for the murder of Inspector Anant Sharma. They were thereafter remanded to judicial custody.
20. On completion of the investigation the police forwarded the Final Report (Charge sheet) to the Magistrate's Court. The Court took cognizance of the Report and thereafter committed the case to the Court of Sessions in Malakpur, Xenon. After complying with the statutory requirements, the Court of Sessions framed charges against the accused:
  - a) Ravi Tosi – Hindia Penal Code: Sections 186, 304 r/w Sec 34
  - b) Mukul Tosi – Hindia Penal Code: Sections 186, 304 & 109 r/w Sec 34
  - c) Rohit – Hindia Penal Code: 109 & 304 r/w sec 34
21. The defence pleaded not guilty and claimed he acted in self defence.

The case is set for Trial

**The laws of Hindia are analogous to the laws of India.**

## **LIST OF WITNESSES:**

<b>Prosecution Witnesses</b>	<b>Defence Witness</b>
1. Doctor who conducted the Post Mortem (PW 1)	1. Ravi (accused) (DW 1)
2. Coroner (Pathologist) (PW 2)	2. Mukul (co-accused) (DW 2)
3. Investigation officer (PW 3)	3. Rohit (co-accused) (DW 3)
4. Danish (PW 4)	4. Tanvi (DW 4)
5. John (PW 5)	5. Nidhi (DW 5)
6. Worker at the auto garage shop (PW 6)	6. Expert witness (can be used if required)
7. Expert witness (can be used if required)	

*[For the purposes of the competition it is to be presumed that Ravi, Mukul and, Rohit have consented to be examined as witnesses during the trial. However, as per the rules of the competition, teams may examine all or a minimum of 4 witnesses of the total number of witnesses listed herein within the stipulated time allotted to the respective teams.]*

## **LIST OF EXHIBITS:**

1. The holster carrying the gun of the victim
2. Metal Rod (weapon used to hit the victim)
3. Picture of the stump of the tree on the pavement
4. Internet browsing history print outs taken from the computer of the accused 1
5. Details of call logs between all the accused

**Exhibit 1**

**Picture of holster**



**Exhibit 2**

**Metal rod**



### **Exhibit 3**



Bus stand and the tree where Sharma was hit on his head

### **Exhibit 4**

Details of browsing made by Ravi on his personal computer between 1 April & 6 April 2020

Searches related to

1. Danish and his background
2. John
3. Inspector Sharma
4. Legal provisions related to self defence

## **Exhibit 5**

### **Extract of conversation between Ravi and Mukul & Ravi and Rohit**

Ravi mobile No: 9900900101 (Hio)

Mukul mobile no: 8780806080 (Hio)

Rohit mobile no: 8797900090 (Hio)

### **Conversation 1 (7 April 2020)**

**Ravi:** Hi Mukul, What happened to that Bas.....

**Mukul:** Suna hai saala mar gaya...Tum ne kya kiya re...

**Ravi:** What did I do? You would have done the same thing if you were in my place

**Mukul:** I don't know what to say. Why don't you call Rohit. That stupid fellow who gave the stupid advice.

**Ravi:** Don't talk like that..he did not advise anything..

**Mukul:** I don't know. You deal with him...Why don't you meet him and ask what to do now?

**Ravi:** ok ok... I will.

Cuts the call....

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### **Conversation 2 (7 April 2020)**

Ravi mobile No: 9900900101 (Hio)

Rohit mobile no: 8797900090 (Hio)

**Ravi:** Rohit ji namaskar..

**Rohit:** Namaskar Raviji.. Tell me what can I do for you..

**Ravi:** I am in trouble. You only can save me now..

**Rohit:** What happened?

**Ravi:** The boys again were teasing Tanvi and Nidhi. I pelted stones at them. That dog Sharma came from behind to attack me at the bus stand. Mukul shouted he is drawing his pistol. I was so afraid that I ran and he was chasing me...I took an iron rod that was at the auto workshop near the bus stand and threw it at him. It hit him in the head and he fell down. I ran away. Mukul too ran away.

