
THE K.K. LUTHRA MEMORIAL MOOT COURT, 2025

February 21, 2025 to February 23, 2025

BEFORE THE HON'BLE HIGH COURT OF MODA AT DELPHI

In the matter of

CRIMINAL APPEAL NO. 634/2024

Mr. Yaraa Mixol

.....APPELLANT

v.

State of Moda

....RESPONDENT

And

CRIMINAL APPEAL NO. 1214/2024

State of Moda

.....APPELLANT

v.

Mr. Yaraa Mixol

....RESPONDENT

UNDER SECTION 415 OF THE IONIAN CRIMINAL PROCEDURE CODE

MEMORANDUM *on* BEHALF *of* RESPONDENT

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CONSTITUTION & STATUTE

1. THE CONSTITUTION OF INDIA.
2. THE BHARATIYA NYAYA SANHITA, 2023.
3. THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023.
4. THE BHARATIYA SAKSHYA ADHINIYAM, 2023.

BOOKS

1. BASU, D.D., COMMENTARY ON THE CONSTITUTION OF INDIA (9th ed. 2014-2019).
2. BASU, NRISINHA DAS, BASU'S COMMENTARY ON INDIAN PENAL CODE (12th ed. 2014).
3. GAUR, K.D., *COMMENTARY ON THE INDIAN PENAL CODE* (3rd ed. 2019).
4. PILLAI, P.S.A., CRIMINAL LAW (13th ed., 2017).
5. R.A NELSON, INDIAN PENAL CODE, 1 (13th Ed. Lexis Nexis, 2023).
6. RATANLAL & DHIRAJLAL, THE INDIAN PENAL CODE, 1860 (36th Ed. Lexis Nexis 20).
7. RATANLAL & DHIRAJLAL, THE LAW OF EVIDENCE, 1872 (23th Enlarged Ed. Lexis Nexis 2013).
8. SEERVAI, H.M., CONSTITUTIONAL LAW OF INDIA (4th ed. 1991).
9. WOODROFFE AND AMIR ALI, LAW OF EVIDENCE, 2 (19th Ed. Lexis Nexis 20).
10. ADRIAN KEANE & PAUL MCKEOWN, THE MODERN LAW OF EVIDENCE (12th ed. 2018).

ARTICLES

1. Andrew D. Mitchell, Dominic Let & Lingxi Tang, *AI Regulation and the Protection of Source Code*, 31 Int'l J. L. & Info. Tech. 283, 301 (2023).
2. Assaults with Paintball Guns Cause More Serious Eye Injuries than Previously Known, New Study Reports, UChicago Medicine.
3. Daniel Kiat Boon Seng & Stephen Mason, *Artificial Intelligence and Evidence*, Singapore Academy of Law Special Issue on Law and Technology, 33 SAclJ 241, 279 (2021).
4. David Seaborne Davies, William Teulon Swan Stallybrass & Richard Meredith Jackson, *The Modern Approach to Criminal Law*, vol. 4, Cambridge Studies in Criminology (reprint ed. Kraus Reprint 1968).
5. Ibrahim Raji & Damilola Bartholomew Sholademi, *Predictive Policing: The Role of AI in Crime Prevention*, 13 Int'l J. Comput. Applications Tech. & Research 66, 78 (2024).

-
6. Prof. Hedges, *AI and Case Law*, U.S. District Court for the District of Puerto Rico (Dec. 6, 2023).
 7. S.K. Shahi & A. Mohapatra, *Doctrine of Res Gestae: A Critical Analysis*, 4 GLS Law Journal 31, 37 (2022).
 8. Stephen Mason, *Software Code as the Witness, in Electronic Evidence and Electronic Signatures* 112, 125 (Stephen Mason & Daniel Seng eds., CMB-Combined vol. 5, Univ. of London Press 2021), JSTOR.
-

CASE LIST

-
1. A.N. Venkatesh v. State of Karnataka, 2005 SCC (Cri) 1938.
 2. Abdul Sayeed v. State of A.P., 2006 SCC OnLine AP 1193.
 3. Aghnoo Nagesia v. State of Bihar, A.I.R. 1966 S.C. 119.
 4. Arif Umer v. State of UP, 1999 Cri Lal 3399 (All).
 5. Asstt. Commr. v. Velliappa Textiles Ltd., (2003) 11 S.C.C. 405.
 6. Avtar Singh v. Jagjit Singh, (1979) 4 S.C.C. 83.
 7. Bablu v. State of M.P., 1983 (1) Crimes 1117.
 8. Ballan v. State, 1955 SCC OnLine All 311.
 9. Bapu Lal v. State of Rajasthan, (2007) 8 S.C.C. 66.
 10. Bhagaoji v. Hyderabad Government, A.I.R. 1954 Hyd. 196.
 11. Commissioner of Income Tax v. PatranuDass Raja Ram Beri, A.I.R. 1982 P&H 1.
 12. Congoo, LLC v. Revcontent LLC, Civil Action No. 16-401 (MAS), 2017 WL 3482011 (D.N.J. Aug. 10, 2017).
 13. Deonandan Mishra v. State of Bihar, 1955 SCC OnLine SC 15.
 14. Dhansukh Bhikhabhai Kapadi v. State of Gujarat, 2009 SCC OnLine Guj 3704.
 15. Dipta Dutta v. State of W.B., 2023 SCC OnLine Cal 386.
 16. Eradu v. State of Hyderabad, 1955 SCC OnLine SC 98.
 17. Gahbar Pande v. King-Emperor, 1927 SCC OnLine Pat 134.
 18. Gentela Vijayavardhan Rao v. State of A.P., (1996) 6 S.C.C. 241.
 19. Gobind v. State of M.P., (1975) 2 S.C.C. 148.
 20. Govind Ram alias Govinda v. State, (1985) 27 DLT (SN) 3.
 21. Hanumant v. State of M.P., (1952) 2 S.C.C. 71.
-

-
22. Hari Ram v. State of Haryana, A.I.R. 1983 S.C. 185; 1983 Cr.L.J. 346.
 23. Hari Shankar v. State, 1985 SCC OnLine Del 152.
 24. Hari Singh Gond v. State of Madhya Pradesh, (2008) 16 S.C.C. 109.
 25. Harjinder Singh v. Delhi Admn., 1967 SCC OnLine SC 57.
 26. Indira Nehru Gandhi v. Raj Narain, A.I.R. 1975 S.C. 2299.
 27. Ishwar Singh v. State (Delhi Administration), 1984 SCC OnLine Del 91.
 28. Jaspal Singh v. State of Punjab, A.I.R. 1986 S.C. 683.
 29. Jawahar Lal v. State of Punjab., A.I.R. 1983 S.C. 284; 1983 Cr.L.J. 429.
 30. Jayaraj v. State of T.N., (1976) 2 S.C.C. 788.
 31. K.S. Puttaswamy (Aadhaar-5J.) v. Union of India, (2019) 1 S.C.C. 1.
 32. K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 S.C.C. 1.
 33. Kanta Prashad v. Delhi Admn., 1958 S.C.C. OnLine S.C. 10.
 34. Karan Singh v. State of Uttar Pradesh, 1972 All Cr R 125, 1972 All WR (HC) 192.
 35. Kartar Singh v. State of Punjab, (1994) S.C.C. (Cri) 899.
 36. Kartik Malhar v. State of Bihar, (1996) Cri LJ 889.
 37. Kemma Neelakantha Reddy v. State of A.P., (1978) 2 S.C.C. 473.
 38. Lachhman v. State of M.P., 1963 SCC OnLine MP 71.
 39. Lakshman Singh v. State of Bihar, (2021) 9 S.C.C. 191.
 40. Lalji v. State of U.P., (1989) 1 S.C.C. 437.
 41. M R Pratap v. Director of Enforcement, (1962) Cri LJ 1582 (Mad.).
 42. M.P. Sharma v. Satish Chandra, (1954) 1 S.C.C. 385.
 43. Maragatham, In re, 1959 SCC OnLine Mad 195.
 44. Masalti v. State of U.P., 1964 SCC OnLine SC 30.
 45. Mir Nagvi Askari v. CBI, (2009) 15 S.C.C. 643.
 46. Modern Dental College & Research Centre v. State of M.P., (2016) 7 S.C.C. 353.
 47. Modern Font Applications v. Alaska Airlines, No. 2:19-cv-00561 (D. Utah 2021).
 48. Mohd. Khalid v. State of W.B., (2002) 7 S.C.C. 334.
 49. Mohd.Arif v. State (NCT of Delhi), (2011) 13 S.C.C. 621.
 50. Mukanda v. State, 1956 SCC OnLine Raj 76.
 51. Naresh Kumar v. State of Raj., 1994 Cr LJ (Raj.) 809.
-

