

MOOT PROPOSITION

1. The Democratic Republic of Jotunheim, also known as Jatindham by the majority of its citizens, became an independent country in 1947 after being colonised for over 2 centuries by the British. During this period of colonial rule, the British introduced Jotunheim's first penal code in 1860, which came to be known as the Jotunheim Penal Code, which became operative on 1st January 1860. Along with the Jotunheim Penal Code, the British enacted two other key criminal laws, the Criminal Procedure Code and the Jotunheim Evidence Act, passed in 1862 and 1872 respectively.
2. After the Jotunheimian independence, the Constituent Assembly of Jotunheim adopted its constitution on 26th November 1949. This new constitutional framework had a profound impact on the interpretation of the existing Criminal Procedure Code. Subsequently, the code was thoroughly revised in 1973, to align with the principles enshrined in the Constitution.
3. In response to evolving legal needs and as Jotunheim entered the 21st century, the government realized that the existing criminal laws, largely inherited from the colonial era, lacked a distinctly indigenous character. In response to this, the government introduced three new laws, namely, Jatindham Nyaya Sanhita (JNS) (2023), Jatindham Nagarik Suraksha Sanhita (JNSS) (2023) and Jatindham Sakshya Adhinyam (JSA) (2023), replacing the previous laws. These new laws came into effect on 1st July 2024.
4. Jamie, a 32-year-old entrepreneur and owner of a successful tech startup, is a citizen of Jotunheim residing in Argos. In one of the social events organised for the investors on 15th May 2023, Jamie met Oliver, a 30-year-old banker. Impressed with Oliver's qualifications and socialising skills, Jamie offered her a well-paying job at the startup which she gladly accepted.
5. Over the next few months, the two developed a close relationship, during which Jamie expressed his intention to marry Oliver. Jamie also started saving a substantial sum of money by depositing it in fixed deposits in the bank branch where

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Oliver previously worked, stating to her that he would be using it for the marriage.

Additionally, Oliver has also contributed a substantial share to the deposit.

6. Oliver would frequently make personal purchases using Jamie's accounts and use his credit and debit cards without informing him or obtaining his permission.
7. Although they were in a relationship, Jamie and Oliver maintained a strictly professional demeanor in public, consciously avoiding any displays of affection. Jamie specially made sure that they should maintain professionalism at the workplace so as to prevent any unnecessary rumors.
8. Eventually, they bought a house on loan in Jamie's name, the payments of which were jointly made by the two. Subsequently, they moved in and started living together in October 2023.
9. On 20th November 2023, Jamie saw Oliver talking to one of their startup's funders, Rishi, at a restaurant. Upon returning home, Jamie began questioning her association with Rishi. Oliver asserted that their relationship was strictly professional, but an argument ensued and Jamie ended up slapping Oliver. He later apologised for his acts, realising his mistake and the two moved past the incident.
10. On December 1st 2023, Jamie proposed to Oliver, promising they would marry by the end of 2024 or in the beginning of 2025. Trusting his intentions and the commitment shown over time, Oliver agreed to enter into a sexual relationship with Jamie, only upon the belief and promise that they would eventually get married.
11. However, in May 2024, Oliver began to notice changes in Jamie's behaviour. He grew distant, avoiding every discussion about marriage, and frequently made excuses to postpone setting a wedding date. Despite her repeated inquiries, Jamie reassured Oliver that he was committed to their future together but was reluctant to finalize any plans for the wedding.
12. Growing suspicious of him, Oliver discreetly gained access to Jamie's social media accounts, including Facebook, WhatsApp, and LinkedIn, logging in through her devices to monitor his activity without his knowledge.