**Rohit:** What did you do you foolish fellow.. Idiot.... Now what is the status?



**Ravi:** I don't know...I was terrified.. I just did what I thought at that time.. I hear that Sharma is dead now. That is what Mukul told me when I called him.

**Rohit:** What did you do? What did you do? You fool. You will bring disrepute to the student union and to the party?

**Ravi:** What? You only told mar dala isko and said you will protect me at all costs. Now you scold me..And now suddenly I am a liability to the party...Now only you are showing your real face..you punk.

**Rohit:** Shut up. Stop this nonsense..and don't drag my name unnecessarily into the mess you have created mindlessly.

**Ravi:** you bas....(curses)..

**Rohit:** Cuts the phone and put it off..

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### **Conversation 3 (7 April 2020)**

Ravi mobile No: 9900900101 (Hio)

Mukul mobile no: 8780806080 (Hio)

**Ravi:** Hi Mukul.

**Mukul:** Hi. Did you meet Rohit?

**Ravi:** No. I called him.

**Mukul:** What? Are you serious? Such matter cannot be discussed over phone. I asked you to meet him.

**Ravi:** No yaar...I though I will call him and then meet him.

**Mukul:** What did he tell?

**Ravi:** Bas.... He is now blaming me. He tells I am stupid and acted in haste. Saala...he only advised me .. now he denies everything...

**Mukul:** You cannot talk like that..He did not advise you...But yes he told this in a fit of rage... You better go and meet him. And don't call and discuss these things over phone & cuts the call

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## ANNEXURE - 1

### FIRST INFORMATION REPORT

1. **District:** MALAKPUR **PS:** Division 2 **Year:** 2020 **FIR No:** 2287/2020 **Date:** 7 April 2020
2. **Act:**
  - (i) Ravi Tosi: Hindia Penal Code, 1860: Sections 186 & 304 r/w 34
  - (ii) Mukul Tosi: Hindia Penal Code, 1860: Sections 186, 304 & 107 r/w 34
  - (iii) Rohit: Hindia Penal Code, 1860: Sections 304 & 107 r/w 34
3. **Occurrence of Offence:** 7 April 2020, Time from: 6.30 p.m. Time to: 7.00 p.m
4. **Information recorded by:** Inspector Rajat Sharma
5. **Type of Information:** Written / Oral: Oral complaint
6. **Place of Occurrence:** Direction/Distance from PS: about 1.5 Km east from Police Station. Beat No: 14B
7. **Complainant/Informant, Name:** Mr. Danish, Date of Birth: 16.10.1991 Nationality: Hindia, Passport No: IB5032326, Date of Issue: 11.08.2020
8. **Basis on which FIR is lodged:** 1. Oral complaint by Mr. Danish
9. **Details of Known/Unknown/Suspected accused with full particulars:** Suspected persons – Mr. Ravi Tosi, Age 23, S/o Mr. Jagjiwan Tosi and Mukul Tosi, Age: 26 S/o Joginder Tosi
10. **Reasons for delay in reporting by the complainant/informant:** NA
11. **Particulars of Injuries sustained:** NA
12. **Particulars of Post Mortem Report:** NA
13. **Post Mortem report done by:** NA
14. **Inquest report/ Unnatural death Case No. if any:** NA
15. **Contents of FIR:** The complainant has stated that he was harassed and threatened by the accused and the co-accused for reason that they used to visit the tea stall near the accused/co-accused's college. The accused threatened the complainant and his friend of dire consequences if they were seen anywhere near the college. Today as the complainant stopped for a cup of tea, the accused pounced on them and threatened them. In the meanwhile Anant Sharma (inspector and victim) intervened and tried to control the situation but the accused picked up an iron rod from a nearby garage and hit the inspector on the head. The inspector fell and hit his head on the stump of a tree and remained unconscious. The complainant called the police. The victim was taken to the hospital and declared "brought dead".
16. **Action taken (Since the above information reveals commission of offence (s) u/s as mentioned at item No.2:** Manoj Bhati, Rank: S.I. has taken up the Investigation.
17. F.I.R. read over to complainant admitted to be correctly recorded and a copy given to the complainant free of cost.

