



AEQUITAS THE MOOT COURT SOCIETY MAHARAJA SURAJMAL INSTITUTE

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Presents

1st ALL INDIA MAHARAJA SURAJMAL MOOT COURT COMPETITION

2nd - 4th November 2026 (Online)
&
13th - 14th November 2026 (Offline)

MOOT PROPOSITION

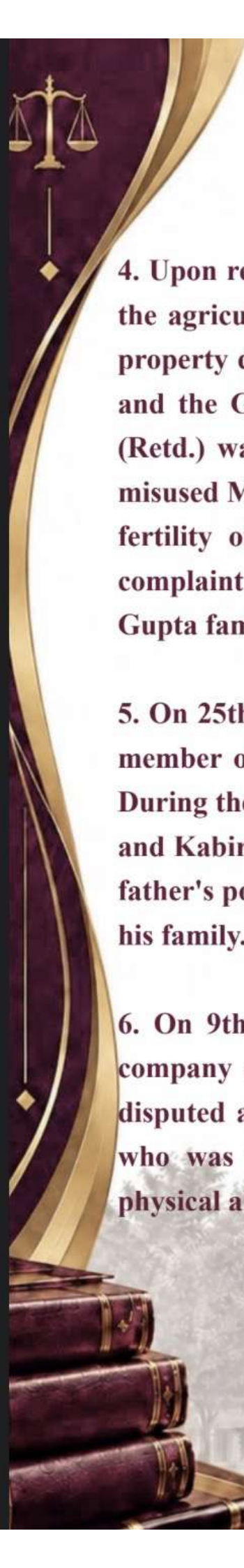


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1. The State of Uttravan is a state within the territory of the Republic of Bharatvarsha. It is geographically diverse, comprising fertile agricultural plains, semi-rural settlements and forested and hilly regions. Agriculture constitutes one of the principal sources of livelihood for a significant portion of its rural population. The State is known for its extensive agricultural tracts, with cultivation of wheat, rice, pulses, sugarcane and seasonal horticultural crops being common in its rural districts.

2. Rajendra Gupta, aged 58 years, father of Vikram Gupta, Kunal Gupta and Arjun Gupta, aged 30, 24 and 21 years respectively, is a member of the Gupta family, a prominent family residing in the village “Jagatpur” in the State of Uttravan. The family owns and possesses 200 acres of fertile agricultural land in and around the village. The land comprises several cultivable parcels, primarily used to grow wheat, paddy, sugarcane, pulses and seasonal vegetables. The family manages the cultivation, harvesting and sale of its agricultural produce and has traditionally exercised possession and control over its agricultural holdings.

3. Kabir Dhillon, aged 24 years, is the son of Major Ranveer Dhillon, a retired officer of the Bharatvarsha Army and owner of 120 acres of land in the same village, “Jagatpur”, as the Gupta family. After completing his graduation, Kabir returned to the village and began assisting his father in managing their agricultural affairs and landholdings.

