

MOOT PROBLEM NO. 1

Ms. Rashmi Naik, aged 26 years was residing with her sister, Mrs. Reema Sawant and Brother-in-Law, Mr. Satish Sawant along with their minor son, Nehal in a flat in suburbs of Mapusa city. Rashmi was serving as an Associate in the BPO Branch of TELMAC Company Ltd. situated at Verna.

For over a year, Rashmi used to work in the night shift i.e. from 11:00 p.m. to 9:00 a.m. The Company had arranged for and hired a private cab service to transport its employees from the residence to workplace and back at the conclusion of their respective work shifts.

Rashmi was a hard working woman. She wanted to secure a job outside the BPO industry and settle in life happily. She had a close friend by name Mayank Naik. She was deeply in love with him and wanted to marry him. Mayank was a small businessman and both knew each other for over two years. Mayank was concerned about Rashmi and would often meet her in the night on her way to workplace.

On 03/04/2018, the day which was to be her last day, since she had tendered her resignation one month prior. She left to work. When she did not come back from work next day, she started enquiring. The BPO office replied that she did not come to work and we did not bother thinking that she might have discontinued as it was a last day. They even did not call the cab driver.

Rashmi's sister finally filed a complaint with the police. When investigation was going on, they received a call of a possible murder at nearby place.

When police went to the place of offence, sister of Rashmi identified the body of Rashmi. The investigation revealed that, ornaments on the body were missing and on the road, there was a parked car with flat tyre. The police inquired about the car and found that it was a cab which was sent by the company to pick her up. The Police immediately initiated manhunt of the driver and Bhagwant Desai, the driver was arrested.

In the meantime Post Mortem Report stated the cause of death due to haemorrhage due to grievous injuries to vital organs including skull fracture. The said report also revealed ante mortem vaginal perennial injuries leading to shock that caused the girl's death.

During interrogation, driver narrated the detailed story to the police and he said, he went to Rashmi's residence at 10:00 p.m. As per the usual practice, at about 9:45 p.m., he gave a missed call to Rashmi. Rashmi called back him to pick her up in 10 mins. When he reached the house one adult and a child came to drop her to the car.

During the journey at around 10:20 p.m., Rashmi requested me to deviate from the usual route of workplace and asked to take a different route. I agreed to the request and took the other route. Rashmi asked me to stop the car at a place, and there Rashmi was joined by her close friend Mr. Mayank Naik. I did not object as it was a usual practice.

Mayank asked me to stop the car at a secluded place which was dark and forested. Rashmi pleaded to me to give her few minutes to speak to her friend. Thereupon, Mayank and Rashmi went into the forested area to spend some time privately. After 10 minutes, as I went to answer the call of nature, he heard a verbal altercation followed by a loud yell, "*Ah...Please Stop this!*" which appeared to be

that of Rashmi. I ran in the direction of the sound and on the way he saw a silhouette of a person fleeing from the scene. I picked my mobile and put on the torch and I saw Rashmi lying on the ground in a pool of blood with a stone lying next to her head. However, she was still alive. I got scared and feared trouble and fled towards the car only to find that the front two car tyres were punctured. Fearing someone would suspect me, I fled on foot.

Police arrested Mayank Naik and charged him under sections 302, 376, 364 of IPC. Mayank however pleaded not guilty and informed the police that on that day he met her on her way and in fact they got down near to the secluded place to discuss about their relationship. When he raised the issue, Rashmi straightaway accused him of having an affair with his secretary and became hysterical and started yelling. He could not bear the same and ran away from her. As he could not find the driver he left on foot. The family members of Rashmi revealed that the relation between Mayank and Rashmi was strained and they suspect Mayank of having an affair with his secretary.

Fifteen days later Police found the gold ornaments of Rashmi (the chain, Gold Ring and a Bracelet) from a local goldsmith. The gold smith identified Bhagwant as the person who sold to him. when questioned about gold ornaments, Bhagwant confessed that he had stolen Rashmi's belongings but did not kill her. He later agreed to be a Police Witness and was ready to cooperate in investigation.

The matter is posted for final arguments before the North Goa, Sessions Court, Panaji, Goa.