Sd/-

**Signature/ Thumb impression of  
Complainant/Informant  
Name: Danish**

Sd/-

**Signature of Officer  
Name: Namit Arora  
Rank: ASI**

**ANNEXURE - 2**

**PANCHNAMA/MAHAZAR**

On April 7, 2020 at 11.00 pm the investigating officer visited the crime scene outside Ramaiyah college (near bus stop). After observing the place and taking statements, he prepared a sketch. The following items were taken into possession in front of witnesses:

1. The murder weapon – metal rod
2. Blood sample from the metal rod
3. Finger prints on the metal rod
4. Blood sample from the stump of the tree
5. Victim's holster

Mr. Raghav Singh and Mr. Anil Seth, present on the scene and consented as eyewitnesses and have attested the Panchnama.

Sd/-

**Manoj Bhati**  
**Investigating Officer**

**Witnesses:**

Sd/-  
Mr. Deepak Mahajan  
R/o-

Sd/-  
Mr. Arpit Sawhney  
R/o-

### ANNEXURE - 3

#### **POST MORTEM REPORT HINDIA CITY HOSPITAL**

**PM No. 1**

**Date: 08.04.2020**

**Name of Decedent:** Anant Sharma

**Sex:** Male

**Age:** 45

**Height:** 6 feet 1 inches, 182 cms

**Weight:** 90 kgs

**Habits:** Alcohol consumer

**Home Address:** # 16 Surbhi Apartments, GT Road,

**Date and time of death:** About 5-6 hours before the Examination

**Identification Marks:** Scar on left eyebrow

**By:** SI Manoj Bhati

**Requisition Received On:** April 8, 2020 at 00.30 hours

**Clothes:** White shirt, blue jeans, white vest, black boxers, white sneakers.

#### **Pathological Diagnosis**

Adult male suffered brain hemorrhage due to head injury.

The following viscera were preserved and sealed for chemical analysis:

- a. Skull and the brain;
- b. Stomach and its contents;
- c. Upper part of the small intestine (about 30 cm in length and its contents)
- d. Liver not less than half kilogram;
- e. One kidney or half of each;
- f. 100ml blood; and
- g. Heart.

#### **External Examination**

The body is that of an adult male measuring 182 cm and weighing 90 kilograms. The body is athletic and consistent with the age of 45 years. The scalp is round. The nose is long. The mouth and lips are red. The tongue is white and long. Total no. of teeth present is 31 and is white. The ears are bilateral prominent. Clothed with a white shirt, blue jeans, white vest, black boxers and sneakers. Full rigor mortis. The scalp hair is white and short. Facial hair is prominent. Suggestive that the deceased has not shaved for 1-2 weeks. The corneas are cloudy. The irises are grey. The mouth contains natural teeth. The ears, nose and mouth show no abnormalities. The neck is of normal configuration and there are no palpable masses. The extremities are symmetrical and normally developed. Identifying marks include a birthmark on the upper thigh and a scar on the left eyebrow. There is no evidence of emergency medical intervention in any form whatsoever.

### **Evidence of Injury**

At the time of the post mortem there head was severely injured, the skull was cracked.

### **Internal Examination**

The organs occupy normal positions, and all the internal organs are in a state of autolysis. There are no adhesions or mass lesions.

**Head and Neck:** Brain weighs 1350 grams. Hemorrhaged

**Cardiovascular System:** The heart weighs 450 grams and is normal.

**Respiratory System:** The Right lung weighs 410 grams and left weighs 390 grams.

**Digestive System and Liver:** The stomach contains fresh food particles, which includes fruit and rice. The liver weighs 1600 grams. The gallbladder contains 9cc of bile. The pancreas is otherwise unremarkable.

