URN: 1002

THE K.K. LUTHRA MEMORIAL MOOT COURT, 2026

FEBRUARY 13TH, 2026 TO FEBRUARY 15TH, 2026

Before

COURT OF SESSIONS JUDGE, SAVOCA

IN THE MATTER OF

SESSIONS TRIAL CASE NO. 173 OF 2025

STATE OF SAVOCA V. LUCIO

State of Savoca **…..PROSECUTION**

V.

Lucio **…..RESPONDENT**

***IN RE*: CHARGE U/ SECTION 105 OF THE SERAGIO PENAL CODE**

-MEMORANDUM ON *BEHALF* OF THE RESPONDENT-

TABLE OF CONTENTS

INDEX OF AUTHORITIES

Statutes

Cases

Treatises

STATEMENT OF FACTS

BACKGROUND

Anthony Corleone suffered from a rare cardiac condition requiring an AI-powered pacemaker system. The system's transmitter was essential for his survival, though its internal design and repair protocols were proprietary and not publicly available.

THE INCIDENT

On 15 January 2025, after Anthony fell at a mall, the transmitter's screen cracked. Fearing a fatal shutdown, his daughter Isabella urgently sought repair at Planet Electronics. She informed the technician, Lucio, of the device's medical purpose and time sensitivity. Lucio, a technician with 15 years of experience, carefully inspected the device, reviewed the available handbook, and concluded the damage appeared limited to the display. With the backup transmitter delayed in traffic, and at Isabella's anxious request, he attempted a cautious, minimally invasive repair to restore screen function and prevent a life-threatening loss of signal.

THE AFTERMATH

During the repair, an unexpected short circuit occurred, rendering the transmitter inoperable. Anthony tragically passed away shortly thereafter. Lucio, who had utilised anti-static tools and taken visible precautions, was visibly shocked by the outcome. He is now charged under Section 105 of the Seragio Penal Code, 2021, with culpable homicide not amounting to murder.

SUMMARY OF ARGUMENTS

1. WHETHER THE PROSECUTION HAS PROVED THE MENTAL ELEMENT REQUIRED UNDER SECTION 105 PART II - THAT THE ACCUSED HAD KNOWLEDGE HIS ACT WAS "LIKELY" TO CAUSE DEATH?

It is most humbly submitted that the Prosecution has failed to establish the requisite *mens rea*. The accused did not possess the *knowledge* that his act was *likely* to cause death. He reasonably interpreted the warnings, exercised professional judgment, and took extensive precautions. The risk was a mere possibility, not a probability, and his intent was solely to preserve life.

2. WHETHER THE ACT OF THE ACCUSED WAS THE PROXIMATE CAUSE OF DEATH?

It is humbly submitted that the accused's intervention was not the *causa causans* of death. The device was already critically compromised by the fall, and the victim died within the device's safe operational window. The chain of causation was severed by pre-existing damage and intervening circumstances, absolving the accused of criminal liability.

3. WHETHER THE DEFENSE OF ACCIDENT UNDER SECTION 18 OF BNS IS AVAILABLE TO THE ACCUSED?

It is humbly submitted that the death resulted from accident or misfortune during a lawful, careful repair performed in an emergency. The accused acted without criminal intent, used lawful means, and exercised proper care. The unforeseen short circuit qualifies as a pure accident, entitling him to complete protection under Section 18.

4. WHETHER THE DEFENSE OF CONSENT UNDER SECTION 26 OF BNS IS AVAILABLE TO THE ACCUSED?

It is most humbly submitted that the Accused is entitled to complete protection under Section 26 BNS. Valid consent was obtained from the deceased's lawfully authorised representative in a medical emergency. The act was performed in good faith with due care and skill, solely for the patient's benefit and without any intention to cause death. The repair remained within the scope of the consent given, and the fatal short circuit was an unforeseeable accident, absolving the Accused of criminal liability."