-
52. Nikhil Soni v. State of H.P., 2015 Cri LJ 1299.
-
53. Omwati v. Mahendra Singh, (1998) 9 S.C.C. 81.
-
54. Prabhoo v. State of U.P., (1963) 2 S.C.R. 881.
-
55. Pramod v. State of U.P., 2000 SCC OnLine All 1162.
-
56. R. Venkatkrishnan v. CBI, (2009) 11 S.C.C. 737.
-
57. R.M. Malkani v. State of Maharashtra, (1973) 1 S.C.C. 471.
-
58. Rajender v. State (NCT of Delhi), (2019) 10 S.C.C. 623.
-
59. Ram Sanjiwan Singh v. State of Bihar, 1996 CrLJ 2528.
-
60. Ramlila Maidan Incident, In re, (2012) 5 S.C.C. 1.
-
61. Ratilal Magabhai Vasava v. State of Gujarat, 2008 SCC OnLine Guj 263.
-
62. Rattiram v. State of M.P., (2012) 4 S.C.C. 543.
-
63. Ravinder Singh v. State of Punjab, (2022) 7 S.C.C. 581.
-
64. Ravula Hariprasada Rao v. The State, 1951 A.I.R. 204.
-
65. Raza Pasha v. State of Madhya Pradesh, 1983 (1) Crimes 969.
-
66. Reg. v. Cassidy, (1867) 4 L.R. (Q.B.) 360.
-
67. Richard M. Patch v. Playboy Enterprises, Inc. and Frank Browning, 652 F.2d 754 (8th Cir. 1981).
-
68. Sanatan Naskar v. State of West Bengal, (2010) 8 S.C.C. 249.
-
69. Sanku Sreedharan Kottukallil v. State of Kerala, A.I.R. 1970 Ker 98.
-
70. Satish Kumar Kantilal Dave v. State of Gujarat, 1999 Cri Lal 2628 (Guj).
-
71. Selvi v. State of Karnataka, (2010) 7 S.C.C. 263.
-
72. Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 S.C.C. 116.
-
73. Sharda v. Dharmpal, (2003) 4 S.C.C. 493.
-
74. Shivaii Sahabrao Bobade v. State of Maharashtra, (1973) 2 S.C.C. 793.
-
75. Sikandar Singh v. State of Bihar, (2010) 7 S.C.C. 477.
-
76. State of Bombay v. Kathi Kalu Oghad, 1961 S.C.C. OnLine S.C. 74.
-
77. State of Kerala v. P. Sangatha, 2000 Cri LJ 4584 (SC).
-
78. State of M.P. v. Killu, (2020) 16 S.C.C. 735.
-
79. State of M.P. v. Sheetla Sahai, (2009) 8 S.C.C. 617.
-
80. State of Maharashtra v. Kamal Ahmed Mohammed Vakil Ansari, (2013) 12 S.C.C. 17.
-

-
81. State of Maharashtra v. Mayer Hans George, A.I.R. 1965 S.C. 722.
-
82. State of NCT of Delhi v. Shiv Charan Bansal, 2009 SCC OnLine Del 1668.
-
83. State of U.P. v. Randhir, 1959 SCC OnLine All 72.
-
84. State v. Pickett, 466 N.J. Super. 270, 246 A.3d 279 (App. Div. 2021).
-
85. Surinder Kumar v. State of Punjab, 1999 SCC (Cri) 33.
-
86. T. Raghunath Reddy v. State of A.P., 1999 Cri LJ 4889 (A.P.).
-
87. Tomaso Bruno v. State of U.P., (2015) 7 S.C.C. 178.
-
88. Tukaram S. Dighole v. Manikrao Shivaji Kokate, (2010) 4 S.C.C. 329.
-
89. Ujjagar Singh v. State of Punjab, (2007) 13 S.C.C. 90.
-
90. Union of India & Ors. v. Ganesh Das Bhojraj, (2000) 9 S.C.C. 461.
-
91. United States v. Carolene Prods., 304 U.S. 144 (1938).
-
92. Vadivelu Thevar v. State of Madras, A.I.R. 1957 S.C. 614.
-
93. Vasa Chandrasekhar Rao v. Panna Satyanarayan, 2000 Cri LJ 3175 (SC).
-
94. Vinubhai Ranchhodbhai Patel v. Rajivbhai Dudabhai Patel, (2018) 7 S.C.C. 743.
-
95. Yogesh v. State of Maharashtra, (2008) 10 S.C.C. 394.
-
96. Ziyauddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra, (1976) 2 S.C.C. 17.
-

STATEMENT OF FACTS**BACKGROUND**

The Democratic Republic of Ionia, comprising three major states, has notable economic and historical divisions. Moda, an economically advanced state with a majority Ionian ethnic population, contrasts starkly with the underdeveloped Mixolydia, populated by the minority Mixo ethnic group. Political tensions escalated under Prime Minister Ms. Melody Moore of the Ionian People's Party, whose government marginalized Mixolydia, leading to growing pro-independence sentiment.

THE INCIDENT

On June 4, 2024, during an election campaign of Prime Minister Ms. Melody Moore in Ionia's capital, Delphi, a black paintball pellet narrowly missed Prime Minister Melody but struck a commando who later succumbed to injuries from the ensuing stampede. Five individuals in Mixolydian-flag T-shirts were detained, and Mr. Yaara Mixol, a Mixolydian historian and activist, became the prime suspect based on an AI-driven Crime 360 report.

THE INVESTIGATION

The Digital Police force employed the Crime 360 software, which identified Mr. Yaara Mixol as a 92% likely perpetrator using facial recognition and predictive analytics. Other shreds of evidence included a recovered paintball gun, social media activity, a seizure from Mr. Yaara Mixol's residence, and statements linking him to the pro-independence Neo-MPR group. However, no direct eyewitnesses confirmed seeing Mr. Yaara commit the act.

TRIAL

Mr. Yaara Mixol faced trial under multiple sections of the Ionian Penal Code, primarily supported by the Crime 360 analysis. Despite objections over the AI's reliability and the denial of access to its source code and datasets, Ld. Trial court admitted the evidence, convicting Mr. Yaara Mixol under Sections 61, 102 read with Section 105 and 189(4). He was sentenced to seven years of rigorous imprisonment, along with an additional two years for the offence under Section 189(4). His appeal and the state's counter-appeal remain pending before the Hon'ble High Court of Moda.

SUMMARY OF ARGUMENTS

1. WHETHER THE CRIME 360 REPORT IS INADMISSIBLE AS EVIDENCE?

It is humbly submitted before this Hon'ble Court that the report rendered by Crime 360 is admissible as evidence as the material collected was not in violation of fundamental rights and the document asked u/S 230 of CrPC was not supplied as they were not relied upon the document and providing the same will be a threat to the privacy of the citizens and breach of intellectual property rights. Also, the expert witness presented the report with the certificate u/S 63 to prove its admissibility and reliability.

2. WHETHER THE CONVICTION OF THE APPELLANT UNDER SECTION 61, 102 READ WITH SECTION 105 OF THE IPC IS BAD IN LAW?

It is humbly submitted before this Hon'ble court that the order of the Ld. Trial court convicting Mr. Yaara for the offence of criminal conspiracy and culpable homicide not amounting to murder should be sustained as the ingredients of the sections are satisfied. There was the presence of both *actus reus* and *mens rea* on behalf of the accused. The pieces of evidence presented at the stage of the Trial were sufficient and conclusive in nature also the court was appropriate in admitting the Crime 360 report, all these things proved the case beyond a reasonable doubt.