**Genitourinary System;** The right and left kidney weighs 150 and 170 grams respectively. The calyces, pelvis and ureters are patent and unremarkable. The urinary bladder contains approximately 786 cc of urine.

- The intestines are unremarkable and carry partially digested mater.
- The spinal cord is intact.
- There are no signs of decomposition.
- The viscera have been preserved.

**Postmortem Concluded at:** April 8, 2020 at 06.00 hours

**Opinion:** Death due to Hemorrhage which was triggered by blow on the head. Body organs removed were sent for detailed examination.

Sd/-

**Dr. Kamlesh**  
**Medical Officer**

**ANNEXURE - 4**  
**FORENSIC REPORT**

**Examinations Requested:**

1. Skull and the brain
2. Stomach and its contents; Upper part of the small intestine (about 30 cm in length and its contents);
3. Liver not less than half kilogram;
4. One kidney or half of each;
5. 100ml blood; and
6. Heart.

**Examination of the Skull and Brain:**

There are two distinct fresh injury marks on the skull

This is a case of blunt force being used on the skull. The severity of injuries inflicted as a result of blunt force trauma is because of an object traveling at high speed causing damage to the skull. When hit hard on the head the brain shifted inside the skull and knocked against the bony surface of the skull.

When the victim fell to the ground the motion of his head halted abruptly, inertia forced the brain forward. When that happens, the brain experiences a "coup" (smacking against the front of your skull) and a "countercoup" (the same feeling, but at the back of the skull).

An impact on a small area of a curved surface, such as the head, causes greater damage than would be caused were that same impact to occur on a flat surface, such as the back, since there will be a more concentrated point of impact on the head.

The victim suffered internal bleeding which caused increased intracranial hemorrhage which lead to the victim experiencing a hypovolemic shock leading to the victim's death.

**Examination of the Liver:**

Examination of the Blood: High level of alcohol has been detected along with high level of toxins. Potassium level 2.5 mmol/l (millimoles per litre).

**Conclusion:**

Death due to intracranial hemorrhage.

**Dr. Peter**  
**Pathologist**

## ANNEXURE - 5

### STATEMENT OF WITNESSES

**(Statements under Section 161 of the Code of Criminal Procedure Code, 1973)**

**1. Ravi (accused)**

My name is Ravi Tosi. I am from the Tosi community which is a very backward and poor community in India. During childhood I saw my family and community struggle. It was very difficult for us to manage a daily living. We were subjected to one particular occupation only. We could not mingle with the rest of the crowd as we were considered outcasts. But I decided that I could change all this if I could study hard and make my way to a big city a big university and fight for my community so that we could have equal rights and live freely in the society. From a very young age I was interested in politics and the charm of it just stuck to me. I continued to work hard and got into Ramaiyah College from where I completed by graduation and am currently pursuing my post graduation in Political Science and Administration. I am actively involved in student level politics since my first year of graduation at the Ramaiyah College. I am also the President of the student union.

Politics for me is not just name and fame but hard work and safety for my fellow men. I cannot tolerate hooliganism and anarchy. I have always stood against anything that is unethical and intolerable especially misbehavior with women.

Tanvi and Nidhi are my juniors in college. They complained to me that there were two men in particular who were teasing them and making life difficult for them. They girls feared these men would do something as they looked like goons. So I and Mukul used to escort these girls till they boarded the bus back home.

One afternoon or evening, I don't remember exactly, all four of us were standing at the bus stop right outside our college, two men on a motor cycle came along and started commenting on Tanvi and teased them. Even though we were standing right next to these girls, the men had the guts to tease the girls in broad public view. This clearly showed that these men were goons and worthless scum. I shouted at them and they drove off.