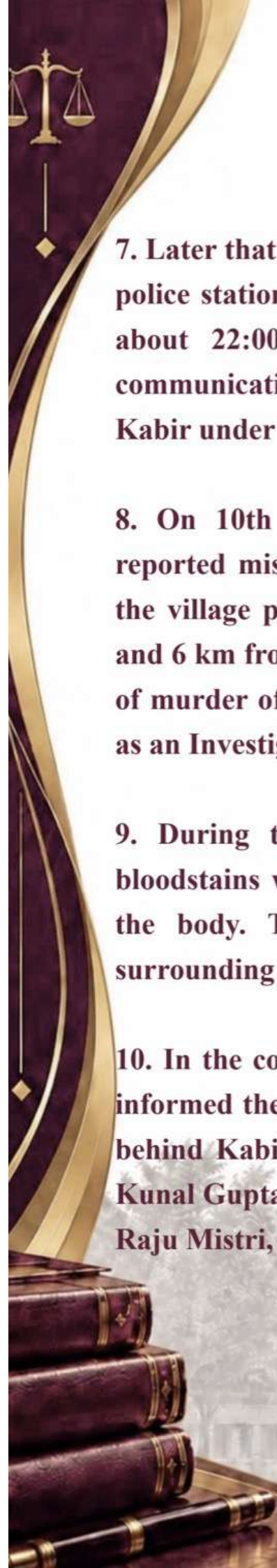


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4. Upon returning to the village on 10 September 2024, he got involved in the agricultural affairs of his family. Kabir became aware of an existing property dispute concerning agricultural land between the Dhillon family and the Gupta family. The dispute arose when Major Ranveer Dhillon (Retd.) was posted at Kargil for 2 years in 2021, and the Gupta family misused Major Ranveer Dhillon's land as a dumping ground, reducing the fertility of the land. After his return, Major Ranveer Dhillon filed a complaint to the nearest police station for the misuse of his land by the Gupta family, but no appropriate action was taken by the police.

5. On 25th September 2024, Kabir confronted Arjun Gupta, the youngest member of the Gupta family, aged 21 years, regarding the said dispute. During the confrontation, a heated altercation took place between the two, and Kabir slapped Arjun and threatened him by stating that, owing to his father's position and connections, he could cause difficulties for Arjun and his family.

6. On 9th October 2024, at about 18:00 hours, Kabir was seen in the company of Vikram Gupta, the eldest son of Rajendra Gupta, near the disputed agricultural land by Raju Mistri, a resident of the same village who was passing through the area. Raju Mistri did not witness any physical altercation or assault between the two.



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7. Later that night, Major Ranveer Dhillon (Retd.) approached the nearest police station and lodged a missing-person complaint regarding Kabir at about 22:00 hours, after failing to either locate or establish any communication with Kabir. The police thereafter commenced a search for Kabir under the pressure of Major Ranveer Dhillon's (Retd.) connections.

8. On 10th October 2024, approximately 24 hours after Kabir was reported missing, the police recovered his dead body from an area near the village pond, which was around 4 km from the Gupta family house and 6 km from the Dhillon family house and lodged an FIR for the offence of murder of Kabir Dhillon. Sub-Inspector Rajesh Kumar was appointed as an Investigating Officer (IO).

9. During the investigation, the police found a gold chain bearing bloodstains with a locket engraved with the initial "A" in the vicinity of the body. The police also recovered a gold-plated knife from the surrounding area. The knife bore the initials "GUPTA" engraved upon it.

10. In the course of the investigation itself, Maj. (Retd.) Ranveer Dhillon informed the police that he believed the property dispute to be the reason behind Kabir's death and alleged that Rajendra Gupta, Vikram Gupta, Kunal Gupta and Arjun Gupta were responsible for the murder of his son. Raju Mistri, who saw Kabir in the company of Vikram Gupta, was the



