

Moot problem No. 2

Kashinath and anr v. state

Neha, the only daughter of a couple aged 14, had her dinner with her family on Thursday night on May 16, 2008 and then retires to her room in the three-bedroom apartment. At 6.00 am Friday, her father Mukesh opened the door of Nehas bedroom and to his horror, he found his daughter lying dead in a pool of blood. Her throat was slit and there were stab wounds on her forehead, shoulder and chest. The Police investigating the case also found the body of the domestic helper, Ramu from the terrace of the Mukesh home. There was a long trail of blood. There were signs that the body was dragged by one or more people. There were no blood stains on the staircase. Police assumed Ramu was killed on the terrace.

The mystery deepened when the police found that Neha and Ramu had similar injuries on their throats, and both appeared to have been killed by a surgical scalpel. There were conflicting reports on the Post mortem results of the victims. However, Mukesh was arrested on the plea that the father killed the daughter and the male servant because the police suspect that his daughter Neha, knew about the father's extra marital affair with Mrudula and she was close to Ramu and he could have known about it too. Mrudula and her husband denied any involvement in the case. Mrudula denied sharing any illicit romance with Mukesh. Mrudula and her husband were close to Mukesh because Mrudula shared the dental clinic with Mukesh.

Due to the public cry the case was transferred to the CBI. Finally the CBI established the case that the murders were committed by two male servants namely Kashinath and Ravi while trying to rape Neha after drinking liquor along with Ramu. However, Ramu resisted the rape and thus he was killed by kashinath and

Ravi. The session's court awarded the two accused Kashinath and Ravi with death penalty. High court of Delhi also confirmed the death penalty. An Appeal is filed before the supreme court of India that the punishment is too harsh that the crime of such nature does not deserve the death sentence.