3. WHETHER THE APPELLANT IS LIABLE FOR CONVICTION UNDER SECTION 103(1) IPC?

It is humbly submitted before this Hon'ble court that the accused person should be convicted for culpable homicide amounting to murder as the respondent has successfully proved the presence of both *actus reus* and *mens rea*. The accused failed to prove their innocence and the respondents established a clear chain of circumstances to prove the guilt of the accused. There exist clear motives and intent that could be inferred from the tweets, witnesses' testimonies and Crime 360 report which also gives the identification of the accused. Altogether indicate the guilt of the accused beyond reasonable doubt.

4. WHETHER THE CONVICTION OF THE APPELLANT UNDER SECTION 189(4) IPC IS BAD IN LAW?

It is humbly submitted before this Hon'ble Court that the order of the Trial court convicting Mr. Yaara for the offence of 189(4) should be sustained as the respondent established the presence of the accused with five or more persons with the common object stipulated under section 189(1) I.P.C which makes the assembly unlawful with the deadly weapon which is established with the witness's testimony, recoveries and Crime 360.

WRITTEN PLEADINGS

1. WHETHER THE CRIME360 REPORT IS INADMISSIBLE AS EVIDENCE?

¶ 1. The government of Ionia purchased an AI policing Crime 360 software after three simultaneous low-grade bombs went off in malls in Delphi and other calls for the liberation of Mixolydia took place.¹ Crime 360 was a huge step towards advancing the Integrated Criminal Justice System (*hereinafter* “ICJS”) to ensure speed and accuracy in investigation, prosecution and sentencing.² The incident of 4th June 2024 at Prime Minister Ms. Moore’s election campaign with Report No. 67/2024 registered at Police station Delphi central for the commission of offences under section 189/ 190/ 191/ 61/ 49/ 103/ 109 of the Ionian penal code was the first case in which Crime 360 software run by Digital Police force (*hereinafter* “DPF”) in pursuance with Ionian Criminal Identification Act, 2024 (*hereinafter* “ICIA”) was used to find the perpetrator who was alleged to be Mr. Mixol and the other 5 individuals who were apprehended on the evening of the incident and later convicted by the Ld. Trial court.³

¶ 2. It is most humbly submitted before this Hon’ble Court of Moda that the Crime 360 report is admissible in the court of law as the report was rolled out in pursuance to the statutory provisions of the ICIA and **[1.1.]** *The provisions of ICIA are consistent with the Fundamental Rights.* Additionally, **[1.2.]** *Crime360 report is relevant and reliable as evidence and was admitted through a fair trial.*

1.1.THE PROVISIONS OF ICIA ARE CONSISTENT WITH THE FUNDAMENTAL RIGHTS.

¶ 3. The ICIA is consistent with the constitutional framework of Ionia, as it balances the imperative of public safety with the protection of individual rights, ensuring proportionality in its application. **[1.1.1]** *The provisions of ICIA comply with the test of proportionality and legitimacy and do not violate the right to privacy* **[1.1.2]** *as well as right against self-incrimination.*

1.1.1.The provisions of ICIA do not violate the right to privacy.

¶ 4. The ICIA balances the individual rights guaranteed with the legitimate state interest of maintaining public safety and ensuring effective law enforcement. The exercise of the right to privacy guaranteed by the Constitution is not absolute,⁴ and the government can impose reasonable restrictions.⁵ The options canvassed for restricting such rights include the highest

¹ Moot Proposition, at 1-2, ¶ 4.

² *Id.* at 2, ¶ 5.

³ *Id.* at 3, ¶¶ 8, 9.

⁴ *Sharda v. Dharmpal*, (2003) 4 S.C.C. 493; *see also*; *Ramlila Maidan Incident, In re*, (2012) 5 S.C.C. 1.

⁵ *Gobind v. State of M.P.*, (1975) 2 S.C.C. 148; *see also*; *Kartar Singh v. State of Punjab*, (1994) 3 S.C.C. 569.

standard of scrutiny,⁶ that needs to be adopted to limit the rights of the court.⁷ The functioning and every action of the Crime 360 is all along handled by the DPF which was constituted by ICIA as a specialised unit for a computerized and artificial intelligence-based investigation and the collection, storage of records and destruction of measurements.⁸

¶ 5. The ICIA, through its provisions in Sections 2 & 3, mandates the DPF to collect and maintain a centralised record of measurements while ensuring that such actions are lawful, necessary, and respectful of individual privacy, which emphasizes the obligation to protect individual rights while pursuing legitimate state objectives.⁹ Crime 360 analyzed the appellant's faceprint, alongside other databases to identify suspects involved in the 04 June 2024 incident.¹⁰ The data retention and destruction protocols outlined in the ICIA ensure that the collected information is used solely for criminal investigations and is safeguarded against misuse.¹¹

¶ 6. In the present matter, the restrictions on the right to privacy are proportionate and are thus constitutional. The Act passes the four-fold test of proportionality and legitimacy laid down in *K.S. Puttaswamy v. Union of India*.¹²

i. The restriction on a right must be with a reasonable objective.

¶ 7. The measure restricting a right must have a legitimate goal,¹³ and the ICIA satisfies this requirement. The objective of the ICIA is to constitute DPF for computerized and artificial intelligence-based investigation and to allow the collection of measurements of the individuals related to criminal investigations only under judicial supervision by DPF,¹⁴ The Crime 360 ability to analyze surveillance footage, social media activity,¹⁵ and other datasets demonstrate its utility in achieving the legitimate goal of enhancing public safety and addressing modern threats efficiently.

ii. The rational connection between means and ends of the Act.

¶ 8. The legislation must adopt suitable means of furthering the legitimate State goal.¹⁶ *In casu*, there lies a *rational nexus* b/w the increased crime and for constituting a DPF for criminal

⁶ United States v. Carolene Prods., 304 U.S. 144 (1938).

⁷ K.S. Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 S.C.C. 1.

⁸ Ionian Criminal Identification Act, §§ 1, 2, Moot Proposition, at 14.

⁹ Ionian Criminal Identification Act, § 2, Moot Proposition, at 14.

¹⁰ Moot Proposition, at 03, ¶ 08.

¹¹ Ionian Criminal Identification Act, § 2(2), Moot Proposition, at 14.

¹² K.S. Puttaswamy (Aadhaar-5J.) v. Union of India, (2019) 1 S.C.C. 1; *see also*; Modern Dental College & Research Centre v. State of M.P., (2016) 7 S.C.C. 353.

¹³ *Ibid.*

¹⁴ Moot Proposition, at 02, ¶ 06.

¹⁵ Document A, Moot Proposition, at 07.

¹⁶ K.S. Puttaswamy (Aadhaar-5J.) v. Union of India, (2019) 1 S.C.C. 1.

investigations as mentioned in Cl 2 of ICIA.¹⁷ Ionia had a constant surge for the liberation of the Mixolydian,¹⁸ which included the criminal & terrorist activities.¹⁹

iii. Absence of any less intrusive but equally effective and preferable alternative.

¶ 9. There must not be any less restrictive but equally effective alternative for achieving the legitimate goal,²⁰ and the measures under the ICIA, represent the most effective and necessary approach to addressing criminal investigations by collection of measurements²¹ in connection with the investigations and setting up a DPF which will fill up any legal gaps for using Crime 360.²² No alternative mechanism offers the same level of efficiency and effectiveness while maintaining accountability and minimizing unnecessary intrusion.

iv. There is no disproportionate impact on the right holder.

¶ 10. The measures must not have a disproportionate impact on the right holder.²³ The measurements helped the DPF to gather sufficient legally admissible evidence and establish the crime of the accused person. Section 2 of the ICIA provides a provision for the destruction of records.²⁴ As regards measurements, is minimal information required to aid an investigation and has been considered to be the most accurate and non-invasive mode of identifying an individual.²⁵

1.1.2. The provisions of ICIA do not violate the right against self-incrimination.

¶ 11. The right against self-incrimination protects individuals from being compelled to provide evidence that is testimonial in nature and incriminates them through volitional communication of knowledge.²⁶ There is a distinction between physical and testimonial evidence, the very right does not extend to physical samples obtained through lawful means.²⁷ However, the collection of measurement data, such as faceprints, fingerprints, etc. under the ICIA constitutes physical evidence and does not fall within the ambit of testimonial compulsion.

¹⁷ Ionian Criminal Identification Act, § 2, Moot Proposition, at 14.

