

NARI GURSAHANI LAW COLLEGE
14TH DADA NARI GURSAHANI FESTIVAL-VIDHI MANTHAN 2023

MOOT PROPOSITION

Alok Kumar and Surabhi Singh met on a dating app, Kinder, and developed likeness towards each other. They started dating each other and decided to be in live-in relationship. Alok was a Chef by profession and Surabhi was employed in the Telecom department of a reputed Multi National Company. Surabhi's parents were against her relationship with Alok and hence Surabhi took a flat on rent in Delhi and started living with Alok. Alok was temperamental and during arguments and oral fights, he used to hit Surabhi. The fights usually ensued due to expense sharing of the household and extravagant nature of Alok. Surabhi who was looking after the expenses often entered into oral arguments with Alok. The fights increased with time and the physical abuse turned violent at times.

On April 10, 2022 at around 9.00 pm, the couple got into argument over some money issue; the fight escalated and Alok strangled Surabhi. He stored the dead body of Surabhi in the bathroom overnight. The next day he went to buy a knife and a fridge. He then cut the dead body into 50 pieces, packed them in bags and stored them in the fridge. Thereafter, he kept disposing the body parts in the nullah, nearby forest over the next ten days. Surabhi though estranged from the family was connected to her mother. She had on many occasions informed her mother about the physical abuse. After a couple of weeks, the mother got suspicious about her well being and started calling her and eventually found her missing. She lodged an FIR against Alok. The police officer of the concerned police station arrested Alok and interrogated him where Alok confessed to the commission of crime and narrated the whole instance of murder to the investigating officer. During investigation, the officer found net banking transaction from Surabhi's bank account on the day of murder. Alok confessed that he was fed up of Surabhi's behaviour and was planning to kill her. He said that he watched web series on crimes and developed a way of getting rid of Surabhi and disposing her body without being caught. He revealed that being a chef, he knew the use of knife to cut meat. He used his knowledge to preserve her body and dispose it off accordingly.

The police officer during investigation discovered some body parts of Surabhi along with the weapon used for the commission of murder and sent it for DNA analysis to the forensic lab for identification of the body and also to the serologist for their report.

The Police Report (Chargesheet) was filed in the Sessions Court where the Court framed charges against Alok under sections 302 and 201 of Indian Penal Code, 1860 for murder and disappearance of evidence. The prosecution produced 14 witnesses to the court which included Surabhi's mother, her neighbour and an auto rickshaw driver and all the three witnesses had witnessed fights between the couple and their sour relationship. The forensic expert Dr. Dheeraj Shukla from Delhi FSL was also examined by the court. He confirmed that the body parts were of Surabhi. The whole prosecution case was based on circumstantial evidences to prove the guilt of accused.

The Sessions Judge appreciated the evidences adduced and passed death penalty against the accused which was confirmed by the Hon'ble High Court of Delhi. Alok challenged the death penalty in appeal. The High Court relied upon the decision passed by the Session Judge upheld the death penalty. Being aggrieved by the decision of the High Court, Alok moves the Supreme Court to challenge the impugned judgement. In the appeal, following issues arose for consideration before the Hon'ble Supreme Court-

1. Whether the appeal is maintainable?
2. Whether the doctrine of 'Rarest of rare case' is applicable in this case?
3. Whether the punishment based on circumstantial evidence is justified?
4. Whether the confession given by Alok is admissible in the case?
5. Whether the testimony of forensic expert is admissible as a substantive evidence; and is sufficient to inflict death penalty upon the accused?

THE END