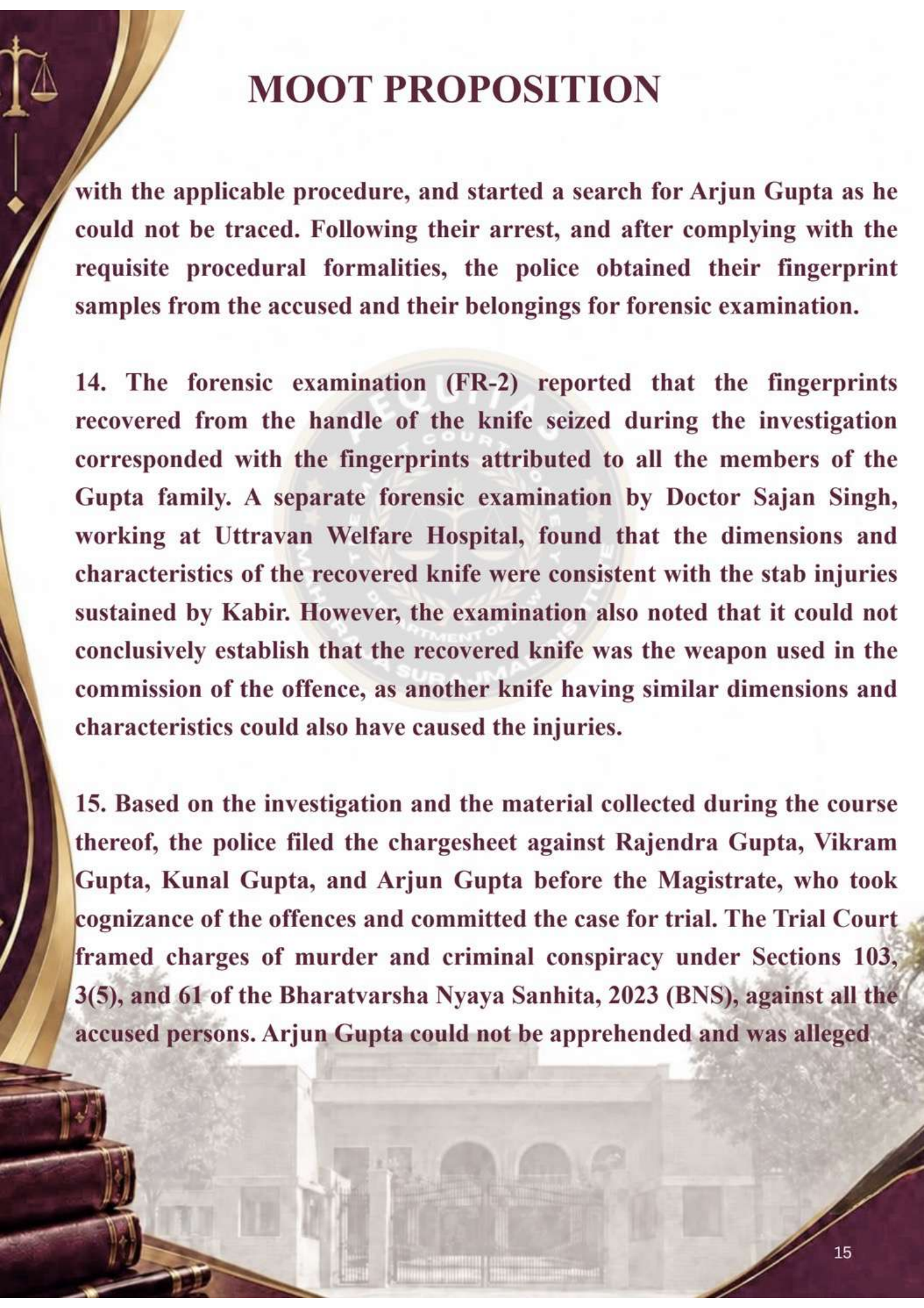
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neighbour of Maj. (Retd.) Dhillon. Upon learning of Kabir's death, Raju Mistri first informed Major (Retd.) Dhillon and subsequently the Investigating Officer that he had seen Kabir in the company of Vikram Gupta near the disputed land at approximately 6:00 p.m. on the evening preceding the recovery of Kabir's body.

11. The post-mortem examination recorded multiple injuries on Kabir's body, including three broken bones, two fractures of the frontal bone, two fractures of the pelvis, injuries involving the L4 and L5 vertebrae, and twelve stab wounds on different parts of the body. The medical record indicated that the injuries were sufficient to cause death. The time of death was reported to be around 20:00-21:00 hours in the Autopsy Report (AR-1).

12. The articles recovered during the course of the investigation, namely the gold chain with locket and gold-plated knife, were sent for forensic examination. As per Forensic Report (FR-1), the bloodstains found on the gold chain matched the victim's DNA profile. Additionally, latent fingerprints were detected on the handle of the knife.

