

Delhi Metropolitan Education

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Affiliated to G.G.S.I.P.U.



The 1st Delhi Metropolitan Education National Trial by Advocacy Competition 2019

powered by



4th November 2019

DME

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Trial by Advocacy

DME

ABOUT THE COLLEGE

Delhi Metropolitan Education is a premier Educational Institute affiliated to the **Guru Gobind Singh Indraprastha University, New Delhi**. The college offers **B.A.LL.B.(H)**, **B.B.A.LL.B.(H)**, **B.A.(JMC)** and **BBA** course with premium quality infrastructure and excellent academic facilities to provide a dynamic and clinical ground for success. It is promoted by the founders of Mayoor School, Noida (in collaboration with GC MAYO College, Ajmer) and DPS World School, Noida Extension. Our vision at **DME** is “to create an inspirational setting where global standards of learning, ethical professional practices and academic and scholarly deliberations are practiced towards attaining individual growth.”

The institute is strategically located at a few minutes distance from the prime localities of Noida, Vaishali, Indirapuram, Mayur Vihar, Laxmi Nagar, Kaushambi, Ghaziabad etc. Adjacent to NH24, it is within 5-7 minutes driving distance from Delhi Border. The architecture of the institute is inspired by the ancient Greek Doric Pillars and many modern facilities including the impressive Nelson Mandela Auditorium, Rabindranath Tagore Library, exquisite audio and video studios for journalism, a moot court for law, a legal aid centre, computer labs, conference rooms and a cafeteria are some of the invaluable assets of the institute.

Since its inception, the college has attained numerous laurels to its credit and has successfully attained a distinguished stature. For two consecutive years it has bagged ‘**A - Grade**’ Certificate from the **G.G.S.I.P.U.** The college has numerous societies which are involved in diverse fields & activities ranging from the cultural arts, photography, academics to scholarly events. The societies not only successfully organize Internal and National Events but also participate in National and International level competitions with great enthusiasm, adroitness, efficiency and skillfulness.

The **Department Of Law**, has created a professional and healthy competitive environment for its students, ensuring that they get the best understanding of law. It also continuously works hard and focuses on improving the professional skills of their students and provides them with the best academic and practical experiences. The **Department of Law**, **DME** has organized many triumphant National Events the most recent being the **3rd National Seminar** titled “**Litigating Equality : Are Human Rights Effective?**” which had over 100 participants from all over the country.



FROM VICE-CHAIRMAN'S DESK



Mr. Aman Sahni
Vice-Chairman, Delhi Metropolitan Education, Noida

“Students of Law today are more active, they have numerous competitions and events. At DME, I have seen the amount of preparations, dedication and efforts that go into organizing one Trail by advocacy .Our Faculty and students are very passionate about in the growing level of our Annual Competitions. This is also in sync with our larger objective of seeing DME as the leading Institution for legal education in the Country.



FROM DIRECTOR GENERAL



Hon'ble Justice Bhanwar Singh
(Former Judge, Allahabad High Court)
Director General, Delhi Metropolitan Education, Noida

Argument is an art by itself and a skillful argumentative quality proves to be a boon, to an advocate and a judge, both. True lawyerism helps the judicial system in emerging out with the best judgments, which serves as a guiding principle for the future generations to come. A trial by advocacy event provides a forum to the law students to show and sharpen their legal skills.

Trial by Advocacy



From the Desk of the Director



Prof. (Dr.) Ravi Kant Swami
Director

Delhi Metropolitan Education, Noida

Trial by advocacy, the soul of advocacy, is a sine qua non for law students. With a view to advancing moot skills, The 1st DME National Trial by Advocacy Competition 2019, will focus on pan Asia inter-college competitions. This event, under the tutelage of the DME Law School, will deliberate upon advocacy in the contemporary legal scenario. I trust the participants will have a fruitful horizontal learning experience.



