



# MOOT PROPOSITION



IN THE SUPREME COURT OF YUKTARASHTRA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL (BY SPECIAL LEAVE) NO. \_\_\_ OF 2026  
WITH  
INTERLOCUTORY APPLICATION NO. \_\_\_ OF 2026

AARAV MALHOTRA ... APPELLANT  
VERSUS  
STATE OF VINDHYA PRADESH ... RESPONDENT

## PREFATORY NOTE

The Republic of Yuktarashtra is a sovereign democratic polity governed by a written Constitution *pari materia* with the Constitution of India. Until 30 June 2024, substantive criminal law, criminal procedure, and evidentiary principles were governed respectively by the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, and the Indian Evidence Act, 1872. With effect from 1 July 2024, these enactments stood repealed and were replaced by the Yuktarashtra Nyaya Sanhita, 2023, the Yuktarashtra Nagarik Suraksha Sanhita, 2023, and the Yuktarashtra Sakshya Adhiniyam, 2023.

The Protection of Children from Sexual Offences Act, 2012 continues to operate. Judicial precedents of the Supreme Court of India shall have persuasive value. The facts stated herein are exhaustive and final. No facts beyond the record may be assumed or introduced. The present appeal challenges both conviction and sentence.

## STATEMENT OF FACTS

1. Mangalkot is a district headquarters town in the State of Vindhya Pradesh which, over the past decade, has come to symbolise the uneasy coexistence of accelerated urbanisation, precarious civic infrastructure, and a visibly strained criminal justice apparatus. Between 2021 and 2023, the district witnessed repeated public demonstrations in response to allegations of investigative failures in cases involving crimes against women. These demonstrations were accompanied by sustained media scrutiny and explicit political commentary. Senior elected functionaries of the State speaking both within and outside the legislature publicly expressed dissatisfaction with the functioning of the police machinery and assured the citizenry that henceforth crimes characterised by “exceptional brutality” would invite swift arrests and uncompromising punishment. Such assurances were circulated through official press briefings and government-linked digital platforms.



# MOOT PROPOSITION



2. Ward No. 17 of Mangalkot is a densely populated residential cluster comprising single-room tenements constructed incrementally over several decades. The locality is architecturally marked by shared access corridors, narrow staircases, common courtyards, and communal water points. The area is devoid of CCTV surveillance. Electricity supply is erratic with frequent and prolonged outages. Movement of residents, visitors, delivery personnel, and casual labourers within the premises is continuous and largely undocumented. As a result, any precise reconstruction of ingress, egress, or duration of presence is inherently speculative.
3. The prosecutrix, hereinafter referred to as “K”, resided with her mother, Smt. R, in a ground-floor tenement in Ward No. 17. Smt. R is a domestic worker who migrated to Mangalkot from a rural district several years earlier and continued to adhere to conservative social practices prevalent in her native community. From at least 2021 onwards, evidence on record indicates that she held deeply entrenched beliefs favouring early marriage of girls and repeatedly articulated the view that prolonged education and urban exposure resulted in moral “deviation” and social disgrace. Multiple neighbours and acquaintances stated that she was actively exploring matrimonial alliances for K and had conveyed anxiety that delay in marriage would irreversibly compromise familial honour.
4. The prosecution asserts that K was below eighteen years of age at the relevant time, relying primarily upon a school transfer certificate issued in March 2023 shortly prior to the incident. The appellant disputes this assertion relying upon delayed birth registration records, inconsistencies across educational documents generated between 2016 and 2023, and a medical opinion based on ossification studies placing K’s age within a range of seventeen to nineteen years. It is not disputed that no contemporaneous age determination exercise was undertaken by the Child Welfare Committee nor was K produced before any statutory authority at any point prior to her death. The Investigating agency stated that no referral was made to the Child Welfare Committee owing to the absence of any contemporaneous dispute regarding age at the initial stage of investigation and because reliance was placed on educational records customarily accepted in the district for age verification.
5. In addition to educational and medical records, the investigation revealed that K maintained multiple active social media accounts across widely used platforms. Archived versions of these profiles, retrieved during digital forensic analysis, reflected K’s self-declared age as seventeen years at various points during 2022 and early 2023. The prosecution contends that such declarations corroborate the assertion of minority, while the defence argues that age declarations on social media are routinely altered, unverifiable, and often configured to access platform features, and therefore lack probative value for statutory age determination. No independent verification of the date of creation or subsequent modification of these age entries was undertaken by the investigating agency.



