



Sinhgad Technical Education Society's  
**Sinhgad Law College,**  
Ambegaon (Bk.), Pune.

(Approved by Bar Council of India, Recognized by Govt. of Maharashtra & Affiliated to Savitribai Phule  
Pune University, Pune)  
(Accredited by NAAC with 'B' Grade)

Organizes  
**SECOND SMT. KASHIBAI NVALE MOOT COURT COMPETITION, 2016**

**Inauguration by**  
**HON'BLE SHRI. S.D. Gundewar**, Former Justice of Bombay High Court.

On Saturday, 13<sup>th</sup> February, 2016

#### **ABOUT SINHGAD TECHNICAL EDUCATION SOCIETY:**

Sinhgad Technical Education Society was established with an objective to provide quality education from school to post-graduation programme in all disciplines. At present, Sinhgad Technical Education Society and its associates are running 117 institutions, housed in fully developed campus, imparting education to approximately 70,000 students. The locations of these campuses are in pollution-free, lush green and picturesque environment conducive to learning. All campuses have excellent hostel facilities and other student's amenities like well-equipped Central Library, Internet Facilities, Auditoriums, Seminar Halls, Open-air Theatre, ATM Centers, Clinics, and Market for essential commodities, Banks etc.

#### **ABOUT SINHGAD LAW COLLEGE, PUNE:**

Sinhgad Law College is situated in the spacious location at Ambegaon (Bk.), STES Ambegaon Campus, Pune, a pollution free and lovable place, providing congenial environment, conducive to all round development of the students.

Sinhgad Law College was established in the year 2003 under the dynamic leadership of Prof. M.N. Navale. The college offers career in legal studies through LL.B. (Three Years) and B.A. LL.B. / B.S.L., LL.B. (Five Years) courses. The College also runs the other specialized courses like Diploma in Labour Laws and Labour Welfare, Diploma in Taxation Laws and Certificate Course in Forensic and Medical Jurisprudence. There is well qualified Teaching Staff, well-equipped Library, separate Computer Laboratory and other infra-structural facilities conducive for learning and development.

Our commitment is to impart quality education through highly qualified and experienced lecturers along with clinical educational inputs through Moot Courts, Debates, Legal Literacy Camps and Research activities.

With a view to provide practical experience and to inculcate lawyering skills among the students, Sinhgad Law College is organizing the Moot Court Competition on Saturday, 13<sup>th</sup> February, 2016 in the memory of Smt. Kashibai Navale, the source of inspiration behind entire Sinhgad Institutes.

## RULES FOR MOOT COURT COMPETITION:

1. **Title:** The Moot Court Competition will be called as '**Second Smt. Kashibai Navale Moot Court Competition, 2016**'.
2. **Date:** The Competition will be held on Saturday, 13<sup>th</sup> February, 2016 as per schedule.
3. **Venue:** The Competition will be held within the premises of Sinhgad Law College, Ambegaon (Bk), Pune.
4. **Registration:** Teams must register on or before Saturday, **16<sup>th</sup> January, 2016**.
  - i) The hard copies of the registration form and Cash / Demand Draft must be submitted to Sinhgad law college, Pune on or before 16<sup>th</sup> Jan 2016 before 5.00 PM.
  - ii) The formal registration of the teams will be done on the date of the competition between 8.00 am to 9.00 am. Spot registration will not be allowed.
5. **Registration Fees:** The registration fees will be **Rs. 700 per team** which comprises of two members i.e. two speakers.
6. **Mode of Payment:** Registration fees can be paid in cash or through Demand Draft drawn on any Nationalized Bank. DD must be drawn in favor of '**Sinhgad Law College**', payable at **Pune**. Fee includes registration, breakfast, and lunch. Cash payment of registration fees can also be made in the administrative office of Sinhgad Law College, Pune. Fees should be paid on or before **16<sup>th</sup> January, 2016**.
7. **Language:** The official language of the Competition is English. The memorials as well as oral submissions have to be made in English language only.
8. **Eligibility:** The Competition is open for the students pursuing FIVE YEAR LL.B. program or THREE YEAR LL.B. program from any law college recognized by their respective universities and by Bar Council of India and situated within the State of Maharashtra. The students must have a valid identity card of the concerned college of academic year 2015-2016.
9. **Team Composition:**
  - i) Each team must consist of two members.
  - ii) Any additional member will not be entitled to any local hospitality or award or prize or certificate in the competition.
  - iii) If any member of the team is found to resorting to unfair means, the team shall stand disqualified from the competition at any stage.
10. **Accommodation:** The teams from outside Pune district will be provided with overnight accommodation at their request. The Teams are requested to communicate to us their travel and accommodation plans along with the registration form. Participants to whom accommodation is provided, they should report to co-coordinator on 12 February 2016. This accommodation facility is for one day so participant should leave accommodation place at 7.30 pm on 13 February 2016.
11. **Dress Code:** The participating members are required to be formally dressed in black and white.
12. **Structure of the Competition:**
  - i) **Formal Registration:** It will be done on the day of the competition i.e. 13<sup>th</sup> February, 2016 between 8.00 am to 9.00 am.
  - ii) **Drawing of lots:** Drawing of lots will be done on 13<sup>th</sup> February, 2016 from 9.00 am to 10.00 am wherein the teams will get their opponent teams, their court room in which preliminary round will be held and also will get the memorials of the opponent team. Both the speakers of the team will present from one side only and the side will be allotted to them at the time of drawing of lots through chits.
  - iii) **Inauguration:** The formal commencement of the Competition shall commence with the inauguration on 13<sup>th</sup> February, 2016 at 10.00 am
  - iv) **Rounds:** The Competition will be held in two rounds as under:
    - a. Preliminary Round
    - b. Semi Final Round
    - c. Final Round
  - v) **Memorials:**
    - a) Memorials must be submitted in five copies for each side (appellant & respondent).
    - b) Color Code: **Red** Cover for **Appellant**, **Blue** Cover for **Respondent**.