From the Desk of the Dean



Prof. (Dr.) N.K. Bahl
Dean
Delhi Metropolitan Education, Noida

A lawyer's most coveted quality is to be rationally argumentative. As Woody Harrelson had once commented, "The best lawyers are really theatrical", "Trial by advocacy" is an artificial court at which law students examine and cross examine witnesses in imaginary cases for practice. The main purpose is to appraise the novices in the field of law about presenting the case, preparing and arguing a given case from either side.

In the competition an atmosphere of a real court is created in the class room of a law college itself. The law students are trained to argue a hypothetical case, assuming themselves into the shoes of a practising lawyer before the real statutory court on behalf of their clients. Students also learn voice modulation, eye to eye contact with judges, mannerism and maintenance of decorum of the court. Law teachers perform the role of trainers as well as judges.

To explore the best talent amongst the students, DME School of law, Noida has taken keen interest in imparting practical training to the law students along with theoretical knowledge. I wish all the best to the team of organisers, students who have participated or will participate in the upcoming wonderful exercise of law in action.

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From the Desk of the HOA



Prof. (Dr.) Bhavish Gupta
Head of Academics
Delhi Metropolitan Education, Noida

The activities like Trial by Advocacy, Moot Court, Client counseling have helped the students a lot in getting a first hand experience of the court room ethics and the art of argumentation. This is something which we really admire of this generation. The field of law have emerged a lot in the recent times and so is the demand of well-trained lawyers. The national competition represent the hard work of nurturing of their respected colleges. I wish all the Best to the participant teams and the organisers who shall put their hard efforts to make it a fruitful and successful event.



Rules And Regulations

AIM

The aim of this competition is to foster the deeper understanding of Criminal law especially trial procedure and to provide the participants, the opportunity to ace trial advocacy skills.

LANGUAGE

The official language of the competition shall be English.

ELIGIBILITY

The competition is open to all students who are currently pursuing bachelor's degree in law i.e. 3 year LLB or 5 year LLB program from any recognized institute/college/university in India.

Registration shall be confirmed on first-come-first-serve basis. Three teams can apply from a college.

TEAM COMPOSITION

Each team shall be consisting of two members.

All members of the team shall be speakers.

Each speaker shall conduct examination of witnesses, i.e. either examination-in-chief or cross examination, and either opening statement or final argument in each round.

Teams cannot be changed or altered after registration. Any change or alteration in the registered team subject to the sole discretion of the Organizing Committee.

Team codes shall be allotted to the respective teams by the Organizing Committee which shall be used to identify the team throughout the competition.

Cross-teams i.e. participants belonging to different colleges are not allowed forming a team for the competition.

DRESS CODE

For all oral rounds, Advocate's uniform should adhere to the Advocates Act 1961 (except for the band and gown).

REGISTRATION

The registration is strictly online basis. Each participant is required to register at dmetrialbyadvocacy@gmail.com before **25th Oct , 2019**.

The subject of the e-mail should mention 1st DME National Mock Trial Competition.

The Body of the mail shall contain:

1. The name of the participants
2. Name of the college/university.
3. Contact numbers and email ids of both the participants



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Rules And Regulations

REGISTRATION FEE

The Fee for the competition is INR 2,200/- per team

COMPETITION FORMAT

a. STRUCTURE OF ROUNDS

There shall be two Preliminary Rounds, Semi-final and Final Round.

Four semi-finalists will be selected based on the cumulative highest score after the preliminary rounds. Selection of semi-finalists, finalists and the winner shall be done by knock-out basis.

In case of a tie between the teams, the team which scores cumulative higher for the criteria 'Effective and intelligent conduct of chief and cross examination of witnesses', shall advance to the next round.

Each speaker shall conduct examination of witnesses, i.e. either examination-in-chief or cross-examination, and either opening statement or final argument in each round.