13. Based on the circumstances giving rise to suspicion against Rajendra Gupta, Vikram Gupta, Kunal Gupta and Arjun Gupta, on 28th October 2024, the police arrested three members of the Gupta family in accordance

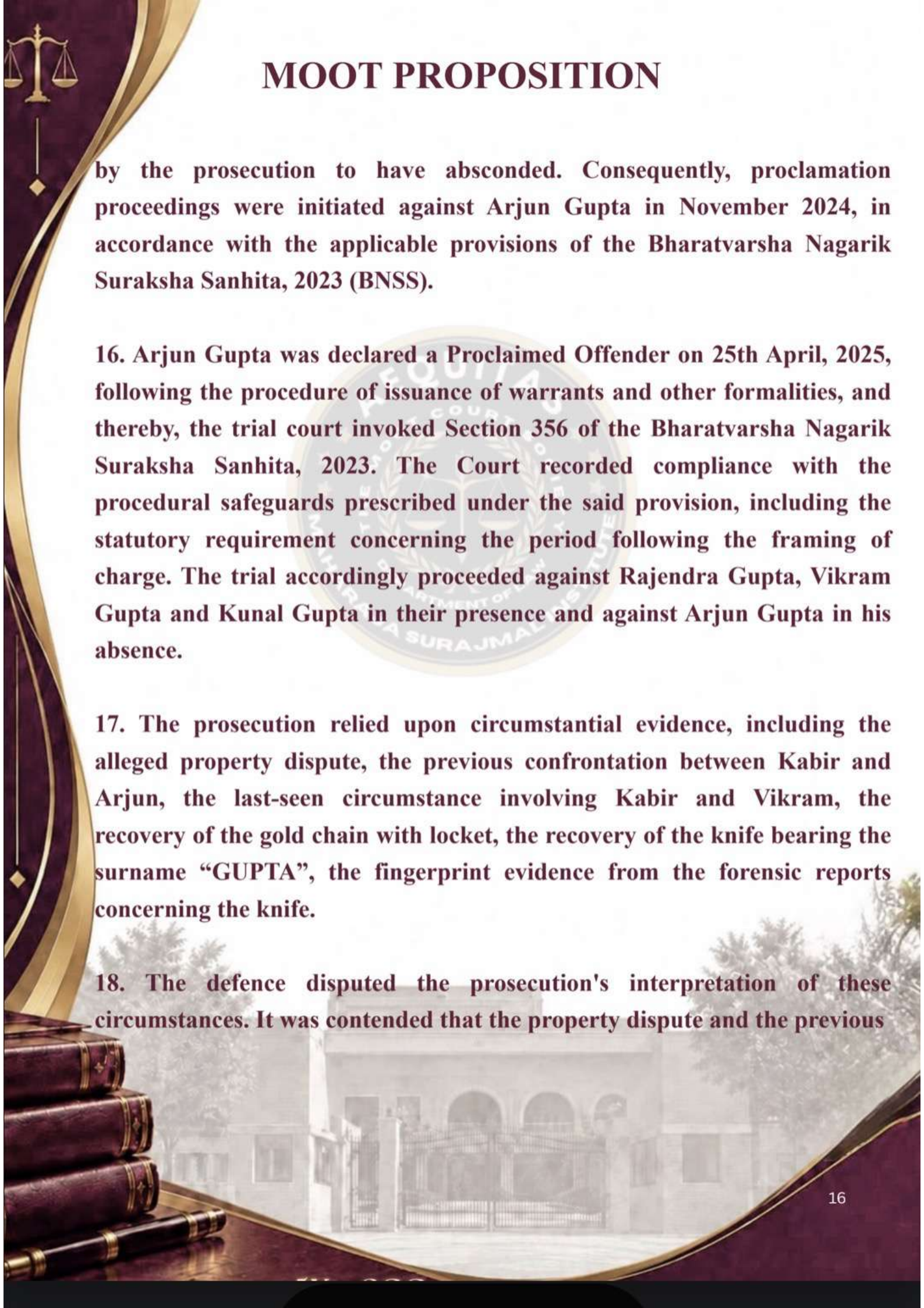


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with the applicable procedure, and started a search for Arjun Gupta as he could not be traced. Following their arrest, and after complying with the requisite procedural formalities, the police obtained their fingerprint samples from the accused and their belongings for forensic examination.

