

BENGALURU LAW COLLEGE
INSTRUCTIONS TO STUDENTS

THE PRACTICAL EXAMINATION FOR VI SEMESTER OF 3 YEARS LL.B AND X SEMESTER OF 5 YEARS LL.B WILL BE HELD ON 13th May 2018 AT 10.00 AM

PRACTICAL RECORD SHOULD BE HAND WRITTEN AND SHOULD BE BINDED. NO TYPED OR XEROX MATTER WILL BE ACCEPTED. STUDENTS SHOULD USE GREEN SHEETS. ALL THE RECORD SHOULD BE SUBMITTED ON THE DAY MENTIONED ABOVE AFTER SIGNING THE REGISTER DURING VIVA-VOCE. IF YOU FAIL IN SUBMITTING THE SAME, YOU WILL BE TREATED AS ABSENT.

INSTRUCTIONS FOR SUBMITTING THE RECORD

1. There shall be a content page. (INDEX)
2. The covering sheet of the record shall indicate the name of the examination, subject, registration number and center code.
3. All the above Moot Court Memorials and internship record should be hand written on green sheets on one side only.
4. The record should be bound neatly in one book.
5. Certificates should be enclosed. (Certificates of Advocate & Legal aid Authority for having visited the Advocate office & Legal Aid board).
6. Students should come in white Shirt & Black Pant.(Advocate Dress code)

Note:

NAME OF THE UNIVERSITY: KARNATAKA STATE LAW UNIVERSITY

NAME OF THE COLLEGE: BENGALURU LAW COLLEGE

CENTER CODE: 433

NAME OF EXAMINATION: VI SEMESTER 3 YEARS LL.B AND X SEMESTER 5 YEARS LL.B PRACTICAL / MOOT COURT EXAMINATION-2018

SUBJECT: CLINICAL COURSE – IV: MOOT COURT EXERCISE AND INTERNSHIP.

REGISTER No:

MOOT COURT PROBLEM- I

Kumar was working as an Executive Engineer in P.W.D. Department. Raghu complained CBI of Anti Corruption Bureau (herein after used as ACB) that Kumar is demanding a bribe of 35,000/- for clearing of his arrears. On that CBI raided on Kumar and caught him redhanded. He was chargesheeted under section 5 (1) (e) of Prevention of Corruption Act 1947. Further, allegation was also made against him that during 1990-2015, he acquired assets disproportionate to his known source of income. It was also found from investigation on 2015, 20th of July he was in possession of both movable and immovable assets worth of Rs. 4,01,454.00. For this Kumar did not give any satisfactory account. Then he was examined by special judge but he acquitted on the ground that the prosecution failed to prove beyond doubt that Kumar is accused of an offence.

For the above reasons, CBI filed an appeal before the High court of Karnataka.

Draft a memorial on behalf of CBI and argue on both petitioner and respondent.

MOOT COURT PROBLEM-2

Smt.Chandramma had illicit relationship with one Mr.Ashoka. on coming to know about that relationship, her son by name Sathish and her relative by name Gururaj planned to commit murder of Ashok. Accordingly, both Sathish & Gururaj followed Ashok by an auto bearing No. KA-01-K-222 belonging to Ganesh on 11.9.2017, Mr.Ganesh who was not aware of the conspiracy, blindly dropped both of them in his auto to the place where Mr.Ashoka was residing. There, both Sathish & Gururaj started assaulting Mr.Ashoka with deadly weapons and forcibly hit by him rod on the head of Mr.Ashok who died on the spot. Leaving the dead body on the spot, both Sathish & Gururaja boarded the auto of Mr.Ganesh and went their residences. Mr.Ganesh who knew all these things did not intimate anybody about the assault as he was threatened by the these persons.

Based on the credible information, the jurisdictional police have registered a criminal case in No. 42/2018 on the file of Rajajinagar Police Station, and submitted FIR to the Chief Judicial Metropolitan Magistrate, Bengaluru, for the offences punishable U/s 302 R/w section 34, of IPC and the police arrested both Sathish & Gururaja and also Mr.Ganesh and produced them before the Magistrate, who remanded them to judicial custody on 12.9.2017.