¹⁸ Moot Proposition, at 01-02, ¶ 4.

¹⁹ *Id.* at 1, ¶ 3.

²⁰ *Modern Dental College & Research Centre v. State of M.P.*, (2016) 7 S.C.C. 353.

²¹ Ionian Criminal Identification Act, § 2(a), Moot Proposition, at 14.

²² Moot Proposition, at 02, ¶ 06.

²³ *K.S. Puttaswamy (Aadhaar-5J.) v. Union of India*, (2019) 1 S.C.C. 1.

²⁴ Ionian Criminal Identification Act, § 2(2), Moot Proposition, at 14.

²⁵ *K.S. Puttaswamy v. Union of India*, (2019) 1 S.C.C. 295, 296; *see also*; MAHENDRA PAL SINGH, V.N. SHUKLA'S CONSTITUTION OF INDIA 345 (13th ed. Lexis Nexis 2019).

²⁶ *M.P. Sharma v. Satish Chandra*, (1954) 1 S.C.C. 385.

²⁷ *Selvi v. State of Karnataka*, (2010) 7 S.C.C. 263.

¶ 12. The measurements as per ICIA do not constitute self-incrimination as it does not involve any volitional communication from the accused.²⁸ Mr. Mixol's faceprint was collected under Sections 4 & 5 of the ICIA, pursuant to a magistrate's order.²⁹ This process adhered to legal safeguards, ensuring that the collection was neither arbitrary nor coercive. Moreover, the faceprint was used for identification of the perpetrator through Crime 360 and not as direct evidence of guilt.

1.2.THE REPORT IS RELEVANT AND RELIABLE AS EVIDENCE AND WAS ADMITTED THROUGH FAIR TRIAL.

¶ 13. It is submitted before the Hon'ble Bench that the Crime 360 application and its report are admissible as evidence. [1.2.1] *The Crime 360 report is relevant and reliable and is corroboration with other evidence* and, [1.2.2] *was admitted through a fair trial.*

1.2.1.The Crime 360 report is relevant and reliable.

¶ 14. The document or fact becomes relevant in evidence when it is essential in proving the case of the parties and is related to the dispute before the court.³⁰ The reliability of the evidence must be established before it is admitted.³¹ Electronic documents *stricto sensu* are admitted as material evidence.³² The same is not admissible unless it is accompanied by a certificate as contemplated u/S 63(4),³³ with an expert opinion u/S 45 of the Indian Evidence Act [*hereinafter* "IEA"]. As it is the domain of the expert to interpret the test results and form a conclusion.³⁴

¶ 15. In *casu*, PW/34, Inspector David Dhawan of the DPF an expert specially trained by the company Looper Inc. to operate their crime 360 software.³⁵ He produced the Crime 360 report as electronic evidence accompanied by a certificate u/S 63 of the IEA.³⁶ He stated that the algorithm works with absolute precision based on the inputs available in its dataset and accordingly renders results.³⁷ Given that the criteria for admissibility have been satisfied and was also admitted reliable & accurate by the Ld. Trial court.³⁸

²⁸ State of Bombay v. Kathi Kalu Oghad, 1961 S.C.C. OnLine S.C. 74.

²⁹ Moot Proposition, at 04, ¶ 12.

³⁰ M.C. Legal, Evidence Act Issue 3: Admissibility and Relevancy of Documents, M.C. Legal (2024), https://www.mcolegals.in/kb/Evidence_Act_Issue_3_Admissibility_and_Relevancy_of_Documents.pdf.

³¹ R.M. Malkani v. State of Maharashtra, (1973) 1 S.C.C. 471; *see also*; Ziyauddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra, (1976) 2 S.C.C. 17; *see also*; Tukaram S. Dighole v. Manikrao Shivaji Kokate, (2010) 4 S.C.C. 329.

³² Tomaso Bruno v. State of U.P., (2015) 7 S.C.C. 178.

³³ Ravinder Singh v. State of Punjab, (2022) 7 S.C.C. 581.

³⁴ Daniel Kiat Boon Seng & Stephen Mason, *Artificial Intelligence and Evidence*, Singapore Academy of Law Special Issue on Law and Technology, (2021) 33 SAclJ 241-79, <https://ssrn.com/abstract=3924762>.

³⁵ Moot Proposition, at 04, ¶ 15.

³⁶ *Ibid.*

³⁷ *Id.* at 15, ¶ 16.

³⁸ Moot Proposition, at 05, ¶ 20.

¶ 16. Moreover, the Crime 360 report worked in corroboration with other shreds of evidence which proves the reliability of the said report. Conviction can be based solely on circumstantial evidence but it should be tested on the touchstone of the law relating to circumstantial evidence.³⁹ Courts should establish guidelines for when such corroboration is required, especially in cases of high stakes or where the AI's reliability is in question.⁴⁰ In *casu*, the testimony of the PW/34 states that the software flagged some important inputs which led the police to place reliance on it.⁴¹ During the investigation, local police recovered a box of paintball pellets in the house of the accused.⁴² The corroboration can be further proved when, his presence at the place of incidence was confirmed by PW/4 & 5, and through his own statement regarding the recovery of the weapon.⁴³ The Crime360 report flagged key inputs that, when corroborated with the evidence disclosure, directly implicated Mr. Yaara Mixol.

1.2.2. The Crime 360 report was admitted through a fair trial.

¶ 17. A 'fair trial' is an important facet of a democratic polity that is governed by the Rule of Law.⁴⁴ Source code & data sets cannot be revealed under Section 230 of CrPC as they are not relied upon documents and revealing data sets will be a threat to national security. Also, the source code is an intellectual property of *Looper Inc.*, Ionia merely has the license to use the software.

¶ 18. It is submitted that the program that humans write is called the 'source code' then written it is processed by a program called a compiler into binary code which the computer uses.⁴⁵ When source code is requested not only must be relevant to the prosecution or defence but when alternatives are available, a court will not be justified in ordering disclosure.⁴⁶

¶ 19. Innovations in privacy-preserving techniques, such as federated learning is a decentralized approach to training machine learning models,⁴⁷ allow law enforcement to utilize sensitive data without compromising individual privacy. These methods enable machine

³⁹ Sanatan Naskar v. State of W.B., (2010) 8 S.C.C. 249; *see also*; Rajender v. State (NCT of Delhi), (2019) 10 S.C.C. 623.

⁴⁰ ADRIAN KEANE & PAUL MCKEOWN, THE MODERN LAW OF EVIDENCE (12th ed. 2018).

⁴¹ Moot Proposition, at 04, ¶ 15.

⁴² *Id.* at 3, ¶ 11.

⁴³ *Id.* at 4, 5, ¶¶ 17, 18.

⁴⁴ Rattiram v. State of M.P., (2012) 4 S.C.C. 543.

⁴⁵ Stephen Mason, Software Code as the Witness, in Electronic Evidence and Electronic Signatures 112, 125 (Stephen Mason & Daniel Seng eds., CMB-Combined vol. 5, Univ. of London Press 2021), JSTOR, <http://www.jstor.org/stable/j.ctv1vbd28p.11>.

⁴⁶ Congoo, LLC v. Revcontent LLC, Civil Action No. 16-401 (MAS), 2017 WL 3482011 (D.N.J. Aug. 10, 2017).

⁴⁷ V7 Labs, Federated Learning Guide, V7 Labs, <https://www.v7labs.com/blog/federated-learning-guide>.

learning models to train on data without accessing the underlying information, thus preserving the anonymity of individuals while still gaining insights from the data.⁴⁸

¶ 20. In *casu*, the source code and datasets were not provided⁴⁹ to the accused as the same were irrelevant for the purpose of trial. The source code was neither testimonial nor witness-based in nature⁵⁰ and is not being directly used. Moreover, datasets are handled without compromising individual privacy. The defendant had the opportunity to confront and cross-examine PW/34 David Dhawan, the technology expert who was specially trained by *Looper Inc.* for using Crime 360 who testified that the complete basis on which the Crime 360 report was prepared by the AI could not be known.⁵¹ The software had flagged some important inputs which led to the police's reliance on it.⁵²

¶ 21. Supply of the software's source code and related documentation must be denied by the Hon'ble Court as providing access to source code will violate the trade secrets.⁵³ Any requirement to disclose it, even to regulators, could be tantamount to demanding a company expose its trade secrets.⁵⁴ The datasets used to train AI systems often include sensitive or classified information. Revealing it will violate the privacy of the citizens.

