

Moot Proposition

Facts:

1. A well-known person of Paristhan State, renowned for his command over *tantrikvidya*, was also involved with multiple organizations related to different religions and philanthropic activities. It is apparent that due to his involvement in multiple social and religious activities in the State and particularly in the City of Jashmer, he was quite popular and had a huge following, including politicians, businessmen, industrialists and many bureaucrats. He lived in a posh and huge complex known as the *Mukti Ashram*. Many reputed families used to visit this *Ashram* and seek the *Tantrik Baba's* guidance, directions and blessings for solutions to multiple personal and official problems. One among these families was the Rajpuria family, known to be one of the richest and most influential families in Paristhan. The family happened to be very close to the *Tantrik Baba*, especially the wife of Mr. AnandRajpuria, Mrs Himani Rajpuria was very close to the *Baba* and she had an unflinching, blind faith in him. There was a rumour that the *Tantrik Baba* had an illicit relationship with both the wife and daughter of Mr. Rajpuria.
2. On 12th February, 2005, the *Tantrik Baba* summoned the entire family of Mr. Rajpuria to his *Ashram*. He took all of them to his special meditation room. He unfolded to them that there was a serious problem, because of which he had been extremely disturbed for the last seven to eight days. He revealed to the family of Mr. Rajpuria that by virtue of his *tantrikvidya*, he foresaw that all nine family members of the Rajpuria family was likely to face a series of a sudden happening of an unexpected tragic and most unfortunate nature within the coming few months due to the ire of some 'Evil Spirits'. He further told the family, "so far I am uncertain about the reason behind the ire of these evil spirits. But it is most certain that this ire of the Evil Spirit will ultimately kill and destroy your entire family possibly so that you are no more the owner of all the movable and immovable property owned by your family." At the time the Rajpuria family owned a huge market complex, three running factories, four residential complexes and personal residences in the shape of three houses, besides a fleet of motor vehicles and road carriers. Hearing the *Baba*, the entire family was shell-shocked and Mr. Rajpuria started sobbing. He questioned "Are you sure, *Baba ji*?" to which Mrs. Rajpuria stammered and visibly shaken replied, "Are you

questioning the *Baba*?” The *Baba* sighed and replied, “It is sad and most tragic.” Then suddenly *Baba Ji* went into *samadhi* and after half an hour when he opened his eyes, he uttered: “I can vividly see that all of you will be killed within a span of four months. How could I be a silent spectator to the destruction of a family which is most loyal to me and is also among the most lovable devotees of mine? I have to do something! I must do something to crush these evil spirits so that they fail in their sinister designs.” *Baba Ji* then chanted a *mantra* and said: “The true cause of their anger and ire needs to be understood. Only then can I proceed with my actions. Only then, only then, only then ...” There was a mad glint in *Babaji*’s eyes, such that simply looking into them would have horrified anyone. The Rajpuria family felt scared and wanted to leave as *Baba* looked like a violent mad man. Suddenly, the *Baba* screamed: “Go away! GO AWAY all of you! Let me start my *mahayagna*. I need to find out why all this is happening and find out the cause.” The Rajpuria family hastily retreated and *Baba* entered his special *samadhi* room. Before entering the *samadhi* room, he instructed his attendants that no one should be allowed to enter the room under any circumstances. “I will be in deep meditation,” the *Baba* proclaimed. Heeding *Baba*’s instruction, everyone left the *Ashram* forthrightly. After five days *Baba Ji* sent a message to Rajpuria family to reach *Mukti Ashram* along with all the family members. When the family reached the *Ashram*, *Baba Ji* raised his hand and acknowledged their presence and declared, “Oh! It’s your property, the entire property which is the cause of this curse.” He further asked: “Was there some property dispute earlier?” The head of the Rajpuria family, Mr. Rajpuria disclosed: “our grandfather had a brother who was the grandfather of the Hanspuria family, also a well settled family in the State. Their relationship became strained due to some property and business related disputes. Ultimately, the issue was resolved by the Paristhan High Court and the share of the property and business was allocated to both the parties as per the decision. However, the Hanspuria family was not satisfied with the decision, but they never appealed in the Supreme Court. Thereafter, both families remained engaged in their own separate businesses and vocations. We used to meet only on some rare occasions but we never had a close relationship again.”