14. The forensic examination (FR-2) reported that the fingerprints recovered from the handle of the knife seized during the investigation corresponded with the fingerprints attributed to all the members of the Gupta family. A separate forensic examination by Doctor Sajan Singh, working at Uttravan Welfare Hospital, found that the dimensions and characteristics of the recovered knife were consistent with the stab injuries sustained by Kabir. However, the examination also noted that it could not conclusively establish that the recovered knife was the weapon used in the commission of the offence, as another knife having similar dimensions and characteristics could also have caused the injuries.

15. Based on the investigation and the material collected during the course thereof, the police filed the chargesheet against Rajendra Gupta, Vikram Gupta, Kunal Gupta, and Arjun Gupta before the Magistrate, who took cognizance of the offences and committed the case for trial. The Trial Court framed charges of murder and criminal conspiracy under Sections 103, 3(5), and 61 of the Bharatvarsha Nyaya Sanhita, 2023 (BNS), against all the accused persons. Arjun Gupta could not be apprehended and was alleged



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by the prosecution to have absconded. Consequently, proclamation proceedings were initiated against Arjun Gupta in November 2024, in accordance with the applicable provisions of the Bharatvarsha Nagarik Suraksha Sanhita, 2023 (BNSS).

16. Arjun Gupta was declared a Proclaimed Offender on 25th April, 2025, following the procedure of issuance of warrants and other formalities, and thereby, the trial court invoked Section 356 of the Bharatvarsha Nagarik Suraksha Sanhita, 2023. The Court recorded compliance with the procedural safeguards prescribed under the said provision, including the statutory requirement concerning the period following the framing of charge. The trial accordingly proceeded against Rajendra Gupta, Vikram Gupta and Kunal Gupta in their presence and against Arjun Gupta in his absence.

17. The prosecution relied upon circumstantial evidence, including the alleged property dispute, the previous confrontation between Kabir and Arjun, the last-seen circumstance involving Kabir and Vikram, the recovery of the gold chain with locket, the recovery of the knife bearing the surname “GUPTA”, the fingerprint evidence from the forensic reports concerning the knife.

18. The defence disputed the prosecution's interpretation of these circumstances. It was contended that the property dispute and the previous