This episode repeated after a couple of days. I and Mukul threw stones at the motorists and they hurriedly drove away. The motorists threatened us with consequences and threatened to kill us. They even showed their hands like guns aimed at us. I don't get intimidated by such tactics.

The same evening a police officer came along when I was standing outside the college gate with Mukul. The police officer threatened us and said that we were anti-nationals and that he would kill us if we didn't keep quiet. I did a little background check on this police officer who had a name badge Anant Sharma pinned on his uniform. I got to know that he was responsible for the encounter of some local goons sometime back.

I also asked around about the guys who came on the motorcycle to tease girls from our college. I was informed that they were Danish and John. The former being the son of a MLA of the ruling party and John was just his man Friday. I also got information that Anant Sharma was very close to the ruling party and was always

found in the company of local goons. I got a little worried but I was not afraid. I took the matter to my seniors who were local leaders of a political party who confirmed the information about Anant Sharma and told me not to get intimidated by his scare tactics.

After a week or so i.e. on April 7, 2020 the same guys on a motorcycle approached the girls and started teasing them. I and Mukul picked up stones and threw at the bikers who quickly fled the spot. As we were standing there, Anant Sharma came from behind and slapped me. He was not in uniform but I recognized him. He caught me by the neck and took his other hand to remove his pistol from the holster. I wriggled my way out of his grip and picked up whatever came into my hand and threw it at Sharma. The rod hit his head and he tripped and fell hard on his head. His head hit the base of tree and he stayed put. These goons on the bike came rushing back and called the cops. I just acted in self defence. I did not intend to kill Sharma. He tripped and fell and that's how he injured himself and succumbed to his injuries and died. I was well within my rights to defend myself.

## **2. Mukul (co-accused)**

My name is Mukul. I am currently a student at the Ramaiyah College where I am pursuing my Master's Degree in Political Science and Administration. I have Ravi's childhood friend and we still continue to be. I am also from the same community as Ravi is. Our community is very backward and poor. Our childhood was very difficult. We were treated like outcasts. And if it had not been for people like Ravi who have been visionaries, we would still be treated as outcasts. I thank god for giving me a person like Ravi to be a friend. He also is my guide and mentor. When you come from where we have come from things are not easy. We have to prove ourselves in everything we do so that the next generation which rises from our community can have a peaceful and progressive life.

I am not exactly into politics but I stand beside my friend Ravi who has lead by example and shown that it is important to fight for your rights and also to stand up against atrocities faced by weak members of the society.

One evening as we myself, Ravi, Tanvi & Nidhi (juniors in college) were standing outside the college, near the college gate. Two men came on a motor cycle and started commenting on Tanvi and teased them. Even though we were right there with the girls, the men had the audacity to tease the girls in broad public view. This clearly showed that these men were goons and worthless scum. Ravi shouted at them and they drove off.

This episode repeated after a couple of days. Ravi and I threw stones at the motorists and they hurriedly drove away. The motorists threatened us with consequences and threatened to kill us. They even showed their hands like guns aimed at us. I got a little intimidated by them but Ravi was far from being threatened by these guys.

The same evening a police officer came along when Ravi and I were standing outside the college gate. The police officer threatened us and said that we were anti-nationals and that he would kill us if we didn't keep quiet. We did a little background check on this police officer who had a name badge "Anant Sharma" pinned on his uniform. We got to know that he was responsible for the encounter



of some local goons sometime back. We also asked around about the guys who came on the motorcycle to tease girls from our college. We were told that they were Danish and John. The former being the son of a MLA of the ruling party and John was his minion. I also got information that Anant Sharma was very close to the ruling party and was always found in the company of local goons. I got a little worried but I was not afraid. I took the matter to my seniors who were local leaders of a political party who confirmed the information about Anant Sharma and told me not to get intimidated by his scare tactics.