All participating teams are expected to be conversant with The Indian Penal Code, 1860, The Code of Criminal Procedure, 1973 and The Indian Evidence Act 1872, whilst taking evidence and advancing opening statement?final arguments for the prosecution as well as the defense.

b. DRAW OF LOTS

Each team shall plead from either Prosecution or Defense in Preliminary round 1 and either Defense or Prosecution in Preliminary round 2 as selected by them during the draw of lots.

The opponent team shall also be selected during the draw of lots.

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Rules And Regulations

c. TIME DURATION

Note: Teams will be assigned witness for briefing 15 minutes prior to the commencement of the respective rounds.

Preliminary Rounds

STAGE OF TRIAL	TIME(mins.)
Opening statement and arguments on Charge of the public prosecutor	5
Arguments on Charge by Defense(opening statement)	5
Examination - in - chief of Prosecution witnesses	8
Cross examination of Prosecution witness	10
Examination – in - chief of Defense witness	8
Cross examination of defense witness	10
Final Arguments (Prosecution)	7
Final Arguments (Defense)	7
Total	60

Semi- Final and Final Round:

Note: Teams will be assigned witness for briefing 20 minutes prior to the commencement of the respective rounds

STAGE OF TRIAL	TIME (mins)
Opening statement and arguments on Charge of the public prosecutor	8
Arguments on Charge by Defense(opening statement)	8
Examination in - chief of Prosecution witnesses	12
Cross examination of Prosecution witness	15
Examination in - chief of Defense witness	12
Cross examination of defense witness	15
Final Arguments (Prosecution)	10
Final Arguments (Defense)	10
Total	90

Rules And Regulations

d. EVALUATION OF THE ORAL ROUNDS

The oral pleadings of each speaker shall be marked on the scale of 100 marks. However, for calculation of final team score in each round, the cumulative score of both the speakers and all judges shall be taken. All oral rounds shall be evaluated on the following grounds:

S. No.	Marking Criteria	Marks
1.	Knowledge of Facts	10
2	Knowledge of application of substantive law	10
3.	Knowledge of application of procedural law	15
4.	Effective and intelligent conduct of Chief and Cross examination witnesses	25
5.	Advocacy(Persuasiveness, Cohesion, Style and structure of arguments, Expression, Articulation, Innovation)	20
6.	Clarity of thought and deference to court	10
7.	Court mannerism and professional conduct	10
	Total	100

e. WITNESSES

The witnesses will be assigned and generally briefed by the organizers. However each team will have an opportunity to specifically brief their witnesses.

Teams will be assigned witness for briefing 15 minutes prior to the commencement of the Preliminary Rounds and 20 minutes prior to the Semi-final and Final round.

ANONYMITY

The speakers must refer themselves and Counsel 1 and Counsel 2 of their respective side during the competition. Participants are not to disclose their college affiliation to anyone. Such disclosure shall amount to disqualification.

Rules And Regulations

GENERAL RULES

The participants shall maintain the decorum of the court room/ premise of competition and behave accordingly during the competition.

The decision of the judges with respect to the results of the competition shall be final and binding.

The organizers may change parts of the rules and/or format of the competition, without prior intimation,

but every team shall be informed about the change, if any, before the competition.

The decision of the organizers shall be final in any matter including circumstances not envisaged in the rules and regulations of the competitions.

The Organizing Committee shall be the final authority to resolve and decide all disputes arising out of the rules. Its decision shall be final and binding on all.

Participants are required to report to the venue for Desk Registration on the day scheduled for competition at 09:00 AM IST.

Participants are required to carry their college ID-Card for the purpose of identification at desk registration.

AWARDS

All awards and certificates shall be announced and awarded at the Valedictory Ceremony on 4th November 2019.

Winners shall receive prize of INR 12,000/- (Twelve thousand only) in addition to certificates and trophy.

Runner-ups shall receive prize of INR 8,000/- (Eight thousand only) in addition to certificates and trophy.

All participants will receive participating certificates.

Certificates will not be provided to the participants who are absent during the ceremony.

