

**2nd Prof. (DR.) Basant K. Sharma Memorial National Moot
Court Competition (VIRTUAL)**

November 24-26, 2022

STATEMENT OF FACTS

1. Mamta Karia(deceased);a lawyer was married to Mr. Ramesh Karia, a leading businessman for the last 20 years and out of the wedlock was born a son , Aryan Sharma, 5 years old . She was living with her husband and son at their marital house since marriage. They recently shifted to a new house in South City, Sunrise VILLA' and have been living there a little over a year. She was one of the youngest to be promoted to partner in one of India's emerging law firm 'Khanna & Khanna Associates'. Everyone loved Mamta and she was known for her gentle and soft spoken nature.

2. Megha Mittal (Accused no 1), cousin of Mamta was her Mother's Sister' daughter. She was married to Dev Mittal, a Fashion Designer. Megha and Mamta shared amicable relations between them as they had both grown up together. Over the years, this sisterly relationship also manifested itself into a fiduciary one wherein Mamta lent money to her sister to help in her Garment business, 'MD Knitwears'. On 12/6/2019 as a part of one such transaction, Megha, while promising to return the sum within 5 months, borrowed a sum of Rs.40 lakhs from Mamta to invest in her business.

3. Months passed, but there was no mention of the borrowed sum. Despite of several reminders and follow ups, the sum yet remained unpaid. Every time there would be a reason as to why it was not possible for Megha to return the borrowed sum to Mamta. Business was a little low due to the outbreak of COVID-19 around the Globe and Megha was finding it difficult to sustain her Garment business without the influx of additional funds. On 30/06/2020, Megha convinced Mamta, against the wishes of Ramesh, into investing another Rs.30 Lakhs into the business and promised to repay it at the earliest.

4. The history repeated itself yet again, Mamta was left disappointed at the fact that she had not received the money that was owed to her. There were frequent disagreements and arguments between Ramesh and Mamta and finally it was mutually decided that this would be the last time, they would lend money to Megha. Over a family dinner, one night on 01/08/2020, a final ultimatum was given to Megha to pay the money due to them by October as they required it for the purpose of remodeling their house.

5. Feeling hurt at the insults and the way she was treated, Megha was to have her revenge. Thus, on 09/09/2020, Megha called up Mamta and requested her to visit her at her residence at City Towers, at Canal Road, Ludhiana at 07:00 pm that day. Megha mentioned that she was happy that her business has started improving. A meeting was fixed and Mamta immediately called up Ramesh and informed him about this meeting. The conversation went at length and they concluded by saying that they had been too hard on Megha during the dinner and that she was a nice person.

6. One month later, on 10/10/2020, Mamta's highly decomposed body was found in the Mattewal Forest area, Ludhiana District, Punjab.

7. Going back to 9/9/2020, Mamta wrapped up her office work and left from her office by 7:15 pm. City Tower was approximately twenty minutes away but with traffic this journey could stretch up to thirty minutes on an average. She called up Ramesh and told him that she was on her way to City Tower and had just crossed PAU, Ludhiana. She expressed her concern regarding the money and said that she was hoping to receive at least a part of the lent amount considering that Megha's business had picked up. She further added that she would call him up once she was leaving from there. This was the last phone call recorded by the phone company that was made from Mamta's number.

8. Half-Past midnight Ramesh started worry as Mamta had not yet returned home. Instantly, he knew that something was not right as usually Mamta used to inform her in case of any delay. He called up Megha to ask about the whereabouts of Mamta to which Megha replied that Mamta had never reached her residence at the decided time so she thought that their meeting had been cancelled. He then called up her parents, Usha and Vinod Singh and inquired if Mamta had come to their residence

which was at Sector-39, Chandigarh Road, Ludhiana. Knowing that no one had heard from Mamta, her parents were visibly disturbed so the entire family decided to meet at their residence.