After a week's time, on April 7, 2020 the same rotten guys came on a motorcycle towards the girls and started teasing them. I and Ravi picked up stones and threw at the bikers who quickly fled the spot. As we were standing there, Anant Sharma came from behind and slapped Ravi. I was shocked seeing this. He caught Ravi by the neck and started abusing him. He moved his hand to remove his pistol from the holster. I tried to stop him as Ravi struggled his way out of his paws and picked up a metal rod, which was lying on the ground, and threw it at Sharma. The rod hit his head and he tripped and fell hard on his head. His head hit the base of a tree and he stayed put. These goons on the bike came rushing back and called the cops. Ravi had no other option but to protect himself, he just acted in self defence.

### **3. Rohit (co-accused)**

My name is Rohit. I am a political leader. I do not understand why I am being charge sheeted and for what. From what I gather, Ravi acted in self defence. Anyone in his place would have done the same thing or some other thing in order to save themselves from a monster like Anant Sharma. I know him very well and I also know what he's best known for. He has a history of intimidating people who have the guts to stand up for what's right. He has put the name of the police force to shame and as far as I am told he was not in his uniform the time this incident happened. Those who play with fire die by it.

Ravi came to meet me one day. He wanted to know my opinion on something that happened to him. He was not afraid but wanted to know the correct way to handle the situation. I don't think there is anything wrong in advising a young friend how to handle bullies. There is always a correct way to go about and handle a particular issue. As a student union and a popular student it is his bounden duty to take charge of the situation especially one which happens in front of his eyes. How can hooligans be supported by the state machinery i.e. the police.

I have known Ravi for quite some time now. He is a good friend and a very responsible citizen of this country. He has always stood what's right and never shied from taking sides. He is very hard working and intelligent. He has shaped himself to be the student union leader which considering his background and the community from which he comes from is a wonder in itself. I'm sure "Truth will be victorious" as is the motto of our nation.

### **4. Tanvi**

My name is Tanvi and I am a student at the Ramaiyah College pursuing my graduation in Political Science and Administration. I also do modeling and thus

have to make sure I look good all the time. I also hail from the Tosi Community but it is not because of this that I became friends with Ravi and Mukul. When I joined college, they were the ones who would always step up for the students or even the college for any problem whatsoever. As we all are pursuing the same course we shared a common ideologies and goals in life.

After Ravi organized a rally for Rohan, we were looked down upon in our own college. People would often comment on us. But there were two guys who in particular created a lot of problems for me and Nidhi. Nidhi is my class mate in college and we are very close friends.

I complained to Ravi about these guys teasing us regularly so Ravi as an elder brother willing offered to accompany us to the bus stop and be with us till we boarded the bus. To my utter shock, even though Ravi and Mukul were with us, these guys came on a motorcycle and started passing comments on me and Nidhi as if we were all alone. Ravi warned these guys and told them to stop all this nonsense but they shamelessly continued till a few people standing nearby created a ruckus.

The same thing happened a couple of days later. Ravi and Mukul started pelting stones at the bikers. But as we calmed down, these guys returned and threatened to hurt Ravi and Mukul. They said something like “fatal accidents can happen”.

After a week or so, the same incident repeated once again. They biker guys started teasing us with filthy comments. Ravi and Mukul started pelting stones. Suddenly out of nowhere this tall guy comes from behind and grabs Ravi by his neck and rattles him. Everyone around panicked and fled the scene. The tall guy reached for his gun which was buckled up in his holster. Mukul shouted something and jumped on the tall guy who I think might be a cop (colour of the holster looked like what normal cops carry their guns in).

Both Ravi and Mukul Struggled with the cop and finally Ravi cut lose and reached for a stick or pipe which was lying on the side of the road and threw at the cop. The stick hit him on his head. The cop lost balance and fell to the ground hitting his head on the tree stump. He held his head in his arms and collapsed. The biker guys came rushing and called the police. We four were just standing in shock. The provocation was so sudden and grave that none of us knew what happened.