3. After hearing Mr. Rajpuria, *Baba Ji* said: “the Evil Spirits are engaged by someone to destroy your entire property and for that the modus-operandi adopted is to end the ownership of your family by killing all the members in the family. Hence, the only

way to protect the lives of all nine members of your family is, for time being, to transfer the entire movable and immovable property to some other person or organization as per the law of the land. Once the entire property with the ownership right is transferred, the threat to your family members' will be over”.

4. After hearing this, the wife of Mr Rajpuria immediately suggested: “who can be more appropriate and a better man than *Baba ji* in whose name the entire property can be transferred?” Her suggestion was appreciated and accepted by all the members of the family. The *Tantrik Baba* smiled and said: “I understand that the entire anger of the ‘Evil Spirit’ will be diverted towards me as soon as the ownership is transferred in my name. However, sacrificing my life for the sake of my devoted disciples (Rajpuria family) will be a pious deed and an act of gratitude on my part. I accept it, but being a man of strong character with immense faith in religion and *tantrikvidya*, it becomes paramount for me to fight against such Evil Spirits and nether forces. Hence, I resolve to start a ninety-day long *tantrika pooja* with *samadhi* in isolation to destroy the Evil Spirits from the day, all movable and immovable properties are transferred in my name.”
5. He instructed all the people present there, including his *sevadaar* (employees), not to disturb him for ninety days – “No one should enter his room, the *prashad* and fruits should be kept in my outer room only. And after ninety days, the *samadhi* room should be opened”. He further told them: “I may succeed in destroying the Evil Spirits or I may get killed by them. If you find me dead, cremate my body in the *samadhi* room as per my will.” The entire Rajpuria family started weeping after hearing *Baba Ji*, and resolved to proceed for *Char-Dham Yatra* to pray for his safety and victory after the execution of deeds and documents for the transfer of the property. Within seven days, all deeds were executed as per the law of the land and the entire movable and immovable property, as mentioned above, were transferred in the name of the *Tantrik Baba*. After that, the nine-member-Rajpuria family left for *Char-Dham Yatra* in two luxury cars. After ninety days, the Rajpuria family and other devotees opened the *samadhi* room of *Baba Ji* and found that *Baba ji* was nowhere. Every nook and corner of the Ashram was searched. But *Baba Ji* was found neither dead nor alive. Police was informed and investigation was started. However, after a month, the police received information that all members of the Rajpuria family were found assumed

dead in one of their ancestor's house, which was still in the name of Mr. Rajpuria's mother, deceased a year ago. When the police arrived at the scene, **it was found that all were dead except Mrs. Himani, who was found alive in semi-conscious state.** She was rushed to the nearest hospital but was declared by the doctors to have lapsed into a coma. After three months of extensive treatment, when she recovered, she had lost all her previous memories and was unable to recall anything leading to the death of her family members, including her husband and daughter. The investigating team of police described the case as 'very baffling and disturbing' because there were no marks of injuries on the bodies of any of the victims. The dead bodies were found near a big dining table, where by the presence of the used plates and utensils it appeared that twelve to thirteen people, including the Rajpuria family had consumed their dinner, possibly two days before the dead bodies were found by the Police on receiving information from neighbours. Post mortem report showed traces of Belladonna. It also became clear that the entire property of the Rajpuria family had been transferred/sold by the *Tantrik Baba* to a well-known businessman - Mr P.C., proprietor of P.C. & Sons' Company that was involved in the business of pharmaceuticals. Things were verified and the sale was found to be as per norms. Police claimed to have made all possible efforts to trace the *Tantric Baba* throughout the country. When baba was not traced the police raided the premises of the Ashram, they found some material and videos which pointed towards the suspicion of sex trade activities but apart from video clips no other substantial evidence in the form of witnesses were available. The video clips indicated involvement of some women of influential families of Paristhan Area but surprisingly this issue of sex trade, illicit relation which was going on, investigating authorities due to reasons unknown, never pursued conclusive investigation.