# MOOT PROPOSITION



6. Notwithstanding the absence of a contemporaneous and conclusive age determination exercise, the investigating agency proceeded to frame charges under the Protection of Children from Sexual Offences Act, 2012 in the charge-sheet. The defence contends that the invocation of aggravated statutory provisions without first establishing the foundational jurisdictional fact of minority reflects investigative haste and non-application of mind, while the prosecution maintains that the materials available at the time were sufficient to prima facie attract the provisions of the Act. No supplementary charge-sheet was filed to revisit the applicability of the POCSO Act after inconsistencies regarding age emerged during investigation.
7. Between late 2022 and early 2023, K was engaged in frequent telephonic and electronic communication with an unidentified individual. Messages later recovered from her mobile device reflect emotional intimacy, discussions regarding private meetings, and sustained resistance to familial pressure concerning marriage. Certain deleted messages retrieved during forensic extraction suggest that K feared being compelled into marriage against her wishes and was contemplating leaving the household temporarily. The identity of the individual with whom K was communicating was never conclusively established, notwithstanding partial digital footprints indicating the use of multiple SIM cards and encrypted messaging platforms.
8. Witnesses residing in the vicinity deposed that verbal altercations between K and her mother intensified during this period. Raised voices and crying were heard on multiple occasions, often late in the evening. On at least one occasion, a neighbour overheard Smt. R stating that “it is better to marry her off than allow disgrace”, and on another occasion remarking that a girl who disobeys her family invites misfortune upon herself. No complaint was lodged with any authority, nor was any intervention sought.
9. The appellant, Aarav Malhotra, was aged twenty-six years in 2023. He was a long-standing acquaintance of the family and had known K since childhood. He was regarded by Smt. R as a trusted family friend. He frequently visited the residence, assisted Smt. R with errands, and occasionally helped K with school-related tasks. Neighbours described his presence in the household as routine and unremarkable. The appellant had no prior criminal antecedents.
10. The appellant was intermittently employed as a delivery executive for online platforms and was also associated with a local youth organisation affiliated with a regional political party. While he held no formal office, his association was publicly visible. Following the incident, photographs depicting the appellant’s participation in political events were circulated on social media accompanied by allegations that the police were shielding individuals with political connections. These posts were subsequently removed.



# MOOT PROPOSITION



11. On 14 April 2023, at approximately 4:00 p.m., Smt. R left the residence for work. Multiple witnesses later stated that the appellant was seen conversing briefly with K in the common corridor earlier that afternoon. The appellant admits to visiting the locality but disputes the duration and nature of the interaction, maintaining that it was incidental and fleeting.
12. Between approximately 5:00 p.m. and 6:00 p.m., several residents reported hearing intermittent sounds emanating from within the residential block. Accounts varied considerably. Some described raised voices; others reported dull thuds or sounds of objects falling; several stated that such disturbances were commonplace and did not necessarily signify violence. At approximately 6:10 p.m. a power outage plunged the locality into darkness for nearly twenty-five minutes. During this interval, multiple residents reported movement in corridors and stairwells though none could identify individuals with certainty.
13. When Smt. R returned to the residence at approximately 7:00 p.m., she found the house unoccupied. K was not present. Certain personal items ordinarily used by K, including clothing and a small bag, were missing. Despite neighbours advising her to approach the police, Smt. R did not lodge a missing-person report. She later stated that she believed K may have left voluntarily following their recent disagreements.
14. Call detail records reveal that between 7:15 p.m. and 8:00 p.m. Smt. R made multiple telephone calls including to a distant relative in another district and to an unregistered prepaid number which was never conclusively identified. The contents of these conversations could not be retrieved. Smt. R stated that she was “seeking advice” regarding K’s absence.
15. At approximately 10:40 p.m., residents discovered an unconscious female body lying near a disused stone quarry on the outskirts of Mangalkot approximately three kilometres from Ward No. 17. The body was partially clothed and bore visible injuries. The prosecutrix was identified and admitted to hospital shortly before midnight.
16. Medical examination revealed severe cranio-cerebral trauma, irregular and discontinuous ligature marks around the neck, extensive genital injuries, and signs of prolonged hypoxia. Treating physicians noted injuries of varying ages and were unable to conclusively determine whether all injuries were inflicted at a single location. K remained in a comatose state and succumbed to her injuries on 23 April 2023.