- c) Typed on A4 size paper with one side printing, Font: Times New Roman, Font Size: 12, Spacing 1.5, Footnote Font: Times New Roman, & Font Size: 10.
- d) Memorials must contain: I Title page, II Table of Contents, III Statement of Fact, IV Statement of Jurisdiction, V Statement of Issues, VI Arguments Advanced VII Prayer, VIII Bibliography
- e) Last date for submission of memorials is **30<sup>th</sup> January, 2016** before 5.00 pm.
- f) Once you submit your memorials it will not be returned to you by Organizer.
- vi) **Time:** Each team at all the rounds will get 20 minutes to speak (10 minutes each speaker), 5 minutes for rebuttal and 5 minutes for Judge's questions. Thus, in all, each team will get 30 minutes. If the team is not interested in doing rebuttals then five minutes reserved for rebuttals can be used up at the time of initial submission itself.
- vii) **Preliminary Round:**
  - a. The Preliminary Round will start sharp at 11.15 am.
  - b. The Preliminary Round will be held simultaneously in different Court Rooms and in each Court room there will be two judges.
  - c. One team from one court room who scoring highest marks in preliminary round will be selected and will go for the semi Final Round. So there will be eight teams in the semi Final Round but two teams should not from same court room.
- viii) **Semi Final Round:**
  - a. Semi Final round will start at 2.15 pm.
  - b. There will be eight teams who had scored highest in preliminary round, will participate in the semi Final Round.
  - c. Moot court problem will be same for semi final round.
  - d. The Semi final Round will be held simultaneously in different Court Rooms and in each Court room there will be two judges.
  - e. One team from one court room who scoring highest marks in Semi Final round will be selected and will go for the Final Round. So there will be two teams in the Final Round but two teams should not from same court room.
- ix) **Final Round:**
  - a. Final round will start at 4.30 pm.
  - b. There will be two teams but not from same court, who had scored highest in Semi final round, will participate in the Final Round.
  - c. Final round will be conducted in the moot court hall and there will be three judges.
  - d. Moot court problem will be same for final round.

**13. Assessment Criteria:** The decision of the judges will be final and no disputes will be entertained with respect to it. The following will be the Marking Criteria and the marks will be given to each speaker by the judges in each round.

Sr. No.	Marking Criteria	Marks Allocated for pre round	Marks Allocated for Semi Final & Final round
1	Knowledge of Facts	16	20
2	Application of Legal Principles	16	20
3	Use of Authorities and Precedents	16	20
4	Response to Judge's Questions	16	20
5	Presentation skills	16	20
6	Memorial of Both Side (appellant/respondent)	20	
	Total	<b>100</b>	<b>100</b>

**14. Awards:**

- a. **First:** Rs 6000 Cash + Trophy + Certificate
- b. **Second:** Rs 3000 Cash + Trophy + Certificate
- c. **Third:** Rs 1000 Cash + Trophy + Certificate
- d. **Best Memorial:** Trophy + Certificate
- e. All participants will be given a Participation Certificate.