¶ 22. Providing access to the datasets of artificial intelligence systems may infringe upon individual privacy rights. Consequently, this could lead to unauthorized exploitation of personal data, posing threats to national security and compromising individual privacy. The source code and algorithms provided by *Looper Inc.* remains its intellectual property. *Ionian* holds a license to use the software purchased by the government, but it does not own the code or datasets.

2. WHETHER THE APPELLANT IS LIABLE FOR CONVICTION UNDER SECTION 103(1) OF I.P.C.?

¶ 23. The Ld. Trial Court has rightly convicted Mr. Yaara, however, provided a higher degree of *mens rea* the conviction should be u/s 103(1) of the Ionian Penal Code (*hereinafter as "I.P.C"*). The instant case is a case of circumstantial evidence where the appellant had no

⁴⁸ Ibrahim Raji & Damilola Bartholomew Sholademi, Predictive Policing: The Role of AI in Crime Prevention, *Int'l J. Comput. Applications Tech. & Research*, Vol. 13, Issue 10, 66, 78 (2024), DOI: 10.7753/IJCATR1310.1006.

⁴⁹ Moot Proposition, at 03, ¶ 14.

⁵⁰ *People v. Wakefield*, 175 A.D.3d 158, 107 N.Y.S.3d 487 (3d Dept. 2019), affirmed, No. 2022-02771 (N.Y. Ct. App. Apr. 26, 2022)

⁵¹ Moot Proposition, at 04, ¶ 15.

⁵² *Ibid.*

⁵³ *State v. Pickett*, 466 N.J. Super. 270, 246 A.3d 279 (App. Div. 2021).

⁵⁴ Andrew D. Mitchell, Dominic Let & Lingxi Tang, AI Regulation and the Protection of Source Code, 31 *Int'l J. L. & Info. Tech.* 283, 301 (2023), <https://doi.org/10.1093/ijlit/eaad026>; *see also*; *Modern Font Applications v. Alaska Airlines*, No. 2:19-cv-00561 (D. Utah 2021).

substantive evidence to indicate their innocence. The respondent proved the case beyond a reasonable doubt [2.1.] *the essential elements of murder are satisfied*, [2.2.] *chain of circumstances is complete*, and thus it is humbly submitted that the appellant should be convicted for culpable homicide amounting to murder u/s 103(1) I.P.C.

2.1.THE ESSENTIAL ELEMENTS OF MURDER ARE SATISFIED IN THE PRESENT CASE.

¶ 24. It is humbly submitted before the Hon'ble High Court of Moda that the Ld. Trial Court in convicting Mr. Yaara Mixol was appropriate and was not bad in law,⁵⁵ but the conviction should have been done under section 103(1) I.P.C as the accused's actions qualify for [2.1.1.] *actus reus which resulted in the death of the deceased*, and [2.1.2.] *the accused had requisite mens rea to kill the deceased*.

2.1.1.The accused actions amount to actus reus, causing the deceased's death.

¶ 25. Actus reus is any wrongful act.⁵⁶ Thus, in a case of murder, *actus reus* would be the physical conduct of the accused that causes the death of the victim.⁵⁷ In *casu*, it is humbly submitted that actus reus had been established as [i.] *there was planning and preparation from the side of the accused*, [ii.] *witness statements are corroborative*, and [iii.] *testimony forms a part of the surrounding circumstances*.

i. Circumstantial evidence establishes the planning and preparation from the side of the accused.

¶ 26. Planning and Preparation are the two most essential stages for constituting a crime.⁵⁸ It means to arrange and pre-meditate measures,⁵⁹ for the commission of the intended criminal act.⁶⁰ Under the heading of preparation for the commission of an offence, may be ranked as repairing the spot or choosing the spot.⁶¹ By virtue of Section 4 of the Indian Evidence Act,⁶² the conduct of the accused person is relevant if such conduct influences or is influenced by any fact in issue.⁶³

¶ 27. In the present case, the accused was aware of the fact that there was a superstar-studded event that was organized for re-election⁶⁴, he mixed with the crowd of 50 thousand

⁵⁵ Moot Proposition, at 05, ¶ 20.

⁵⁶ P. Ramanatha Aiyar, *The Law Lexicon* 49 (2nd ed. 2006); *see also*; Mohd.Arif v. State (NCT of Delhi), (2011) 13 S.C.C. 621; Indira Nehru Gandhi v. Raj Narain, A.I.R. 1975 S.C. 2299.

⁵⁷ Sanku Sreedharan Kottukallil v. State of Kerala, A.I.R. 1970 Ker 98; *see also*; Reg. v. Cassidy, (1867) 4 L.R. (Q.B.) 360.

⁵⁸ Harvey Wallace & Cliff Roberson, *Principles of Criminal Law* 33 (5th ed. 2016).

⁵⁹ State of NCT of Delhi v. Shiv Charan Bansal, 2009 SCC OnLine Del 1668.

⁶⁰ K.D. GAUR, *TEXTBOOK OF THE INDIAN PENAL CODE* 22 (3rd ed. 2015).

⁶¹ Richard M. Patch v. Playboy Enterprises, Inc. and Frank Browning, 652 F.2d 754 (8th Cir. 1981).

⁶² BHARATIYA SAKSHYA ADHINIYAM, § 4 (2023).

⁶³ Ratilal Magabhai Vasava v. State of Gujarat, 2008 SCC OnLine Guj 263.

⁶⁴ Moot Proposition, at 2, ¶ 07.

along with other Mixolydians. He brought a paintball gun knowing that even a hit would be sufficient to result in the death of an individual at that particular point in time. Despite missing his first shot he took another one and left the place hastily, and via tweet conveyed the same to the other. The recovery of the paintball gun and the pallets shows that the gun belonged to the accused person. Thus, these specific acts and circumstances indicate their planning and preparation.

ii. Witness statements are corroborative in nature.

¶ 28. It is humbly submitted that in a case of circumstantial evidence not only should the various links in the chain of evidence be established but the completed chain must be such as to rule out a reasonable likelihood of the innocence of the accused.⁶⁵ Evidence has to be weighted and not counted⁶⁶, no particular numbers of witnesses are required for proof of any fact.⁶⁷

¶ 29. *In casu*, the statement of prosecution witnesses 4 and 5, stated that they had seen the accused person in the event and there was nothing to show that they were deposing falsely, their testimony could not be discarded.⁶⁸ They identified the accused in the court and the failure to hold a test identification parade does not make inadmissible the evidence of identification in court.⁶⁹ Their testimonies are corroborated with other pieces of evidence, such as recoveries from his house of paintball pallets,⁷⁰ which were used in the commission of the offence, the tweets, and the literature which together indicate the motive, the contents of the Crime 360 report, which proves his geolocation was the site of the event.

¶ 30. It is humbly submitted that the deposition of PW/53 is also, crucial as it indicates the direct admission of the guilt of the accused person, and as the accused produced the weapon of attack and pointed out the place of its concealment, his conduct is tantamount to making a statement or conveying information, is admissible.⁷¹ Also, the disclosure statement has led to the discovery of the weapon, the fact that public witnesses have not been associated with the

⁶⁵ Deonandan Mishra v. State of Bihar, 1955 SCC OnLine SC 15.; *see also*; Nisa Stree v. State of Orissa, (1953) 2 S.C.C. 216; Sunderlal v. State of M.P., (1952) 2 S.C.C. 464.AIR 1955 Raj 82 1953 Raj LW 640 1955 Cr LJ 835; Avtar Singh v. Jagjit Singh, (1979) 4 S.C.C. 83; State of Kerala v. P. Sangatha, 2000 Cri LJ 4584 (SC); Vasa Chandrasekhar Rao v. Panna Satyanarayan, 2000 Cri LJ 3175 (SC); Narayanaswamy v. State of Karnataka, 2000 Cri LJ 262 (Kant); Satish Kumar Kantilal Dave v. State of Gujarat, 1999 Cri Lal 2628 (Guj); Shambhu Nath Das v. State of West Bengal, 1999 Cri LJ 2648 (Cal); Arif Umer v. State of UP, 1999 Cri Lal 3399 (All); T. Raghunath Reddy v. State of A.P., 1999 Cri LJ 4889 (A.P.).