# MOOT PROPOSITION



17. An FIR was registered on 15 April 2023 under the Indian Penal Code, 1860, and the Protection of Children from Sexual Offences Act, 2012. Upon K's death, the case was converted to include offences of murder and aggravated sexual assault. Prior to completion of investigation, senior political leaders publicly characterised the incident as a "rarest of rare crime" warranting capital punishment. During cross-examination, the Investigating Officer acknowledged that the case was categorised as a "high-sensitivity matter" requiring periodic status updates to senior officials though he denied that such classification influenced investigative decisions.
18. The post-mortem examination conducted by a medical board, recorded multiple blunt-force injuries to the skull, a fractured hyoid bone, irregular ligature marks, extensive genital trauma, and evidence of prolonged hypoxia. While the majority opinion attributed death to a combination of strangulation and blunt-force injury, one member of the board recorded a dissent, observing that the sequencing of injuries, the precise locus of assault and the possibility of more than one assailant could not be conclusively ruled out. The majority further opined that the pattern of injuries was consistent with sustained assault by a single assailant though they clarified that the precise sequence and location of infliction could not be definitively reconstructed.
19. The medical board further noted that several injuries were ante-mortem and indicative of sustained assault over a prolonged duration, and that the nature of injuries reflected extreme violence disproportionate to any plausible objective other than deliberate infliction of fatal harm.
20. During trial, the prosecution relied upon the opinion of medical and forensic experts to establish the cause of death, nature of injuries, and the sequence of events, treating such opinions as relevant expert evidence. The defence contested the reliability and conclusiveness of these opinions, pointing to internal dissent within the medical board, inconsistencies across expert reports, and the absence of corroborative forensic linkage. The Trial Court held that expert opinion, though advisory in nature, could be relied upon when supported by surrounding circumstances, and preferred the majority medical opinion over the dissenting view.
21. Between April 2023 and June 2024, the investigation was conducted under the Code of Criminal Procedure, 1973. During this period, neither the residential premises nor the quarry site was promptly sealed. Forensic personnel were requisitioned after substantial delay. No contamination log, scene-access register, or contemporaneous scene chronology was maintained. Signs of recent cleaning were noted at the residence, including damp flooring and traces of disinfectant. Smt. R stated that she routinely cleaned the house every evening and denied any unusual activity. During investigation, the wearing apparel of Smt. R seized on 15 April 2023 did not reveal the presence of bloodstains or biological material attributable to the prosecutrix.