WRITTEN PLEADINGS

1. WHETHER THE PROSECUTION HAS PROVED THE MENTAL ELEMENT REQUIRED UNDER SECTION 105 PART II - THAT THE ACCUSED HAD KNOWLEDGE HIS ACT WAS "LIKELY" TO CAUSE DEATH?

¶1. The Accused is charged under Section 105 of the Seragio Penal Code, 2021 ("SPC"), *pari materia*[1] with Section 304 of the Indian Penal Code, 1860 (hereinafter "IPC"), equivalent to Section 105 BNS.[2] Section 105 bifurcates liability: Part I punishes acts done with intention, while Part II punishes acts done with *knowledge* of likely death, absent intention.[3] The distinct terminology and punishments reflect the differing gravity of these mental states.

¶2. The Prosecution must prove *mens rea* beyond reasonable doubt.[4] The record is devoid of motive, animosity, or premeditation.[5] Since motive "prompts a man to form an intention,"[6] Part I is unsustainable *ab initio*. Consequently, the Prosecution relies entirely on establishing "knowledge" under Part II, specifically, that reseating the connector was likely to cause death. It is submitted the Prosecution conflates general risk awareness with this specific, high-threshold mental requirement.

1.1. THAT THE LEGAL THRESHOLD: "LIKELY" MEANS "PROBABLE," NOT MERELY "POSSIBLE"

¶3. "Likely" in Section 105 Part II is a term of art conveying "probable," distinguished from mere "possibility.".[7] Reaffirmed in *Prasad Pradhan*, this interpretation establishes the boundary between Culpable Homicide and Negligence.[8] Justice Sarkaria classified this as the "third degree" of culpable homicide,[9] yet even this "lowest type" strictly requires proof

[1] Seragio Penal Code, 2021, § 105 (pari materia with IPC § 304/BNS § 105).
[2] *See* Seragio Penal Code, 2021, § 105; Indian Penal Code, 1860, § 304.
[3] *Anbazhagan v. State represented by Inspector of Police*, 2023 SCC OnLine SC 857, ¶32, 50; Ratanlal & Dhirajlal, *The Indian Penal Code* 488-489 (36th ed. 2023).
[4] *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, 1964 SCC OnLine SC 20, ¶5; *Rishi Kesh Singh and Ors. v. The State*, 1968 SCC OnLine All 204, ¶62.
[5] Moot Proposition, at 6, ¶25.
[6] *Basdev v. State of Pepsu*, 1956 SCC OnLine SC 13, ¶4.2.
[7] *State of Andhra Pradesh v. Rayavarapu Punnayya*, 1976 SCC OnLine SC 316, ¶16.
[8] *Prasad Pradhan v. State of Chhattisgarh*, 2023 SCC OnLine SC 81, ¶19.
[9] *Rayavarapu Punnayya*, *Supra* note 7, at ¶12, 21; Justice K.N. Basha, *Murder and Culpable Homicide not amounting to Murder: Distinction*, 3-4 (Tamil Nadu State Judicial Academy, Refresher Course for District Judges, Nov. 25–26, 2017).

that the accused knew death was a probability.[10] Where an accused knows an act entails risk but not that death is probable, Sections 299 and 300 do not apply.[11] As held in *Empress of India v. Idu Beg*, rash acts falling short of this threshold fall under Section 304A.[12] Consequently, acts committed knowing death is likely constitute culpable homicide, while acts knowing injury is merely possible constitute, at most, negligence.[13]

1.2. THAT THE ACCUSED DID NOT POSSESS KNOWLEDGE THAT DEATH WAS PROBABLE

¶4. The central question is whether the Accused knew that his specific act of reseating the display connector was *likely* to cause death. The evidence on record, when analysed against the rigorous standard of Section 105 Part II, demonstrates that the Accused possessed neither constructive nor subjective knowledge of such a probability.