13. Upon being met with unclear and vague responses, Oliver became suspicious of his intentions and also started recording their intimate moments and clicked multiple pictures of them in compromised positions.
14. Around the same time, Jamie realised that his financial accounts had unauthorised transactions. And while checking his social media accounts, he noticed multiple log-ins and realised that Oliver had been discreetly accessing his social media accounts. This led to a mistrust in him, and he started to contemplate whether Oliver is in-fact a right partner for marriage or not.
15. Meanwhile, Jamie's parents had been pressuring him to get married and he told his parents to look for a suitable partner.
16. On 2nd June 2024, Jamie withdrew the money that was deposited for the wedding without telling Oliver. She was made aware of Jamie's actions through her ex-colleagues. When she confronted Jamie about the withdrawal, he stated that it was necessary to make up for the startup's losses. However, upon further inquiry into the situation, Oliver learned that the business was running in profits and the money withdrawn was deposited into a joint account Jamie held with someone named Alexa.
17. On 10th July 2024, Jamie and Oliver went on a business trip to Nagoa for a week, where they ended up having sexual intercourse on multiple occasions. However, on the last day of the trip, Oliver started discussing about fixing the date of the wedding when Jamie snapped and decided to end their relationship soon and not to talk to Oliver ever again. After returning to Argos, they also started living separately.
18. By the end of August 2024, Jamie had completely severed all personal contact with Oliver. When she confronted Jamie, he said that his parents were not ready for their marriage and that they had already arranged his marriage with Alexa. He even showed text messages and call logs in a bid to explain that he had made extensive efforts to convince his family members.
19. Oliver later found out that Jamie had already sold the house they had purchased jointly and transferred the proceeds to his joint account with Alexa.

20. Oliver was heartbroken and felt completely betrayed. On 26th August, she posted their intimate pictures and videos across various social media platforms, making them accessible to the public. On 29th August 2024, she lodged an FIR against Jamie with the local police station in Argos, accusing him of exploiting her under false pretences.
21. The police conducted a preliminary enquiry and finally arrested Jamie on 14th September 2024, initially charging him under Section 69 of the JNS. The police tried to get him to confess the alleged offence by torturing him. On the evening of 16th September, the police produced Jamie in the court of the local judicial magistrate, seeking a police remand, which was granted by the magistrate till 30th September 2024.
22. On 1st October, the police moved another application for extending the police remand, stating that more time is needed to complete the investigation. The police remand was again granted until 15th October. Similarly, the police filed another application on 16th October for extending the remand, stating the same reason. This request was approved, extending the remand until 30th October. During this period, he was tortured and coerced by the police to confess to the alleged offence on multiple occasions.
23. The remand was extended till 14th December, in a cyclic manner. Finally, Jamie filed for bail on 16th December claiming the right to default bail. The police failed in filing the chargesheet in the due course of time and thus the default bail was granted to Jamie.
24. The police however, completed the investigation by the end of December and the final chargesheet contained the offence under Section 375 r/w Section 376 of the Jotunheimian Penal Code. The Judicial magistrate took the chargesheet on file and issued summons to the accused Jamie but he failed to appear before the court. The court issued a warrant against Jamie. However, when the police attempted to execute the warrant on 1st January 2025, Jamie was nowhere to be found. On 28th January 2025, a consecutive warrant was issued by the court, which again could not be executed by the police on account of Jamie absconding.

25. After following the requisite procedure under JNSS, the court declared him to be a proclaimed offender. Subsequently, in April 2025 the case was committed to the Court of Session, where a trial was conducted in absentia and a conviction was procured under Section 376, sentencing Jamie to life imprisonment.
26. An appeal was preferred by the accused through his advocate before the High Court challenging the trial, the handling of the remand proceedings and the conviction.

The following issues shall be considered before the High Court in the present matter:

1. Whether the appeal in the present case is maintainable before the High Court?
2. Whether the trial in absentia adhered to the provisions and principles of due process?
3. Whether the lower court's application of substantive and procedural laws in the given factual context was correct?
4. Whether any offence in the instant case has been committed, if so, under which laws?
5. Whether the repeated authorisation of police remand by the lower court till 14th December was in accordance with the provisions of criminal procedure and the principles enshrined under the Constitution of Jotunheim?

Nota Bene-

1. All facts mentioned and the references made are fictional.
2. The laws of India apply mutatis mutandis.
3. Issues and sub-issues can be added and modified provided they do not alter the fundamental premise.
4. For the purposes of this proposition, the appeal before the High Court is considered to be filed in May 2025.