# MOOT PROPOSITION



22. A medical examination conducted the same day did not record any fresh injuries, abrasions, or signs of physical exertion inconsistent with routine domestic activity. Two neighbours deposed that Smt. R habitually cleaned the tenement every evening upon returning from work including mopping floors with disinfectant owing to persistent sanitation concerns in the locality.
23. Biological samples revealed mixed DNA profiles. A partial profile consistent with the prosecutrix was isolated, along with genetic material attributable to an unidentified male contributor. No definitive DNA linkage with the appellant was established. No elimination or comparison testing of Smt. R was conducted. Three chance fingerprints lifted from movable surfaces inside the residence were reported to match the appellant. No elimination fingerprints of Smt. R or other frequent visitors were obtained. The Fingerprint Bureau stated that the time and context of impression could not be determined.
24. The prosecutrix's mobile phone, recovered near the quarry in damaged condition, was accessed prior to the generation of cryptographic hash values. Data extraction revealed deleted messages, location anomalies, and indications that the device had been powered on after the estimated time of assault. Smt. R denied accessing the device after K left the house.
25. On 1 July 2024, the Yuktarashtra Nyaya Sanhita, 2023, the Yuktarashtra Nagarik Suraksha Sanhita, 2023, and the Yuktarashtra Sakshya Adhiniyam, 2023 came into force. At that stage, the trial was pending. During proceedings conducted thereafter, the prosecution invoked provisions of the new enactments to tender forensic and electronic evidence collected earlier and to justify investigative practices retrospectively. In particular, the prosecution relied upon provisions of the Yuktarashtra Sakshya Adhiniyam, 2023 to tender electronic records extracted from the prosecutrix's mobile device without producing contemporaneous certification equivalent to that mandated under the repealed Indian Evidence Act, 1872. The defence objected, contending that evidentiary safeguards governing admissibility could not be retrospectively diluted, especially where the collection itself pre-dated the statutory transition. The Trial Court overruled the objection, holding that the change was procedural and did not occasion prejudice.
26. An internal forensic audit later noted delayed scene processing, cognitive contamination, and failure to explore alternative hypotheses, including the conduct of individuals with proximate access to the prosecutrix. No supplementary charge-sheet was filed.



# MOOT PROPOSITION



27. The facts as recorded herein are derived from the charge-sheet, general diary entries, forensic reports, and records of trial proceedings. No adverse inference may be drawn from the absence of live witness testimony or cross-examination beyond what is reflected in the record.
28. The Trial Court convicted the appellant and sentenced him to death. The High Court affirmed the conviction and sentence in 2025, holding that statutory transition did not occasion prejudice and that alternative hypotheses were speculative.
29. The appellant has remained incarcerated since April 2023 and now approaches this Hon'ble Court.
30. The appellant contends that the conviction and sentence suffer from constitutional, procedural, and evidentiary infirmities and seeks setting aside of the conviction and sentence. The respondent State seeks affirmation of the conviction and sentence.

## ISSUES FOR CONSIDERATION

*The parties shall address a minimum of four (4) of the following issues. The Court clarifies that these issues are not confined to the facts of the present case but raise questions of law bearing upon the future administration of criminal justice.*

- I. Whether the retrospective application of the Yuktarashtra Nyaya Sanhita, 2023, the Yuktarashtra Nagarik Suraksha Sanhita, 2023, and the Yuktarashtra Sakshya Adhiniyam, 2023, to investigations initiated under the repealed penal and procedural regime accords with the guarantees under Articles 20(1) and 21 of the Constitution, and whether criminal jurisprudence permits such transition to be justified in the name of procedural efficiency and public interest.
- II. Whether a criminal conviction, particularly one culminating in the imposition of the death penalty can be sustained where the forensic investigation is marked by methodological infirmities, selective scientific reliance, and compromised evidentiary integrity, including breaks in chain of custody and selective reliance upon expert opinion, and whether constitutional due process under Article 21 mandates a higher forensic threshold in cases implicating irreversible punishment, notwithstanding societal demand for deterrence and public retribution.
- III. Whether the failure of the investigating agency to pursue alternative and plausible hypotheses arising from the conduct, proximity, and post-occurrence behaviour of persons exercising intimate and custodial control over the prosecutrix amounts to a violation of the guarantee of equal protection and non-arbitrariness under Article 14, and whether such investigative tunnel vision undermines public confidence in the criminal justice system.



# MOOT PROPOSITION



IV. Whether, in the absence of a contemporaneous and conclusive age-determination exercise establishing minority as a foundational jurisdictional fact, the framing and sustainment of charges under the Protection of Children from Sexual Offences Act, 2012 violates the principle of legality and due process, particularly where such invocation results in aggravated penal consequences.

V. Whether the confirmation of the death sentence, in a prosecution marked by contested forensic integrity, unresolved alternative hypotheses, and statutory transition mid-process, satisfies the constitutional requirement of heightened reliability under Article 21, institutional fallibility in capital adjudication, and whether the doctrine of “rarest of rare” must be reconceptualised to account not only for the brutality of the crime, but also for the epistemic certainty of the adjudicatory process.