

CLINICAL COURSE IV- MOOT COURT EXERCISE AND INTERNSHIP

April 12th & 13th of 2017

III MOOT PROBLEM

ABC Cinema building is situated in metropolitan city of Takshila State, Bharatha Country. (Whose geography, social, economical, cultural and legal systems are similar to India) ABC Cinema had sanctioned capacity of one ground floor and two floors with seating capacity of 200. In the ground floor was parking space, one electric transformer to supply electric energy to cinema theatre and also another transformer that was installed and maintained by Takshila State Electricity Board. (TSEB)

On 10th January, 2010 the said transformer installed and maintained by TSEB caught fire and caused death of 50 persons and injured 100 persons. Although FIR was registered, due to magnitude of tragedy, it was transferred to crime branch and later to CBI. Post mortem of victims revealed asphyxiation as the cause of death. The licensee of ABC Cinema building i.e Alpha and others connected and responsible for the incident were charged with commission of offences punishable under Section 304A, 337, 338 read with Section 36 of Bharatha Penal Code (BPC) and also under Section 14 of the Bharatha Cinematograph Act.

The case was committed for trial to Additional Sessions Judge, Takshila State. Accused were charged with offences punishable under Section 304A read with Section 36 and Sections 337 & 338 read with Section 36 of BPC for their negligent acts of omission and commission of allowing installation of the transformer and various structural defects like narrow car parking, devoid of adequate safety measures in case of fire and emergency exits.

Trial Court ordered them to undergo rigorous imprisonment for a period of two years with fine of Rs. 5,000. Alpha was also convicted under Section 14 of the Bharatha Cinematograph Act and sentenced to pay a fine of Rs. 1000. The convicted accused preferred appeal before the Hon'ble HC of Takshila.

In the appeal, the HC upheld the conviction for gross criminal negligence of the accused but reduced the sentence awarded to them under Section 304A to one year without interfering with the fine imposed by the trial court and the TSEB officials were acquitted.

Thereafter Alpha and other accused filed criminal appeal by way of special leave before the SC of Bharatha for acquittal. CBI had appealed

challenging the acquittal of TSEB and seeking for further enhancement of sentence for the accused.

The parties are convicted accused & TSEB on one side and CBI on the other side.

NOTE:

1. Students should be present at 8.30 a.m. The students will present the case in accordance with their register number. Those who are not present on their turn will not be allowed to present the case. They will strictly be marked absent.
2. The students should be in Black and White uniform, with blazer and logo.
3. The Memorials should be handwritten, spiral bound and one-sided. Only green legal sheets should be used. Students should bring two copies of Memorials.
4. Even Register Numbers will argue for Appellant/ Petitioner and Odd Register Numbers will argue for Respondent.

DATE & TIME:

12/04/2017	5yr. LL.B (Freshers and Repeaters)	8.30a.m
13/04/2017	3yr. B.A. and BBA LL.B (Freshers and Repeaters)	8.30a.m