⁶⁶ Nikhil Soni v. State of H.P., 2015 Cri LJ 1299; Vadivelu Thevar v. State of Madras, A.I.R. 1957 S.C. 614.

⁶⁷ Kartik Malhar v. State of Bihar, (1996) Cri LJ 889.

⁶⁸ Ram Sanjiwan Singh v. State of Bihar, 1996 CrLJ 2528.

⁶⁹ Kanta Prashad v. Delhi Admn., 1958 S.C.C. OnLine S.C. 10.

⁷⁰ Moot proposition, at 3, ¶ 11.

⁷¹ Karan Singh v. State of Uttar Pradesh 1972 All Cr R 125, 1972 All WR (HC) 192; *see also*; State of Bombay v. Kathi Kalu Oghad, 1961 SCC OnLine SC 74; Prabhoo v. State of U.P., (1963) 2 S.C.R. 881.

disclosure and recovery, does not vitiate the recovery,⁷² Additionally, the place of recovery was half a kilometre away from the place of the incident in the morning because of which PW/53 stated that no public witness could be found at that time.

iii. The testimony forms a part of the surrounding circumstances.

¶ 31. The *res gestae* doctrine is endowed on the principle that, as with the criminal justice system, any significant part of the course of incidents is held before the ultimate disposition by the judiciary, meaning that no evidence should be tossed out on the grounds of minor technicalities, even though those technicalities differ from case to case.⁷³ If there is an interval between the fact in issue and the fact sought to be proved then such a statement cannot be described as falling in the *res gestae* concept.⁷⁴ The principle is that the events should be seen in the context of their surrounding circumstances and antecedents, and not in a factual vacuum.⁷⁵

¶ 32. In *casu*, the accused was seen in the event with the other Mixolydian then around 7:06 pm, a tweet was posted from his account stating the time to exit the stage as the black face was out, footage recovered from the CCTV in his residential area which shows that he was leaving his house in a Black sweatshirt and coming back at around 8 pm and have anxiety on his face. Apart from that at the time of the seizure a paintball gun pallet box along with books and other things, which further followed by a confession on which a gun was recovered.

¶ 33. It is well settled that a confession given to police has been made admissible, to the extent of facts “discovered” based on such confession⁷⁶, on which recovery and point-out memo has been prepared. Also, the information given by the accused himself is admissible against him as evidence of his conduct u/s 8 of the Evidence Act.⁷⁷ Additionally, PW/4 and PW/5 identified him along with the other Mixolydian in the event. All these things establish the chain and clearly show the planning of the accused to commit the crime.

⁷² Ishwar Singh v. State (Delhi Administration), 1984 SCC OnLine Del 91; *see also*; Govind Ram alias Govinda v. State, (1985) 27 DLT (SN) 3; Hari Shankar v. State, 1985 SCC OnLine Del 152.

⁷³ S. K. Shahi & A. Mohapatra, Doctrine of Res Gestae: A Critical Analysis, 4 GLS Law Journal 31, 37 (2022), <https://doi.org/10.69974/glsjournal.v4i2.68>.

⁷⁴ Gentela Vijayavardhan Rao v. State of A.P., (1996) 6 S.C.C. 241.

⁷⁵ Murphy & Glover, Murphy on Evidence 252 (12th ed. 2011).

⁷⁶ State of Maharashtra v. Kamal Ahmed Mohammed Vakil Ansari, (2013) 12 S.C.C. 17.

⁷⁷ Aghnoo Nagesia v. State of Bihar, AIR 1966 SC 119; *see also*; A.N. Venkatesh v. State of Karnataka, 2005 SCC (Cri) 1938.

2.1.2. *Mens rea of the accused has been established.*

¶ 34. *Mens rea* is considered as a guilty intention,⁷⁸ which is proved or inferred from the acts of the accused⁷⁹. The terms *actus reus* and *mens rea* are derived from the maxim “*actus non facit reum nisi mens sit rea*,”⁸⁰ which means “an act does not make a person guilty unless the mind is also guilty.”⁸¹ Two elements are required to establish the *mens rea* [i.] *accused had the requisite intention*, and [ii.] *accused had the motive to cause death*.

i. *The accused person had requisite intention.*

¶ 35. The “Intention” is a state of mind consisting of a desire that contains consequences that shall follow from the act or illegal omission⁸². The nature of the offence does not depend merely on the location of the injury caused by the accused. The intention of the person causing the injury has to be gathered from a careful examination of all the facts and circumstances of each given case⁸³. When intentionally inflicted injury causes death and death even if occurred after ten days, injuries cannot be said accidental.⁸⁴ Moreover, the habits and customs of people mould their thoughts and intentions.⁸⁵

¶ 36. In *casu*, the accused person has the requisite knowledge that that if he struck again, it would surely result in death. Where injury will certainly result in death, in due course of nature and the assailant has every reason to know of this, from the nature of the weapon, the part of the body aimed at and the repetition of the blows, there can be no doubt that he is guilty under section 103(1) of IPC.⁸⁶

¶ 37. The conduct of the accused person is relevant he took another shot after missing first knowing that if he took another shot, it would amount to death as the intention also includes foresight of certainly. A consequence is deemed to be intended, though it is not desired when it is foreseen substantially certain.⁸⁷ In case when there is an intention to kill, the offence is

⁷⁸ Commissioner of Income Tax v. Patranu Dass Raja Ram Beri, A.I.R. 1982 P&H 1; *see also*; Kamta Prasad v. State, 1960 All LJ 692; Asstt. Commr. v. Velliappa Textiles Ltd., (2003) 11 S.C.C. 405; M R Pratap v. Director of Enforcement, (1962) Cri LJ 1582 (Mad.).

⁷⁹ State of Maharashtra v. Meyer Hans George, A.I.R. 1965 S.C. 722.

⁸⁰ Hari Singh Gond v. State of Madhya Pradesh, (2008) 16 S.C.C. 109; *see also*; Kartar Singh v. State of Punjab, (1994) S.C.C. (Cri) 899; Union of India & Ors. v. Ganesh Das Bhojraj, (2000) 9 S.C.C. 461; Bapu Lal v. State of Rajasthan, (2007) 8 S.C.C. 66.

⁸¹ State of Maharashtra v. Mayer Hans George, A.I.R. 1965 S.C. 722; *see also*; Ravula Hariprasada Rao v. The State 1951 A.I.R. 204.

⁸² Dipta Dutta v. State of W.B., 2023 SCC OnLine Cal 386.

⁸³ Jaspal Singh v. State of Punjab, A.I.R. 1986 S.C. 683.

⁸⁴ Naresh Kumar v. State of Raj., 1994 Cr LJ (Raj.) 809.

⁸⁵ Hari Singh Gour, Indian Penal Code 2392 (16th ed. 2023).

⁸⁶ Lachhman v. State of M.P., 1963 SCC OnLine MP 71; *see also*; Jawahar Lal v. State of Punjab. A.I.R. 1983 S.C. 284; Hari Ram v. State of Haryana, A.I.R. 1983 S.C. 185; Raza Pasha v. State of Madhya Pradesh. 1983 (1) Crimes 969; Bablu v. State of M.P., 1983 (1) Crimes 1117.

⁸⁷ Harjinder Singh v. Delhi Admn., 1967 SCC OnLine SC 57; *see also*; Jayaraj v. State of T.N., (1976) 2 S.C.C. 788.

always murder. Therefore, the findings of the police along with the circumstantial evidence prove the presence of intention of the accused that is to cause death.

ii. The accused had a motive to cause death.

¶ 38. Motives hold importance when the case lies on circumstantial evidence⁸⁸. A motive is something that prompts a man to form an intention.⁸⁹ It is well settled that motive for a crime is a satisfactory circumstance of corroboration when there is convincing evidence to prove the guilt of an accused person.⁹⁰ Every sane person of the age of discretion is presumed to intend the natural and probable consequence of his act.⁹¹

¶ 39. In *casu*, the Crime 360 report along with the other recoveries,⁹² shows the existence of enmity and hatred of Mr. Yaara towards PM Melody More. Additionally, Mr. Yaara has admitted the same during the police interrogation⁹³. Further, admission can be inferred from the tweets and hashtags that were being floated via different social media handles of Mr. Yaara and NeoMPRer's Instagram handles. It is also evident that he always wanted to seek the liberation of Mixolydia from Ionia, and for that, Ms. Melody Moore must go away. Therefore, it is evident from the facts that he had the requisite motive to kill Ms. Melody More.