1.2.1. THAT THE "INTERNAL COMPONENTS" WARNING DID NOT COVER DISPLAY REPAIR

¶5. The Handbook prohibits interference with *"Internal Components,"*[14] defined as hardware essential to *"functioning... and communication with the implanted pacemaker."*[15] Applying contextual construction/the rule of *noscitur a sociis*, as illustrated in *Alamgir v. State of Bihar*, "functioning" must be read with "communication", referring to therapeutic pacing, not the administrative user interface.[16] Since the system's core function is signal relay distinct from display,[17] the display connector is not an "Internal Component" under strict construction. The warning did not specify that opening the casing causes death or prohibits display repair. Consequently, the Accused's act was not a knowing violation. As held in *Yuvraj Laxmilal Kanther v. State of Maharashtra*, mere protocol failure does not demonstrate knowledge of likely death; accidental outcomes do not attract Section 105 Part II.[18]

---

[10] *Rayavarapu Punnayya*, *Supra* note 7, at ¶21.
[11] *Mahadev Prasad Kaushik v. State of U.P. & Anr.*, 2008 SCC OnLine SC 1551, ¶22.
[12] *Empress of India v. Idu Beg*, 1881 SCC OnLine All 103, ¶4.
[13] *Alister Anthony Pareira v. State of Maharashtra*, 2012 SCC OnLine SC 36, ¶¶40-44; K.D. Gaur, *Criminal Law: Cases and Materials*, 9th ed., Part II ch. 8.3.
[14] Moot Proposition, Exhibit 1 (Patient Handbook), at 15.
[15] Queries and Clarifications, K.K. Luthra Memorial Moot Court 2026, A35.
[16] *See Alamgir v. State of Bihar*, 1958 SCC OnLine SC 32.
[17] Moot Proposition, Statement of Facts, at 2, ¶¶5–7; Exhibit 1 (Patient Handbook), Product Overview (Bluetooth connectivity and pacing description).
[18] *Yuvraj Laxmilal Kanther & Anr. v. State of Maharashtra*, 2025 INSC 338, ¶14.

1.2.2. THAT THE ACCUSED'S SUBJECTIVE ASSESSMENT WAS THAT THE REPAIR WAS SAFE

¶6. The Accused exercised professional judgment, explicitly assessing he *"could repair the screen without shutting down... for long."* [19] Identifying a dislodged connector, he concluded: *"I think it's safe to reconnect this."*[20] This subjective belief negates knowledge of probable death.[21] Furthermore, using precision tools and anti-static gloves to *"avoid anything beyond the screen area"*[22] demonstrates risk mitigation, not wanton hazard.[23] As held in *Willie (William) Slaney v. State of Madhya Pradesh*, "special knowledge" of fatality cannot be presumed from profession; it must be proved subjectively.[24] The Accused's visible shock at the short circuit corroborates his lack of foresight.[25] Even operating with defects does not imply knowledge of death; specific knowledge regarding the act is required.[26]

¶7. This assessment was not scientifically baseless. DW-1, a senior technician,[27] testified that while damage is always a possibility, *"it is not that common especially when repairing display"* and that *"it is possible to access and reconnect display without touching or affecting nearby circuits."*[28] If an expert confirms repair is generally safe, the Accused cannot be attributed "knowledge of probability" under Section 105 Part II. As established in *Rayavarapu Punnayya*, knowledge of a mere possibility falls short of Culpable Homicide.[29] The Accused knew of a generic risk, not a probable fatal consequence.

---

[19] Moot Proposition, Statement of DW-1, at 22, ¶9.
[20] *Id.* at 22, ¶11.
[21] *See Palani Goundan, In Re*, 1919 SCC OnLine Mad 67 at pp. 55–56.
[22] Moot Proposition, Statement of DW-1, at 22, ¶10; Statement of PW-1 (Isabella Corleone), Cross-Examination, at 20, ¶26.
[23] *Empress of India v. Idu Beg*, 1881 SCC OnLine All 103, ¶4; *see also Rameshkumar Shankarlal Shah v. State of Gujarat*, 2016 SCC OnLine Guj 40, ¶31.
[24] *Willie (William) Slaney v. State of Madhya Pradesh*, 1955 SCC OnLine SC 34, ¶¶64–67.
[25] Moot Proposition, Statement of PW-1, Cross-Examination, at 20, ¶26.
[26] *Keshub Mahindra v. State of M.P.*, (1996) 6 SCC 129, ¶20.
[27] Moot Proposition, Statement of DW-1, at 21, ¶4.
[28] Moot Proposition, Statement of DW-1, Cross-Examination, at 23, ¶¶17-18.
[29] *Rayavarapu Punnayya*, *Supra* note 7.