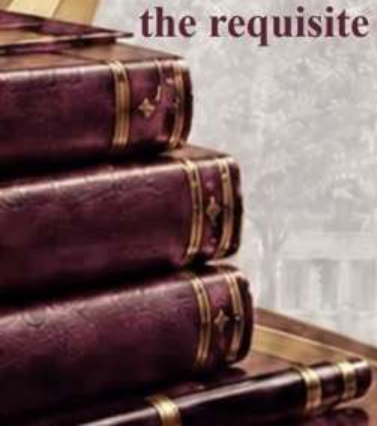
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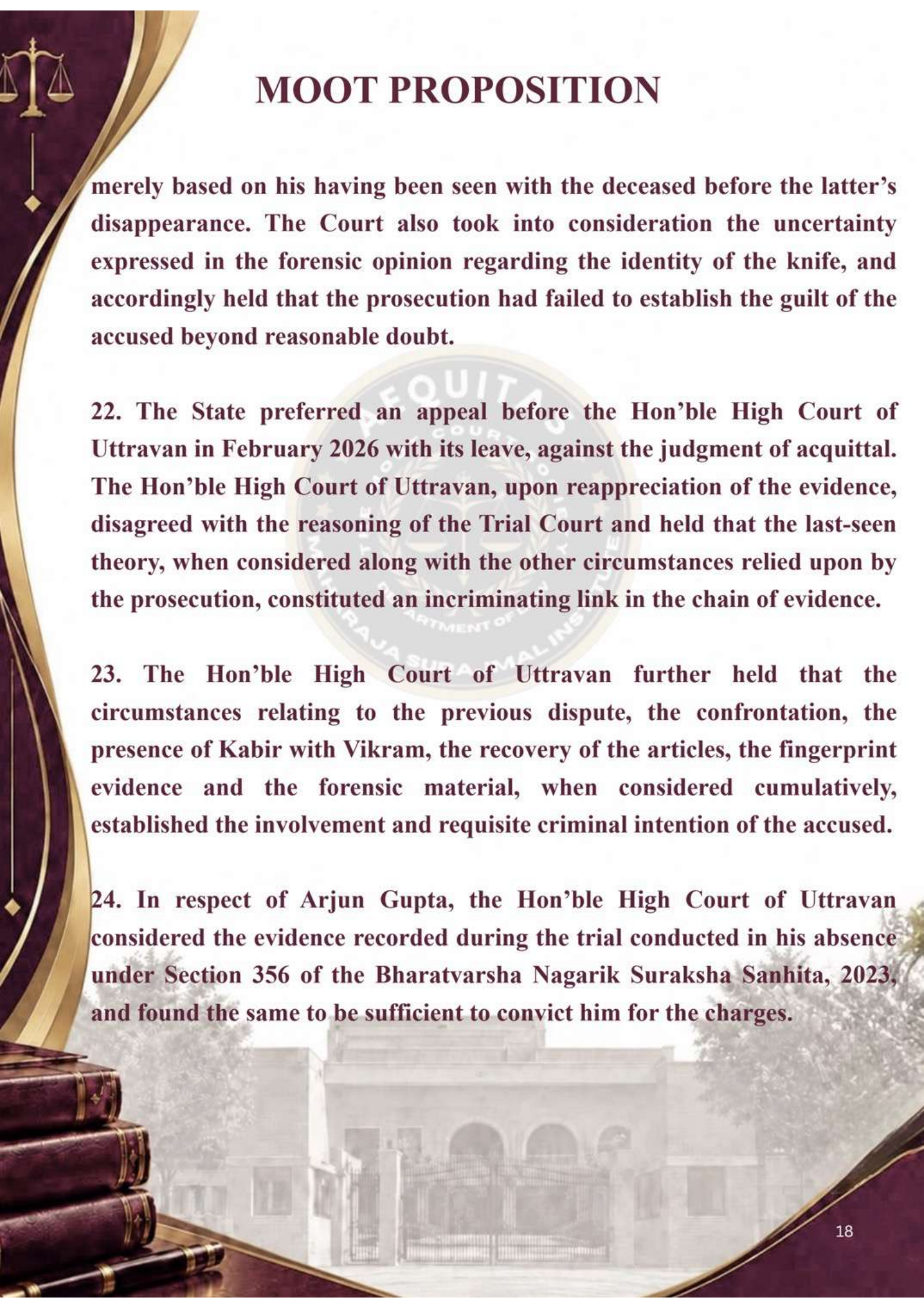
confrontation could establish, at most, a possible motive, but could not by themselves establish participation in the murder. It was further contended that the presence of Vikram with Kabir at approximately 18:00 hours did not, by itself, establish that Vikram participated in the subsequent killing.

19. The defence further contended that the presence of fingerprints of the four members of the Gupta family on the knife could not, without evidence establishing when and under what circumstances the fingerprints came to be deposited, conclusively establish that the knife was used in the commission of the offence. It was also argued that the forensic qualification regarding another similar knife created a reasonable doubt regarding the identity of the weapon used, thus, the benefit of the doubt stands with the accused.