9. As the whereabouts of Mamta were yet to be found, hence it was decided that a missing complaint was required to be filed. It was at this time that Megha begun convincing everyone against filing a complaint as Mamta could have been stuck up in some important work. Not having heard from Mamta even after thirty six hours since her disappearance, Ramesh along with Usha and Vinod filed a missing person's complaint on 11/09/2020. They also informed the police that Mamta's car, a 2015 Model of Toyota Innova, White colour, bearing number PB 10 XYVW which was driven by her was also missing.

10. The investigation started on 12/09/2020 with the police questioning the family members regarding the last known whereabouts of Mamta. Ramesh was considered a suspect but he was soon ruled out once he established his alibi. He also told them that the last person to have possibly seen Mamta was Megha as they had been scheduled to meet that evening. When the police questioned Megha and Pankaj regarding their scheduled meeting with Mamta, they were very evasive and told the police that Mamta never visited them that evening.

11. On 25/09/2020, the police located Mamta's missing car, which had been left abandoned near Mattewal Forest area. During further investigation the Police team recovered Mamta's important documents from her office Almira which included her Will, bank deposit receipts etc. one of such documents consisted of the financial transactions of Mamta with other people. On the basis of this document the police established that Megha was the only person with the strongest motive to eliminate Mamta. When the police reached Megha's apartment on 08/10/2020 in order to take Megha into custody for questioning they discovered that the flat was locked and Megha and Pankaj were both absconding. The police then took their domestic help, Hemraj into custody for questioning. It was during this interrogation that they found out that Megha and Pankaj had gone to Kasuli on 06/10/2020. Effort was made to reach them but they constantly remained unavailable.

14. On 09/10/2020, after several hours of questioning Hemraj and pressurizing him, he confessed to the police that he had helped Megha and Pankaj strangulate Mamta

on 09/09/2020. He added that while Megha strangled Mamta, Pankaj and he had pinned her down and they let go only once she had stopped moving. He then helped Pankaj wrap up the body in a carpet and load it in Mamta's car. They then drove towards Mattewal Forest and dumped the body. He further added that he was willing to cooperate completely with the police in return for a lesser sentence. Hemraj then told the police that he would take them to the exact spot where the body had been buried.

15. As per the information provided by Hemraj, on 10/10/2020, the police arrived at the Forest where the body was alleged to have been dumped by the accused. The police were guided to the exact spot by Hemraj. The investigation team dug up the area and retrieved the highly decomposed body of a female in her late-thirties. There was jewellery worn by her which was sent for identification. The body was sent to Civil Hospital, Ludhiana for a post mortem which concluded that the death was an unnatural death. due to asphyxiation caused by the fracturing of the hyoid bone. The hair on the decomposed body was extracted and was then sent for a DNA analysis. Upon comparison with a sample take from Mamta's hairbrush, it was concluded beyond doubt that the body was that of Mamta. The level of decomposition suggested that she been dead for around one month.

16. Taking into consideration the statement of Hemraj, the forensic evidence and the circumstances surrounding the disappearance of Mamta on the night of 09/09/2020 and her subsequent murder, a First Investigation Report was filed on 10/10/2020 against Megha, Pankaj and Hemraj for murder of Mamta Karia. A team of policemen went to Kasuli on 13/10/2020 and arrested Megha and Pankaj and escorted them back to Ludhiana. A charge sheet was then prepared on 08/12/2020 in which each of the accused was charged under the relevant provisions.

17. The Sessions Court relying on the basis of the witnesses and the evidence in the case, acquitted Accused No. 1 Megha Mittal, Accused No. 2 Pankaj Mittal and Accused No. 3 Hemraj. The Judgment was passed on 30/08/2022. All the three accused named have been set free. Aggrieved by this order, the State has preferred an appeal before the Hon'ble Punjab and Haryana High Court at Chandigarh and the same is pending for hearing.

Argue the case on the basis of the given facts either on behalf of the Prosecution or the Defense.

Note: Teams are required to frame their own issues on the above mentioned facts.