**15. Contact Details:**

- a. **Postal Address:** Sinhgad Law College, S. No. 10/1, S.T.E.S. Ambegaon Campus, Ambegaon (Bk.), Pune – 411041.
- b. **Email Id:** principal\_slc@sinhgad.edu                      **Website:** www.sinhgad.edu
- c. **Phone: 020-24350595**    **Fax: 020-24350595**
- d. **Contact Persons:** Mr. Shivshankar Kalshetti (Co-ordinator) Mob no. 7769921210  
Mrs. Manjusha Mudgalkar (Asst. Co-ordinator) Mob no. 9420177275

**16. Annexure:**

- i) **Moot Court Problem And**              ii) **Registration Form with Schedule of programme**

**Note: The decision of the organizers of this moot court competition, regarding any dispute will be final.**

**IMPORTANT DATES**

Sr. No.	Date	Time	Events
1	16-Jan-2016	Up to 5.00 pm	Last date for Registration of Teams
2	23-Jan-2016	Up to 5.00 pm	Last date for seeking clarifications in the Moot Problem or Rules, if any.
3	30-Jan-2016	Up to 5.00 pm	Last date for submission of hard copy of Memorial and Compendium.

**SCHEDULE OF PROGRAMME OF MOOT COURT COMPETITION, 2014-2015**

1	13-Feb-2016	8.00 to 9.00 am	Formal Registration of Teams & Breakfast at Sinhgad Law College, Pune.
2	13-Feb-2016	9.00 to 10.00 am	Drawing of Lots
3	13-Feb-2016	10.00 to 11.00 am	Inauguration of Second Smt. Kashibai Navale Moot Court Competition 2016 by Hon'ble
4	13-Feb-2016	11.00 to 11.15 am	Tea Break
5	13-Feb-2016	11.15 to 1.15 pm	Preliminary Rounds at Sinhgad Law College, Pune.
6	13-Feb-2016	1.15 to 2.15 pm	Lunch Break
7	13-Feb-2016	2.15 to 4.15 pm	Semi Final Rounds
8	13-Feb-2016	4.15 to 4.30 pm	Tea Break
9	13-Feb-2016	4.30 to 5.30 pm	Final Rounds at Moot Court Hall, Sinhgad Law College, Pune.
10	13-Feb-2016	5.30 to 5.45 pm	Tea Break
11	13-Feb-2016	5.45 to 6.15 pm	Prize Distribution & Valedictory Session.

**CHIEF PATRONS**

Prof. M.N. Navale  
Founder President, STES, Pune

Dr. (Mrs.) Sunanda M. Navale  
Founder Secretary, STES, Pune

Mr. Rohit M. Navale  
Vice-President (HR), STES, Pune

Mrs. Rachana Navale - Ashtekar  
Vice-President (Admin.), STES, Pune

**CONVENER**

Dr. H.G. Kulkarni  
Principal, Sinhgad Law College, Pune  
Mob: 9822072275

**CO-ORDINATOR**

Mr. Shivshankar G. Kalshetti, Asst. Professor  
Mob: 7769921210

**ASST. CO-ORDINATOR**

Mrs. Manjusha A. Mudgalkar, Asst. Professor  
Mob: 9420177275

**VENUE**

Sinhgad Technical Education Society's  
Sinhgad Law College,  
S.No.10/1, Ambegaon (Bk.), Pune-411 041  
**Phone No:** 020-24350595  
**Fax No:** 020-24350595  
**Date:** 13<sup>th</sup> February, 2016  
**Time:** 8.00 a.m. to 6.15 p.m.

## ANNEXURE II

## SECOND SMT. KASHIBAI NVALE MOOT COURT COMPETITION 2016 REGISTRATION FORM

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1. **Name of the Institution:** \_\_\_\_\_

2. **Address of the Institution:** \_\_\_\_\_

3. **Email Id & Contact details of the Institution:** \_\_\_\_\_

4. **Details of Payment**

**DD**  **Cash**

DD Number	Amount	Date	Name of Drawer Bank

5. **Details of Team Members:**

	Name	Contact No	Email Id	Class	Photo
Speaker No. 1					
Speaker No. 2					

**Seal and Signature of the Head of the Institution**

## MOOT COURT PROBLEM

**National Commission Of Women And State of Saurashtra V. Rajendra**

1] Anita then aged 21 years, committed suicide by consuming aluminium phosphide tablets on 24th April, 2005, A suicide note Ex. P. 4 (G) found near her body was proved to be written in her hand. In the suicide note, she pointed out that she had taken tuitions from the accused, Rajendra, at her residence in Model Colony and during that period had developed a deep friendship with him leading to physical relations as well. He also held out a promise of marriage but later backed off and when she remonstrated with him and reminded him of his promise he threatened to expose and defame her in case she insisted on meeting him. She stated in the suicide note that the accused continued to have sexual relations with her but also compelled her to have sexual relations with others as well. Frustrated and feeling exploited, Anita thus committed suicide. Rajendra's age at the time of Anita's death is 29 years.