20. The Trial Court on 15th January 2026, after considering the evidence on record, acquitted Rajendra Gupta, Vikram Gupta, Kunal Gupta and Arjun Gupta. With respect to the alleged last-seen theory, the Trial Court held that the circumstance of Kabir having been seen with Vikram was insufficient, in the factual circumstances of the case, to complete the chain of circumstantial evidence. Therefore, the benefit of the doubt stands with the accused.

21. The Trial Court further held that the prosecution had failed to establish the requisite mens rea or criminal participation on the part of Vikram,





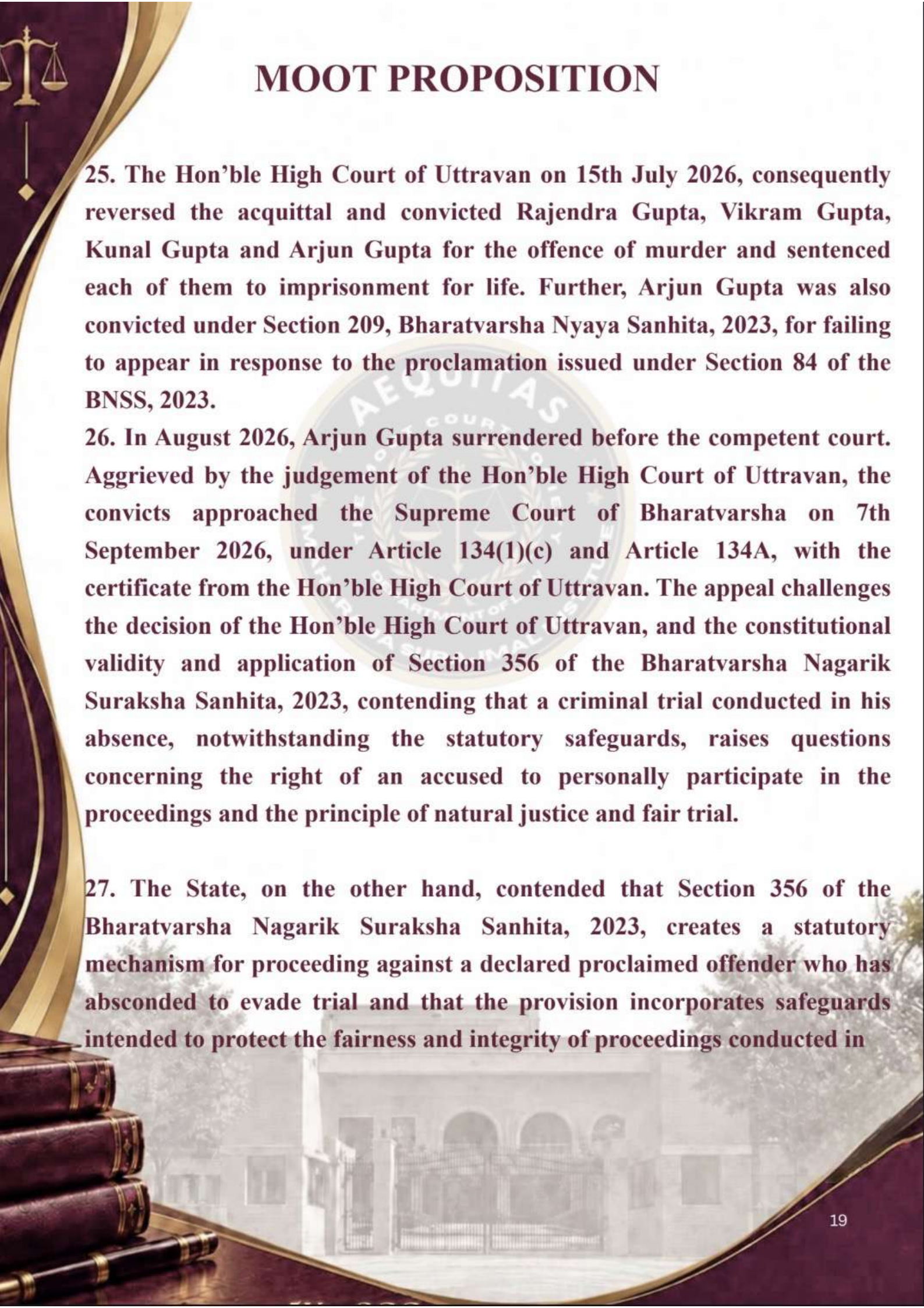
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merely based on his having been seen with the deceased before the latter's disappearance. The Court also took into consideration the uncertainty expressed in the forensic opinion regarding the identity of the knife, and accordingly held that the prosecution had failed to establish the guilt of the accused beyond reasonable doubt.