2.2. CHAIN OF CIRCUMSTANCES IS COMPLETE.

¶ 40. It is humbly submitted that when a case rests upon circumstantial evidence, such evidence must satisfy the following tests, the circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established, those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused, the circumstances, taken cumulatively, should form a chain to complete that there is no escape from the conclusion that within all human probability, the crime was committed by the accused and no one else; and the circumstantial evidence to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused and such evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence.⁹⁴

⁸⁸ Bhagaoji v. Hyderabad Government, A.I.R. 1954 Hyd. 196; *see also*; Ujjagar Singh v. State of Punjab, (2007) 13 S.C.C. 90.

⁸⁹ D.D. BASU, BASU'S COMMENTARY ON INDIAN PENAL CODE (13th ed.).

⁹⁰ Omwati v. Mahendra Singh, (1998) 9 S.C.C. 81; *see also*; Surinder Kumar v. State of Punjab, 1999 SCC (Cri) 33.

⁹¹ LawTeacher, DPP v. Smith - 1961, (Nov. 2013), <https://www.lawteacher.net/cases/dpp-v-smith.php?vref=1>.

⁹² Moot Proposition, at 3, ¶ 11.

⁹³ Document E, Moot Proposition, at 13.

⁹⁴ Shivaii Sahabrabu Bobade v. State of Maharashtra, (1973) 2 S.C.C. 793; *see also*; Abdul Sayeed v. State of A.P., 2006 SCC OnLine AP 1193; Sanatan Naskar v. State of West Bengal, (2010) 8 S.C.C. 249; Eradu v. State of Hyderabad, 1955 SCC OnLine SC 98.

¶ 41. In *casu*, the accused attended the event where a crowd of 50,000 was expected, with a paintball gun as he was fully aware of the paintball gun's capacity to inflict significant damage and the potentially fatal consequences in the chaotic environment of the event, which was later recovered on accused's disclosure statement, even the pellets of which were recovered from the house of accused person.

¶ 42. He was captured near his residence while leaving and returning, wearing a black sweatshirt similar to the one the perpetrator of the offence wore in the event. Further, PW/4 and PW/5 identified him as being present at the event, also, the geolocation shows him at the site of the event. Further, no inference about the presence of another perpetrator can be established in the present case as all the pieces of evidence are consistent only with the hypothesis that it was the appellant alone who committed the crime, and the circumstances are inconsistent with any hypothesis other than his guilt. Hence, in the instant case, circumstantial evidence can sustain a conviction under culpable homicide amounting to murder.

3. WHETHER THE CONVICTION OF THE APPELLANT UNDER SECTION 61, 102 READ WITH SECTION 105 OF THE IPC IS BAD IN LAW?

¶ 43. The Ld. Trial court convicted Mr. Yaara Mixol u/s 102 r/w 105 I.P.C. The evidence presented sufficiently established his involvement and culpability in the incident beyond reasonable doubt. The circumstantial evidence in this case shows that the act must have been done by the accused which is ample to prove his guilt.⁹⁵ as [3.1.] *The conduct or actions of the appellant caused the deceased's death*, [3.2.] *there the appellant had pre-requisite Mens rea towards committing the crime*, and [3.3.] *the case is proved beyond all reasonable doubt*. [3.4.] *the accused was part of a criminal conspiracy*.

3.1. THE CONDUCT OR ACTIONS OF THE APPELLANT CAUSED THE DECEASED'S DEATH.

¶ 44. The *actus reus* of an attempt to commit a specific crime is constituted when the accused person does an act that is a step towards the commission of that specific crime, and the doing of such act cannot reasonably be regarded as having any other purpose than the commission of a specific crime.⁹⁶ The actual intent must be one, not merely in law, but may be inferred from the circumstances.⁹⁷

¶ 45. In *casu*, the *actus reus* has been established as the actions of the accused led to the death of the victim. The use of a paintball gun at the event which caused commotion and

⁹⁵ State of U.P. v. Randhir, 1959 SCC OnLine All 72.

⁹⁶ 4 David Seaborne Davies, William Teulon Swan Stallybrass, & Richard Meredith Jackson, *The Modern Approach to Criminal Law*, Cambridge Studies in Criminology (reprint ed. Kraus Reprint 1968).

⁹⁷ Maragatham, In re, 1959 SCC OnLine Mad 195.

eventually ended by taking the life of a person is confirmed as the crime³⁶⁰ report along with other corroborative evidence gives identification of the accused as the perpetrator of the crime. The voluntary disclosure and recoveries also indicate the same. Therefore, the actus is being established in the present case.

3.2. APPELLANT HAD-REQUISITE MENS REA TOWARDS COMMITTING THE CRIME.

¶ 46. The difference between culpable homicide and murder is merely a question of different degrees of probability that death would ensue⁹⁸. When there was a probability of less degree of death ensuing from the act committed, the finding should be that the accused intended to cause injury likely to cause death and the conviction should be of culpable homicide not amounting to murder⁹⁹.

¶ 47. In *arguendo*, if we go by the observation of the Ld. Trial Court that Mr. Yaara the accused person in the present case does not have adequate knowledge that the paintball pellet was likely to cause death. Then he should be convicted for culpable homicide not amounting to murder. As in the case of murder and culpable homicide not amounting to murder presence of special *mens rea* is the distinguishing mark.¹⁰⁰ The intention of causing death is sufficient to hold the person liable, irrespective of the fact who becomes the victim.¹⁰¹ The presence of intention would not only justify the enhanced penalty provided in Section 105 of the IPC intention of causing death is sufficient to hold the person liable, irrespective of the fact who becomes the victim. For culpable homicide with intention, but it may take the offence wholly out of the category of that offence and aggravate it into the capital crime of murder.¹⁰² In *casu*, if the present actions do not amount to murder, then at least the actions do qualify to be punished under culpable homicide not amounting to murder.

3.3. THE CASE IS PROVED BEYOND ALL REASONABLE DOUBT.

¶ 48. The case when based on circumstantial evidence there are golden principles that have to prove to establish a case beyond all reasonable doubt i.e. the circumstances relied upon to establish guilt must be fully established, and these facts that have been established must exclude every other hypothesis except the one consistent with the guilt of the appellant, the facts must be conclusive and tendency, the circumstances must form a complete chain of events that incriminates the appellant beyond all reasonable doubt.¹⁰³

⁹⁸ Gahbar Pande v. King-Emperor, 1927 SCC OnLine Pat 134.

⁹⁹ Pramod v. State of U.P., 2000 SCC OnLine All 1162.

¹⁰⁰ NRISINHA DAS BASU, BASU'S COMMENTARY ON INDIAN PENAL CODE (12th ed. 2014).

¹⁰¹ Ballan v. State, 1955 SCC OnLine All 311.

¹⁰² HARI SINGH GOUR, INDIAN PENAL CODE (16th ed. 2023).

¹⁰³ Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 S.C.C. 116; *see also*; Hanumant v. State of M.P., (1952) 2 S.C.C. 71; Dhansukh Bhikhabhai Kapadi v. State of Gujarat, 2009 SCC OnLine Guj 3704.

¶ 49. In *casu*, the guilt of the accused is established by the incriminating pieces of evidence and testimonies rendered by witnesses. The respondents have given reliable evidences to prove the accused person's presence near the place of the incident along with the circumstantial evidence which proves his identity as the perpetrator of the offence. In the present case, the chain of circumstantial evidence directly leads to only one hypothesis establishing the guilt of the accused beyond a reasonable doubt. Thus, it is a humble submission of the respondents that there lies no reasonable doubt in the case. Therefore, the conviction should be upheld.