1.3. THAT THE "DANGEROUS AGENCY" ANALOGY IS FUNDAMENTALLY FLAWED AND DOES NOT APPLY

¶8. Any classification of the AtriaLink transmitter as a "dangerous agency", akin to a live electrical wire or explosive is fundamentally misconceived on multiple legal and factual grounds.

1.3.1. THAT THE ACCUSED WAS COMPELLED TO WORK ON A LIVE DEVICE

¶9. Unlike cases where an accused actively introduces danger, the Accused faced an externally imposed dilemma. PW-1 warned prolonged shutdown could cause cardiac arrest,[30] limiting the operational window to 30-40 minutes.[31] Powering down would crystallise the very risk of death he sought to prevent. Faced with this "*Catch-22,*" the Accused chose the path reasonably assessed as carrying the lesser probability of death: quick live repair rather than certain fatal shutdown. This demonstrates an intent to preserve life, not knowledge that death was probable.

1.3.2. THAT THE DANGER WAS TECHNICAL AND NOT COMMONLY KNOWN

¶10. "Knowledge" of death is imputed in live wire cases because lethality is obvious.[32] Contrastingly, repair risks are technical, not common knowledge.[33] Unlike touching a live wire, opening the device is not inherently fatal, danger depends entirely on the specific intervention,[34] and the existence of authorised service centers proves it is designed to be opened.[35] In *Yuvraj Laxmilal Kanther*, the Hon'ble Supreme Court held that even gross negligence in electrocution cases lacks the ingredients for Section 304 Part II.[36] Here, the act was distinct: unlike laying a death trap, the Accused's act was restorative (fixing a medical device to preserve life). A restorative act failing through execution error cannot be equated with the knowing creation of a dangerous agency.

---

[30] Moot Proposition, Statement of Facts, at 4, ¶16.
[31] Moot Proposition, Statement of Facts, at 4, ¶16; Statement of PW-1, at 19, ¶15.
[32] *Cherubin Gregory v. State of Bihar*, 1963 SCC OnLine SC 70 ¶¶2-4.
[33] Moot Proposition, Statement of DW-1, Cross-Examination, at 23, ¶¶17-18.
[34] *Keshub Mahindra, Supra* note 26, at ¶20.
[35] Patient Handbook (Exhibit 1), at 16; Queries and Clarifications, Q9–Q10.
[36] *Yuvraj Laxmilal Kanther*, *Supra* note 18, ¶¶14-15.

1.4. THAT THE "QUACK" CASES ESTABLISH THAT THE ACCUSED'S POSITION IS STRONGER

¶11. Established judicial precedent demonstrates that even unqualified practitioners who administer objectively dangerous treatments are convicted only of negligence, not culpable homicide, provided they lacked the knowledge that death was probable.

1.4.1. SECTION 304A [SECTION 106 SPC], NOT SECTION 304 [SECTION 105 SPC]

¶12. In *Juggankhan v. State of M.P* and *Sukaroo Kabiraj v. The Empress*, uneducated quacks administering poisonous Datura or performing surgeries were convicted only of negligence (Section 304A), as courts found they lacked knowledge of probable death.[37 & 38] The Accused's position is legally stronger: unlike those unqualified appellants, he is a technician with 15 years' experience making a professional judgment on a repair supported by evidence as ordinarily safe.[39] If administering dangerous substances without safety basis warrants only Section 304A, *a fortiori*, a calculated repair by a qualified professional cannot attract the rigors of Section 105 Part II.