IMPORTANT DATES

Registrations Open: October 15, 2019

Last Date for Registrations: October 25, 2019

Date of Competition: November 4, 2019



Problem

Before The Court of Session Judge
District Pandora, State of Vormir, Republic of Indica
Sessions case no. ____/2019

In the matter of

State of Vormir

...Prosecution

Versus

Harvey and Rachel

...Accused

1. On the last day of 2018, it was a frosty morning in Pandora. The visibility was restricted to few meters only. People were out to enjoy the last few hours of the year's end and celebrate the fast approaching start of the New Year. Rachel was very keen to reach the church to confess something which was disturbing her from deep within as the guilt in her heart was growing. She was determined that it was all Harvey's influence that made her so mesmerized that she committed it without a second thought. However, before she could reach the Church, she was stopped by the police and was taken to the police station for questioning.
2. Rachel and Harvey were two consultants who had taken their consultancy firm "WZW" to new heights with their hard work and determination. The firm's new client "ZBZ Pharmaceutical" approached them with their new drug named 'Manos'. Manos was a new revolutionary drug which cured the Parkinson Disease and was set to get approval from the Central Drugs Standard Control Organization. The Directors of the company Alan & Denny were all set to take the company Public and get it listed on the Stock Exchange with the help of the WZW Consultants. The company was listed in the stock exchange through the sheer efforts of the Consultancy firm. The shares of the Company opened at a high rate and climbed as investors rushed to buy more and more shares that they could get their hands on. The whole scenario resulted in tripling the value of the company within a few days. The medicine Manos was all set to be the next big thing in the market as it was speculated to be the most efficient drug in battling with Parkinson.
3. On 22nd Dec 2018, Rachel & Harvey being the consultants for the projection of Manos in the market and the company, went ahead to Alan & Denny for their pay cheque. In the meeting their payment was denied on the grounds that all they had done was advertise the company's drug and spread the word among the investors to attract their attention towards the company. It was communicated that they shall treat their advance as full payment of their work.

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Problem

On listening to this, Harvey went furious and was about to start a brawl with Denny & Alan, but Rachel interrupted and said that they have other ways to deal with the situation. Harvey before leaving the office threatened to kill Denny and drive the company to the grounds for what they did to them.

4. On Christmas Eve, an unverified news went viral that CDSCO (Central Drugs Standard Control Organization) had disapproved Manos to enter the commercial markets as it was considered dangerous for human consumption. This news resulted in the sudden downfall of the shares of the company reducing the value of the company greatly and all the shares came close to the value of a yard sale directly destroying the reputation of the company. Denny suspected Harvey behind such news and investigated the origin of the same.
5. In the turn of events, Denny was found dead in his apartment on 26th December and the postmortem report revealed that the cause of his death was overdose of sleeping pills which were found in his system in huge quantity. On 28th Dec, 2018, a notification was issued by CDSCO certifying Manos as a curable drug for Parkinson and was deemed fit for sale in the market. It denied all the rumors of the news which went viral earlier and declared that it had never issued any statement about Manos before. It also added in its statement that someone had tried to influence the test results to compromise the approval of the medicine by offering financial gains to the institution but they couldn't identify them as the call was untraceable in nature.
6. Alan immediately contacted the police after knowing about the demise of his best friend and explained the whole incident that had occurred when Harvey and Rachel were in their office. He suspected them to spread the fake news about the drug and that they might as well have murdered Denny. Upon receipt of the tip while investigating, the police found that Harvey & Rachel had switched off their phones and were on the run. Later, on 29th Dec 2018, Harvey was caught by the police while he was entering into his apartment.
7. The police framed the charged sheet under sections 302 & 120B of IPC against Harvey and Rachel. The trial is set to begin.

Only the following persons may be called as witnesses during the trial.

PW-1 Alan

PW-2 Investigating Officer

DW-1 Harvey

DW-2 Rachel

A circular logo with the letters 'DME' in a bold, yellow, sans-serif font. The logo is set against a dark grey background and is surrounded by a thin white border.