Mr.Ganesh has applied for Regular bail before the sessions Court, Bengaluru, under section 439 of Cr.PC on the ground that he has not committed any offence, nor has he aided others abducted to commit the murder of Mr.Ashok, and there is no reasonable ground to believe that they have committed the said offence.

Pursuant to the notice, the Public Prosecutor filed statement of objection that since Ganesh was also involved in the alleged offences as he dropped both in his auto which shows his common intention.

Now, the Bail application No. 6/2018 is listed for hearing before the Hon'ble Sessions Judge, Bengaluru.

The issue before the Hon'ble Sessions Court **is as whether Mr.Ganesh has committed alleged offence and entitled for grant of Regular bail. If so On what ground?**

The students to prepare the Bail application on behalf of Mr.Ganesh and statement of objection on behalf of Public Prosecutor and argue either on behalf of Ganesh or Public Prosecutor.

MOOT COURT PROBLEM - 3

Mahesh and Raghu are close friends, Raghu is running a garage. Mr. Mahesh handed over his mini bus with 20 + 1 sitting capacity to Raghu for repairing one of its spare parts of the engine portion, the same shall be returned immediately.

Raghu, who took possession of the mini bus, repaired the bus and intimated Mr. Mahesh to take back the bus. Mahesh could not take back the bus immediately due to ill health. The doctor also advised 4 months bed rest to him.

In view of the delay, Raghu contracted with Narendra for hire and allowed Narendra to use the bus for two days tour to visit historical places in the state. Accordingly, Narendra took the possession of the bus, drove the bus with 30 tourists, while driving, the bus met with an accident due to which it dashed against the car coming from opposite direction, in the said accident. One person travelling in the car sustained grievous injury and the car got damaged extensively.

One person namely Gurunath, aged 24 years, working as software Engineer , travelling in the car, filed MVC No 22/18 claiming compensation of Rs. 50,00,000/- from Mahesh , the owner of the mini Bus. Similarly, owner of the car Ramu also filed similar petition in MVC No 23/18 seeking compensation for the damage caused to the car from the owner of the mini bus Mahesh

The MOTOR ACCIDENT CLAIMS TRIBUNAL (MACT) issued summons to Mahesh on the MVC No 22&23/2018 and was surprised & shocked to know that his bus met with an accident. On coming to know that issue, Mahesh engaged a counsel and filed his statement of objection in both the case denying his liability to pay compensation as he never contracted with Narendra for hire purpose. Further his bus was with Raghu for the purpose of repair work under a contract of bailment. Raghu violated terms of contract, hence, Raghu and Narendra shall be made as parties in the petition and seek compensation from them. In their absence the MVC No 22& 23 /2018 are not maintainable and soughs its dismissal.

Pursuant to the same, both Gurunath and Ramu have filed their rejoinder statement contending that the MVC No 22 & 23 of 2018 are maintainable against Mahesh since he is the owner of the bus., if at all there is any contract of bailment, it is for Mahesh to work out remedy against Raghu and Narendra. Hence, liable for compensation.

On the basis of the pleadings of the parties the learned presiding officer of MACT proceeded to frame the following issue as preliminary issue to be decided first.

Issue

Whether MVC No 22&23/2018 filed by GURUNATH AND RAMU are maintainable even in the absence of RAGHU AND NARENDRA & whether MAHESH is liable.

The students to prepare MVC Petitions separately, statement of objection on behalf of MAHESH and rejoinder statement on behalf of GURUNATH AND RAMU and argue either on behalf of MAHESH or GURUNATH AND RAMU.

Question No 4 :

a. Interviewing techniques observed at the Advocates Office and Legal Aid-Board and Mediation Centre. during your visit. **- 30 marks**

b. What have you observed in the Advocates Office in respect of Pre – Trial preparations and preparation of documents and court papers in Civil and Criminal Cases? **- 15 Marks**

c. Write a Note on the observations made by you during the court visit in respect of Trial in one criminal case and in civil case. **- 15 marks**