1.5. THAT AN ERROR OF JUDGEMENT DOES NOT ATTRACT CRIMINAL LIABILITY

¶13. Even assuming causation, a professional's error of judgment does not equate to criminal culpability. In *Dr. Suresh Gupta v. Govt. of NCT of Delhi*, the Supreme Court held that *"mere inadvertence... might create civil liability but would not suffice to hold him criminally liable."*[40] Criminal liability requires "gross" or "reckless" negligence amounting to a crime against the State.[41] No such evidence exists here; rather, the Accused utilized precision tools and visual inspection, demonstrating due care.[42]

¶14. This standard extends to all skilled professionals. In *Rameshkumar Shankarlal Shah*, the High Court applied the *Jacob Mathew* standard to non-medical contexts, requiring a "higher degree of negligence" for criminal offenses than civil liability.[43] The Accused, with 15 years' experience, exercised reasonable competence.[44] His technical calculation to

[37] *Juggankhan v. State of M.P.*, 1964 SCC OnLine SC 347, ¶12.
[38] *Sukaroo Kabiraj v. The Empress,* 1887 SCC OnLine Cal 3, at pp. 568–569.
[39] Moot Proposition, Statement of DW-1, at 21, ¶3.
[40] *Dr. Suresh Gupta v. Govt. of NCT of Delhi*, 2004 SCC OnLine SC 797, ¶21.
[41] *Jacob Mathew v. State of Punjab*, 2005 SCC OnLine SC 1137, ¶48(5).
[42] Moot Proposition, Statement of DW-1, at 22, ¶10.
[43] *Rameshkumar Shankarlal Shah v. State of Gujarat*, 2016 SCC OnLine Guj 40, ¶14.
[44] Statement of DW-1, *Supra* note 39.

prevent shutdown cannot attract criminal liability merely because the result was unfortunate.[45]

¶15. The fatality is a realisation of hindsight, excluded from criminal liability. In *Syad Akbar v. State of Karnataka*, the Court held that errors visible only on "post-accident reflection" are not indices of negligence.[46] Operating in a "*Catch-22*" where delay itself threatened life,[47] the Accused's *bona fide* decision constitutes a protected judgment call, not *mens rea* for Culpable Homicide.

1.6. THAT THE ACT FALLS OUTSIDE THE AMBIT OF SECTION 105 PART II DUE TO ABSENCE OF THE REQUISITE MENS REA

¶16. The Prosecution failed to prove the mental element under Section 105 Part II beyond reasonable doubt. The threshold for "knowledge" requires death be a "probability," not mere "possibility."[48] The factual matrix establishes the Accused had no motive,[49] took professional precautions, and reasonably interpreted the warning. Technical evidence confirms the failure risk was "not common."[50]

¶17. The burden of proving *mens rea* rests on the Prosecution throughout.[51] Where evidence supports honest professional error or accident, the Accused receives the benefit of doubt. Stripped of "knowledge of probability," the act falls outside Section 105 Part II. Consequently, it is humbly submitted that the Accused ought to be acquitted of the charge of culpable homicide.

2. WHETHER THE ACT OF THE ACCUSED WAS THE PROXIMATE CAUSE OF DEATH?

¶18. Criminal liability under Section 105 (or Section 106) requires a direct, immediate, and efficient causal link. The accused's act must be the *causa causans* (immediate operative cause), not merely *causa sine qua non* (necessary antecedent).[52] As held by the Hon'ble Supreme Court in *Sushil Ansal v. State through CBI*, *"the act of the accused must be proved*