Problem

Statements under section 161 of Code of Criminal Procedure:

STATEMENT OF ALAN PW-1

I received a call from Denny around 9:00 pm at night, he sounded angry and frustrated because he had found the person behind the whole scandal and wanted to meet me at night to discuss the situation in hand. I reached Denny's Apartment on 26th December at 11:30 pm only to find Denny lying on the floor, and the police already there when I arrived at his house. Denny never took any sleeping pill in his life before. Denny surely knew who was behind the news. In the room there was a distinct perfume aura that was very similar to the perfume Harvey uses. I am very heartbroken with my best friend's death.

STATEMENT OF INVESTIGATING OFFICER PW-2

We received a call from the in-house chef who arrived at the premises around 10:00 pm to cook dinner for the victim. He told us that he rang the bell for a few minutes but there was no response. The door was unlocked and when he entered the house, he discovered the body of the victim. We sent the body for post-mortem and it denoted that the cause of death was overdosing of sleeping pills. We did not find any bottle of medicines with respect to the pills or any prescription in the victim's name. After searching the victim's office we located a bottle of sleeping pills which was sealed and had not been open. After talking to Alan, we investigated the suspect's house Harvey and found the bottle of sleeping pills which he uses and had prescription for the same. The pills used in the murder and the bottles found in both victim's office and Harvey's apartment are of the same brand. The mobile location of Harvey was found to be in the same area where the victim resides. There were no signs of forced entry and cutlery on the table suggested that there was a guest on the same evening but we could not find any eye-witnesses to recognize him. After further investigation it was revealed that the perfume fragrance found on the crime scene was the same that the accused uses. The friends and family of the victim upon interviewing gave the conclusion that the victim had enclosed himself in the house and had various signs of suicidal tendencies.

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Statements under section 161 of Code of Criminal Procedure:

STATEMENT OF HARVEY DW-1

I received a call from Denny. He sounded depressed and wanted to apologize for the non-payment of my previous services. He called me to meet him at his place at 9:30 pm to discuss the strategies to revive his company. He also promised the payment of previous services if the revival was successful. When I was in his locality and was just about to reach, I received a call from Rachel that she had met with an accident outside the office. So, I had to rush towards the office to assist her. Rachel had a hairline fracture from coming down the stairs and had lately been suffering from depression. In order to prioritize my situations, I took her to a doctor around 11:00 pm, as she was unable to walk properly and was already suffering from depression, her morale was really low so the doctor advised her a vacation, which would help her fight her inner battles. A change in environment would hugely benefit her.

STATEMENT OF RACHEL DW-2

I've told Harvey to be calm and patient when we were in the ZBZ office. I knew that they are not considering our efforts but will eventually value the same. Harvey was sure that he wants to get his due credit. He was not ready to let it go as what we had received was less than 20% of our work value. I was coming downstairs from first floor when I slipped and got injured. I immediately called Harvey and he replied that he was in a meeting with a previous client and will reach in an hour. He took me to a doctor who advised me to rest from my daily routine. The next day, we went to a hill station together and returned on 29th December, 2018. I pray every day, and was on my way to church when the police approached me. I was told that my cooperation is needed in some matter; the next thing I knew, I was an accused of a murder case.

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Note:

1. The trial shall take place in the Court of Session Judge.
2. Only post mortem report and one forensic report may be prepared by the teams to present as documentary evidence during the trial, however, the same are required to conform the facts and conclusions given in the problem.
3. For the purpose of the competition, both accused persons have consented to appear as witnesses during the trial.
4. Each team has to necessarily examine -in-chief and cross -examine at least one witness for the purpose of the competition.
5. The teams should prepare the case in accordance with the facts given in the problem and not prepare any case motivated by some external factors.
6. The laws of Republic of Indica are *pari materia* to the laws of India.

Disclaimer: This proposition is purely and strictly for bona fide academic purpose, any similarity with any person living or dead is only co -incidental.

For further information and query, contact:

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