3.4. THE ACCUSED WAS PART OF A CRIMINAL CONSPIRACY.

¶ 50. Criminal conspiracy involves the meeting of minds of two or more persons for doing or causing to be done an illegal act or an act which may not be illegal but by illegal means.¹⁰⁴ Criminal conspiracy is generally hatched in secrecy, direct evidence is therefore difficult to obtain or access.¹⁰⁵ Criminal conspiracy can be proved based on circumstantial evidence or by necessary implication.¹⁰⁶ But incriminating circumstances must form a chain of events from which a conclusion about the guilt of the accused could be drawn.¹⁰⁷

¶ 51. In *casu*, Mr. Yaara was present in the event with other five individuals¹⁰⁸ who has been convicted along with Mr. Yaara.¹⁰⁹ The testimony of PW4 and 5 proves that the accused was with the other Mixolydians, and the report along with the tweets proves the meeting of the minds of the accused and other convicted persons. These circumstances thus prove Mr. Yaara to be part of the conspiracy to kill PM Melody Moore.

4. WHETHER THE CONVICTION OF THE APPELLANT UNDER SECTION 189(4) IPC IS BAD IN LAW?

¶ 52. The Ld. Trial Court convicted Mr. Yaara Mixol with five other apprehended individuals u/s 189(4) for using a deadly weapon in the unlawful assembly. Crime360 report rendered a 92% likelihood of him being the perpetrator of this offence. Additionally, witness testimonies and other circumstantial evidence conclusively prove the guilt of the accused.

¶ 53. It is most humbly submitted before this Hon'ble Court that the conviction of the appellant under Section 189(4) of the I.P.C should be upheld as [4.1.] *The assembly qualifies as an "unlawful assembly,"* and [4.2.] *the accused person was armed with a deadly weapon.*

¹⁰⁴ State of M.P. v. Sheetla Sahai, (2009) 8 SCC 617

¹⁰⁵ Mir Nagvi Askari v. CBI, (2009) 15 S.C.C. 643; *see also*; Pramatha Nath Talukdar v. Saroj Ranjan Sarkar, 1961 SCC OnLine SC 155

¹⁰⁶ R. Venkatkrishnan v. CBI, (2009) 11 S.C.C. 737; *see also*; Mohd. Khalid v. State of W.B., (2002) 7 SCC 334

¹⁰⁷ Yogesh v. State of Maharashtra, (2008) 10 S.C.C. 394.

¹⁰⁸ Moot Proposition, at 3, ¶ 9.

¹⁰⁹ The K.K. Luthra Memorial Moot Court 2025, Clarification No. 41, 58.

4.1.THE ASSEMBLY QUALIFIES AS AN UNLAWFUL ASSEMBLY.

¶ 54. It is humbly submitted before this Hon'ble court that the assembly of five or more persons is designated an "Unlawful assembly" if the common object of the persons composing that assembly meets the specified clauses in section 189(1).¹¹⁰ The assembly of those five or more persons must use force or violence with a common object.¹¹¹

¶ 55. In *casu*, the accused was tried along with the other five individuals and apprehended from the event.¹¹² Prosecution witnesses 4 and 5 disposed that they saw the accused person along with some other guys in Mixolydian T-shirts.¹¹³ All these facts indicate the existence of 5 or more people in the unlawful assembly coupled with the [4.1.1.] *presence of a common object, as specified u/S 189(1) IPC*.¹¹⁴

4.1.1. Presence of a common object amongst the assembly constituted.

¶ 56. A "common object" does not require a prior concert and a common meeting of minds before the attack. It is enough if each member of the unlawful assembly has the same object in view and their number is five or more and they act as an assembly to achieve that object.¹¹⁵ Common objects of the unlawful assembly can be gathered from the nature of the assembly, arms used by them and the behaviour of the assembly at or before the scene of occurrence. It is an inference to be deduced from the facts and circumstances of each case.¹¹⁶

¶ 57. In *casu*, the common object was to cause the death of the Prime Minister through the use of a deadly weapon to cause grievous hurt and death to others present by instigating unrest and a stampede amongst the crowd.¹¹⁷ The five individuals apprehended and tried along with the accused were wearing T-shirts displaying prominently hashtags and the Mixolydian flag, which indicates alignment with the separatist agenda of the Neo-MPR,¹¹⁸ and their desire for independence. Further, the tweets,¹¹⁹ shared and the constant showcasing of disapproval,¹²⁰ hatred and well-planned attack directly aligns with the assembly's common objective.

¹¹⁰ Lakshman Singh v. State of Bihar, (2021) 9 S.C.C. 191; *see also*; Kemma Neelakantha Reddy v. State of A.P., (1978) 2 S.C.C. 473; Masalti v. State of U.P., 1964 SCC OnLine SC 30.

¹¹¹ Mukanda v. State, 1956 SCC OnLine Raj 76.

¹¹² Moot Proposition, at 3, ¶ 9.

¹¹³ Moot Proposition, at 4, ¶ 9.

¹¹⁴ Vinubhai Ranchhodhbhai Patel v. Rajivbhai Dudabhai Patel, (2018) 7 S.C.C. 743.

¹¹⁵ Sikandar Singh v. State of Bihar, (2010) 7 S.C.C. 477.

¹¹⁶ Lalji v. State of U.P., (1989) 1 S.C.C. 437; *see also*; State of M.P. v. Killu, (2020) 16 S.C.C. 735.

¹¹⁷ The K.K. Luthra Memorial Moot Court 2025, Clarification No. 72.

¹¹⁸ Moot Proposition, at 01, 03, ¶¶ 3, 9.

¹¹⁹ Document G, Moot Proposition, at 16-18.

¹²⁰ Moot Proposition, at 1, 2, ¶ 4.

4.2.THE ACCUSED WAS ARMED WITH A DEADLY WEAPON.

¶ 58. A weapon that when used for its designed purpose is likely to cause death or an object not inherently deadly may still be considered a deadly weapon if it is used in a way that poses a serious threat to life or public safety weapon.¹²¹ Paintball guns may be viewed as harmless toys, but they can cause serious harm when used in an unsupervised setting, especially when people use them as assault weapons and aim for the head.¹²²

¶ 59. In *casu*, the paintball gun is the weapon of offence used by the accused in the event where there is a massive crowd and the accused knows what the shot is capable of in that particular situation. The shot was at head level.¹²³ to cause significant damage to the person. The use of this deadly weapon by the accused fulfils the requirements under Section 189(4),¹²⁴ which pertains to carrying a deadly weapon in an unlawful assembly.

¶ 60. The crime360 report rendered a 92% likelihood with Mr. Yaara when the distant video footage was run through the Crime 360 application when the facial print of the appellant was taken and run through from Crime 360 rendered a 78% match with the masked individual seen holding a weapon-like object aimed at the stage.¹²⁵ This identification, combined with the visual evidence, recovery of pallets from his house, and discovery of a gun on his pursuance directly links Yaara Mixol to the act of firing the paintball gun. Thus, the respondent humbly submits that his conviction under section 189(4) I.P.C, shall be upheld.

¹²¹ R.A. Nelson, Indian Penal Code, 13th ed., Vol. 4, p. 1021, ¶ 2.

¹²² Assaults with Paintball Guns Cause More Serious Eye Injuries than Previously Known, New Study Reports, UChicago Medicine, <https://www.uchicagomedicine.org/forefront/research-and-discoveries-articles/assaults-with-paintball-guns-cause-more-serious-eye-injuries-than-previously-known-new-study-reports>.

¹²³ The K.K. Luthra Memorial Moot Court 2025, Clarification No. 131.

¹²⁴ Bharatiya Nyaya Sanhita, § 189(4) (2023).

¹²⁵ Moot Proposition, at 03, ¶ 10.

PRAYER

*Wherefore in the light of the questions raised, arguments advanced, and authorities cited, it is most humbly prayed and implored before the **Hon'ble High Court of Moda:***

- A. To declare ICIA, 2024 constitutional and Crime360 report as admissible evidence,
- B. Conviction under Section 61, 102 r/w Section 105 and 189(4) I.P.C, 2023 shall be upheld, and
- C. The accused shall be held liable u/s 103(1) IPC, 2023,

And

Pass any such order, direction, or relief that this Hon'ble court may deem fit and appropriate in the interests of justice, equity and good conscience.

All of which is humbly prayed.

Place: Moda

Date: 21st February, 2025

URN: 2510

Counsels on behalf of the Respondents.