6. Finally, in December, 2013, a *Baba* was intercepted by the police from a small *kutya* in a remote and backward area of Gassam. He was interrogated thoroughly and found to be mentally unstable, but on the basis of the interrogation by the police it was concluded that *Baba* had been kidnapped from his *Ashram* and taken to an isolated place. He was kept captive for a few months, and it appeared that he was tortured mentally and physically and was made to sign some documents as per the orders of his kidnappers, before being released with blind-fold and with hands tied in a deserted place. The *Baba* was found in a bad condition by **an NGO named Manav Sewa**

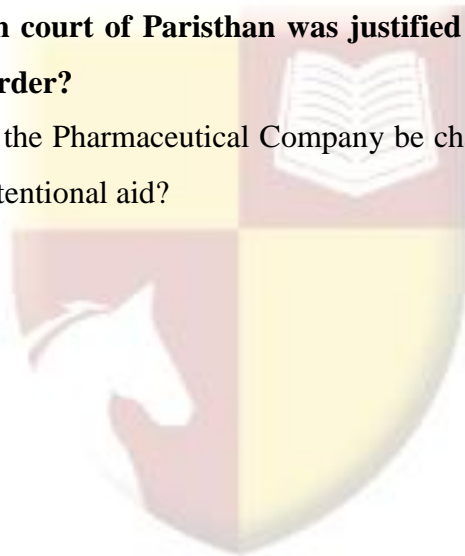
Sansthan, who gave him shelter and food. The *Baba* had been living in Gassam where he was popularly known as *Bhole Baba* by the villagers. As per a statement given by the police, the *Baba* admitted during interrogation that he had planned the entire drama and conned the Rajpuria family. He further admitted to have sold the property to a businessman. But allegedly before he could receive the money, he was abducted. However, he strongly maintained that he knew nothing about the whereabouts of the Rajpuria family. The villagers verified that the old man, known as *Bhola Baba*, lived a humble life. He has never indulged in any unlawful activities. Rather, he kept busy with *pooja path* throughout the day and night. The Police on the basis of their investigation framed the charge sheet and submitted it to the Court as per section 173 of Cr.P.C. *Baba Ji* was projected as the main accused and charged by the **Police for commission of the offences of Culpable Homicide Amounting to murder, Cheating, Criminal Conspiracy and various other sections of the Pindian Penal Code**. The confessional statement of the *Baba* during investigation by the Police was duly recorded as per the procedure given in section 164 of Cr.P.C. On the basis of the charge sheet, trial of the *Baba* was conducted in the Court of the District and Session Judge (Jashmer). The Court acquitted *Baba Ji* on 16 May, 2014 due to lack of sufficient and concrete evidence and he was given the benefit of doubt. **However, he was held liable only for the offence of cheating u/s 417 and 420 of Pindian Penal Code** and was sentenced with three years imprisonment with a direction that he must be given proper medical aid keeping in view of his ill health and frequent mental fits.

7. Some of the relatives of the Rajpuria family, **along with the State filed an appeal** on 14 July, 2014 against the decision of the Court of the District and Session Judge, Jashmer in the Paristhan High Court. **After hearing the pleadings, the Hon'ble High Court confirmed the decision of Court of Sessions of Jashmer for the offence of Cheating but also found him guilty on the basis of circumstantial evidence for the offence of Culpable Homicide amounting to murder u/s 302 of The Pindian Penal Code and sentenced him for life imprisonment. The Hon'ble High Court's judgment was further challenged by the NGO, Manav Sewa Sansthan based in Gassam**, keeping in view his good conduct and contradictory conclusions drawn by the Police after investigation at the initial stage. Special Leave Petition (SLP) against

the decision of the Paristhan High Court was filed in the Supreme Court of Pindia. The case is pending before the Supreme Court. Argue on behalf of both the parties.

Issues

- 1. Whether the Special Leave Petition filed by Manav Sewa Sansthan is maintainable or not?**
2. Whether the act of Baba tantamount to Cheating?
- 3. Whether the High court of Paristhan was justified in holding accused liable for the offence of Murder?**
4. Whether owner of the Pharmaceutical Company be charged with criminal conspiracy or abatement by intentional aid?



RAFFLES
UNIVERSITY