2] The suicide note Ex. P. 4 (G) reads as under:

I, Anita used to take tuitions in chemistry from Rajendra. Since I had taken late admission some part of the course was missed and in order to complete the course Rajendra used to take extra classes for me. I was afraid of Rajendra from the very beginning and used to feel hesitant while speaking before him. While taking extra classes Rajendra told me to speak freely on all the issues and should treat him as a friend. He told me to come to his house and take notes from him which would help me at the examination. I went to his house with my friend and he gave me some books and notes. He called me again to his house to give me notes. He gave me some sweets saying that it was Prasad. When I eat the sweets I don't know what happened to me because I felt extremely good pertaining to whatever he said. After that he said that he wanted to make friends with me. On his calling me to his house I went there as he spoke very sweetly with me. He said that we could become good friends and much more. I don't know what spell he had cast on me because I started doing everything as per his asking. He established physical relations with me and I did not realize what I was doing. He said that we should not commit a mistake. One day he gave me "Mala-D" tablets. I knew why the tablets had to be taken and hence got stunned on seeing the tablets. I asked him why was he giving the tablets because he had told me that we would not do wrong acts. He enticed me with a promise of marriage.

I was so trapped by him that neither was I in a position to do anything against him or tell anyone else of the same. Time passed and the relations continued. Soon his behaviour changed and he started harassing me. Threatening to defame me he compelled me to submit my body before another person as he had to seek some favour from that person. Therefore, I had to attend to that person and make him happy otherwise Rajendra would have defamed and ruined me. I am harassed by his atrocities. Rajendra, whose real name is a devil and not a human being. He has spoiled me. Rajendra has ruined me. Rajendra has not left me in a position to show my face to the society. Rajendra has made life hell for me. Therefore, I have no option but to embrace death. Therefore, being harassed by the atrocities of Rajendra and to save myself from being defamed I am committing suicide. It is only Rajendra who is responsible for my death."

3] Suresh PW-5, the brother of the deceased who had removed her to the hospital at around 11.00 PM on 24.4.2005 deposed that when he saw his sister vomiting all of a sudden and on his asking told him that she has consumed sulphas tables, he asked the reason thereof, upon which she told him that Rajendra had developed intimacy with her and had been giving her Mala-D tablets. He deposed that she told him that when she refused to have physical relations with him he threatened to defame her. He deposed that his sister had told him that she was left with no alternative but to take her life.

4] The doctor namely Dr. Gaurav PW-9, who conducted the post-mortem of Anita recorded that private part of the deceased admitted three fingers comfortably and the hymen showed old healed tears.

5] The learned Additional Sessions Judge, Sune Courts, Saurashtra, by his judgment dated 11st May, 2010, relying primarily on the dying declaration which was the suicide note, convicted the accused under Section 306 of the IPC

and sentenced him to rigorous imprisonment for 10 years with a fine of Rs. 5,000/- and in default of payment of fine, to undergo rigorous imprisonment for six months in addition, and to imprisonment for life under Section 376 of the IPC and a fine of Rs.5000/- and in default, to undergo rigorous imprisonment for six months; both the sentences to run concurrently.

6] An appeal was thereafter taken by the accused to the High Court. The High Court vide the impugned judgment held that a case under Section 306 was not made out and the accused was entitled to acquittal under that provision.

7] But on the question of the offence under Section 376 observed as under: "Considering the totality of the circumstances and noting that the appellant has suffered incarceration for five years and six months and would be entitled to remissions on account of his good conduct in jail; noting further that the appellant has redeemed himself in jail evidenced by the fact that he took his civil services examinations and qualified for being appointed to the Indian Administrative Services; we are of the opinion that the custodial sentence already suffered by the appellant would meet the ends of justice as a requisite punishment."

8] The appeal stands disposed of setting aside the conviction of the appellant for the offences punishable under Section 306 IPC. The conviction is sustained for the offences punishable under Section 376 IPC, but the sentence is reduced to already undergone period. The fine imposed has already been paid by the appellant.

9] Being aggrieved by the decision of the H.C. present appeal has been filed by the National Commission for Women and State Government against the judgement of High Court. This matter came before a Bench of Supreme Court.

Issues:- Whether National Commission for Women has locus standi to appeal against decision of High Court?

Whether the High Court was justified in setting aside the conviction of Rajendra u/s 306 IPC?

Whether the High Court has committed an error in confirming conviction of Rajendra u/s 376 IPC?

Whether the High Court was justified in reducing the sentence of Rajendra and releasing him?