## **5. Nidhi**

My name is Nidhi and I am a student of Ramaiyah College. I am pursuing a bachelor’s degree in Political Science and Administration. I too hail from the Tosi Community.

I am here only because of Ravi. We are family friends and it is only because of him that I was pushed into pursuing my higher studies. He always encouraged me to push myself and work hard so that our community would get equal status in the society. This was a great motivating factor for me.

When I came to Ramaiyah College, Ravi and his friend Mukul whom I also know since childhood supported me in college and encourage me all the time to be actively involved in college affairs. Thus, I along with Tanvi were always involved with all the affairs where Ravi and Mukul were involved. I learnt a lot

from them. After Ravi and Mukul lead a rally urging the government to free Rohan, we were under a lot of pressure and ridicule even in our own college. But nothing that would put fear in our hearts or discomfort us except for two guys who would come and tease me and Tanvi whenever we stepped out of the college premises. It was as if they were watching us. They would pass lewd comments and make obscene gestures. We were very distressed due to this. So we complained to Ravi who was kind enough to accompany us to the bus stop.

The other day all four of us were standing and these guys came and started the usual teasing as if we were standing all alone. Ravi got angry and tried to chase these guys away but they continued teasing us and left only when the people around us created a commotion. This happened time and again. The goons threatened to hurt Ravi and Mukul.

One evening we all were standing outside the college gate when the biker came and started teasing us. Ravi and Mukul pelted stones and chased the bikers away. Suddenly a tall guy came crashing in throwing me to the ground. All that I was holding in my hand also fell down and I started gathering my stuff. By the time I looked up everyone was silent and staring at the tree. I did not realize what had happened. It was so sudden.

#### **6. Worker at the Auto Garage:**

My name is Jatin. I work at the auto garage right next to Ramaiyah College. I open and shut the garage. The garage remains closed if I am on leave. But mostly I can't afford to keep the garage closed as it is the only source of bread for me and my family.

I know Ravi and his friend very well as they are always involved in some ruckus or the other. I detest from such people who think that they know everything and try to be vigilantes.

People like them create false hopes as they are bad examples in the society. You must be wondering how an auto mechanic can analyze and know so much. Well just to remind you that never underestimate the power of a common man. I live in practicality and not in my phone or the social media.

I knew this day would come when Ravi and his friend would get caught. It's just natural for them to find and get into unwanted trouble.

On April 7, 2020 I exactly don't remember what happened but I saw Ravi and his friend fighting with tall guy. They were struggling with this guy. Ravi ran towards my shop and picked up a rod hit it on the ground almost taking my feet away and threw it at the tall guy. The rod hit his head and he fell with a thud to the ground. I guess he died instantly. He just didn't move.

## ANNEXURE - 6

### REPORT OF INVESTIGATION OFFICER U/S 173 OF THE CRPC

In the Court of the Chief Judicial Magistrate, Hindia

1. District: Malakpur PS: Division 2, Year: 2020, FIR No. 002287 Date: 07.04.2020
2. Charge sheet No. 27/2020
3. Date: 14.08.2020
4. Acts/ Section(s) :
  - a) Ravi Tosi – Hindia Penal Code: Sections 186, 304 r/w Sec 34
  - b) Mukul Tosi – Hindia Penal Code: Sections 186, 304 & 107 r/w Sec 34
  - c) Rohit – Hindia Penal Code: 107 & 304 r/w sec 34
5. Type of Charge sheet: Charge sheet against: (i) Ravi Tosi, (ii) Mukul Tosi, and (iii) Rohit
6. Offence as mentioned did occur as per the contents of the FIR.
7. Original Charge sheet, supplementary to follow against the rest of the accused.
8. I.O.: Manoj Bhati: SI
9. Complainant: Mr. Danish
10. Date of properties/Articles/Documents Recovered/seized during investigation and relied upon: Recovered vide Panchnama dated 07.04.2020
11. Particulars of accused persons charge sheeted:

S. No.	Name of the Accused	Status of the Accused
1.	Ravi Tosi	In Custody
2.	Mukul Tosi	In Custody
3.	Rohit	In Custody

12. FIR is not false.
13. Result of the forensic report attached
14. Brief facts of the case:
  - i. On 7 April 2020, the police received a complaint from Mr. Danish, a student of Ramaiyah College, Malakpur that Ravi and Mukul, students of the same college had hit Inspector Sharma with an iron rod and the inspector had fallen unconscious at the bus stop near the college.
  - ii. The police immediately reached the spot and took Sharma to the Hindia City Hospital, where he was declared brought dead.
  - iii. Ravi and Mukul are Post Graduate students of Political Science and Administration at Ramaiyah College, Malakpur. They are childhood friends and found always together. They belong to the same Tosi Community. Ravi is the leader of the Union and Mukul an office bearer. They are quite active in the Union activities. This earned them lot of friends as well as adversaries. Getting into trouble is not new to them. The union is affiliated to Democratic Party of Hindia (DPH). The party is fighting against the government for the inclusion of their community in "OBC" list. The leader of the DPH is a fire brand leader and is booked

for sedition for inciting the party members to kill a few policemen rather than commit suicide for the cause.

- iv. Ravi organized two protests at the college. One against the detention of their leader Kedar Tosi and for scrapping of sedition laws. The other was in support of Rohan of CC University. Rohan and two others were detained under sedition for organizing a protest on the anniversary of the hanging of Amal Guru, the mastermind behind the plotting of bombing the parliament. These two protests created wide spread hatred in the Ramaiyah College against Ravi and Mukul.
- v. Tanvi and Nidhi are final year students of under graduate course at Ramaiyah College. They are members of the Union and are close to Ravi and Mukul. They are members of the union and were staunch supporters. They complained to Ravi that two students regularly tease them at the Bus stop.
- vi. Ravi and Mukul mostly accompanied them in the evening to the bus stop and saw that they safely board the bus home. During this time they had chased the two boys Danish and John several times. Danish is the son of an MLA of the ruling party. John is his friend. On enquiry Danish and John said that they were merely talking to a few friends at the bus stop. Ravi and Mukul threatened them and threw stones at them. For this they had complained to Inspector Sharma who is known to them.
- vii. On 30 March 2020 Inspector Sharma had warned Ravi and Mukul for obstruction of carrying out his duty and there was some exchange of harsh words between them.
- viii. It appears that Ravi and Mukul were a little perturbed after this and had contacted Mr. Rohit, a local leader of DPH. This was confirmed by the record of the telephonic conversation between Ravi, Mukul and Rohit. In the meeting Rohit had incited Ravi and Mukul to be more aggressive and in a fit of rage has told to kill Inspector Sharma if need be.
- ix. I have gone through the personal computer of the Accused I and found that he had researched on details of Danish, John and Inspector Sharma and also legal provisions regarding protection under self defence.
- x. On 7 April Accused 1 & 2 were expecting some confrontation from the police especially Inspector Sharma and were well prepared for it.
- xi. From the investigation conducted by me, I submit the following
  - a. Ravi and Mukul had obstructed Inspector Sharma from discharging his duties.
  - b. They had met Rohit and discussed how to deal with Inspector Sharma
  - c. Researched on the backgrounds of Danish, John, Sharma and also the legal provisions regarding protection against self defence.
  - d. Motivated enough to prove their worth to their political bosses
  - e. Were prepared to confront Inspector Sharma
- xii. Therefore, there is probable cause that Ravi be tried for offences punishable under sections 186, 304 read with section 34 of the Hindia Penal Code, Mukul for offences punishable under sections 186, 107 & 304 read with section 34 of the Hindia Penal Code and Rohit for offences punishable under sections 107 & 304 read with section 34 of the Hindia Penal Code.
- xiii. Notice served and dispatched.

Sd/-  
**House Officer**

Sd/-  
**Investigating Officer**