22. The State preferred an appeal before the Hon'ble High Court of Uttravan in February 2026 with its leave, against the judgment of acquittal. The Hon'ble High Court of Uttravan, upon reappreciation of the evidence, disagreed with the reasoning of the Trial Court and held that the last-seen theory, when considered along with the other circumstances relied upon by the prosecution, constituted an incriminating link in the chain of evidence.

23. The Hon'ble High Court of Uttravan further held that the circumstances relating to the previous dispute, the confrontation, the presence of Kabir with Vikram, the recovery of the articles, the fingerprint evidence and the forensic material, when considered cumulatively, established the involvement and requisite criminal intention of the accused.

24. In respect of Arjun Gupta, the Hon'ble High Court of Uttravan considered the evidence recorded during the trial conducted in his absence under Section 356 of the Bharatvarsha Nagarik Suraksha Sanhita, 2023, and found the same to be sufficient to convict him for the charges.



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25. The Hon'ble High Court of Uttravan on 15th July 2026, consequently reversed the acquittal and convicted Rajendra Gupta, Vikram Gupta, Kunal Gupta and Arjun Gupta for the offence of murder and sentenced each of them to imprisonment for life. Further, Arjun Gupta was also convicted under Section 209, Bharatvarsha Nyaya Sanhita, 2023, for failing to appear in response to the proclamation issued under Section 84 of the BNSS, 2023.

26. In August 2026, Arjun Gupta surrendered before the competent court. Aggrieved by the judgement of the Hon'ble High Court of Uttravan, the convicts approached the Supreme Court of Bharatvarsha on 7th September 2026, under Article 134(1)(c) and Article 134A, with the certificate from the Hon'ble High Court of Uttravan. The appeal challenges the decision of the Hon'ble High Court of Uttravan, and the constitutional validity and application of Section 356 of the Bharatvarsha Nagarik Suraksha Sanhita, 2023, contending that a criminal trial conducted in his absence, notwithstanding the statutory safeguards, raises questions concerning the right of an accused to personally participate in the proceedings and the principle of natural justice and fair trial.

27. The State, on the other hand, contended that Section 356 of the Bharatvarsha Nagarik Suraksha Sanhita, 2023, creates a statutory mechanism for proceeding against a declared proclaimed offender who has absconded to evade trial and that the provision incorporates safeguards intended to protect the fairness and integrity of proceedings conducted in



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the accused's absence.

28. The matter is accordingly before the Hon'ble Supreme Court of Bharatvarsha.

NOTE:- The laws of the Republic of Bharatvarsha are pari materia with the Constitution of India, Bharatiya Nyaya Sanhita, 2023 (BNS), the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and the Bharatiya Sakshya Adhiniyam, 2023 (BSA).

ISSUES

Issue 1 - Whether the circumstances relied upon by the prosecution form a complete chain of evidence sufficient to establish the guilt of the accused beyond reasonable doubt?

Issue 2 - Whether the Hon'ble High Court of Uttravan was justified in reversing the Trial Court's acquittal and convicting all the accused on the evidence on record?

Issue 3 - Whether Section 356 of the Bharatvarsha Nagarik Suraksha Sanhita, 2023, permitting trial in absentia of a declared proclaimed offender, is constitutionally valid or not?