[45] Jacob Mathew, *Supra* note 41.
[46] Syad Akbar v. State of Karnataka, 1979 SCC OnLine SC 273, ¶34.
[47] Moot Proposition, Statement of PW-1, at 19, ¶17.
[48] *Rayavarapu Punnayya*, *Supra* note 7.
[49] *Basdev*, *Supra* note 6.
[50] Moot Proposition, Statement of DW-1, Cross-Examination, at 23, ¶17.
[51] *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, 1964 SCC OnLine SC 20, ¶5; *Willie (William) Slaney v. State of Madhya Pradesh*, 1955 SCC OnLine SC 34, ¶96; Ratanlal & Dhirajlal, *Supra* note 3, at 488.
[52] *Sushil Ansal v. State through CBI*, 2014 SCC OnLine SC 206 (citing *Emperor v. Omkar Rampratap*, (1902) 4 Bom LR 679).

to be the causa causans and not simply a causa sine qua non for the death of the victim."[53] Where death results from a pre-existing fatal trajectory or independent intervening factors, the accused's act remains a remote condition, insufficient for liability.[54]

2.1. THAT THE DEVICE WAS CATASTROPHICALLY COMPROMISED PRIOR TO THE ACCUSED'S INTERVENTION

¶19. The transmitter sustained critical damage prior to the Accused's intervention; the fall at VLS Avenue Mall rendered the screen unresponsive and dislodged the connector.[55&56] This displacement, observed prior to manipulation, indicates latent failure.[57] The subsequent short circuit merely manifested this pre-existing structural damage.[58] As held in *Kurban Hussein Mohamedalli Rangawalla v. State of Maharashtra*, such an "indirect factor" is not the *causa causans*; the fall itself was the operative cause, rendering the repair a futile attempt to rectify a fatal defect.[59]

2.2. THAT THE MEDICAL TIMELINE PRECLUDES THE ACCUSED'S ACT AS THE CAUSE OF DEATH

¶20. Medical evidence establishes a rigid mortality threshold the factual timeline fails to meet. The Handbook specified that signal absence posed a life-threatening risk only if persisting longer than 60 minutes.[60] However, the entire incident, from the fall to cardiac distress, occurred within approximately 30 to 40 minutes.[61]

¶21. This temporal discrepancy is dispositive. At the moment of cardiac arrest, the victim was well within the device's "safe zone." Since the physiological threshold for death due to signal loss (>60 minutes) was not breached, the short circuit could not be the biological cause. Death must be attributed to independent factors like acute shock or the victim's rare condition, severing the causal link.[62]

---

[53] *Id.* at ¶126.
[54] *Kurban Hussein Mohamedalli Rangawalla v. State of Maharashtra*, 1964 SCC OnLine SC 162, ¶2.
[55] Moot Proposition, Statement of Facts, at 3, ¶12.
[56] Moot Proposition, Statement of Facts, at 5, ¶21.
[57] *Id.*
[58] *Id.*
[59] *Kurban Hussein, Supra* note 54, at ¶2.
[60] Statement of Facts, at 3, ¶9.
[61] Queries and Clarifications, Q20/A20, Q29/A29.
[62] Statement of Facts, at 2, ¶5.

2.3. THAT THE CHAIN OF CAUSATION WAS SEVERED BY INTERVENING CIRCUMSTANCES

¶22. The law requires the accused's act be the proximate cause "without the intervention of another's negligence" or independent factors.[63] In *Ambalal D. Bhatt v. State of Gujarat*, it was held that where other causes break the chain, the accused is not liable.[64] Here, the demise resulted from converging external misfortunes: traffic preventing the backup device,[65] the accidental fall damaging the primary device, and the victim's inherent frailty. These factors operated independently to create the fatal scenario. The Accused's good-faith restorative attempt cannot displace these intervening causes to become the sole basis of criminal liability.

2.4. THAT "ACCELERATION OF DEATH" PRINCIPLE IS INAPPLICABLE

¶23. Explanation 1 to Section 299 IPC (Section 100 BNS) deems accelerating death of a disordered person as causing it.[66] However, this is inapplicable here. First, it requires "bodily injury." The Accused did not touch the victim but manipulated an external device. Expanding "bodily injury" to include technical interference with accessories violates strict construction (*strictissimi juris*).

¶24. Second, factual causation is absent. Acceleration was initiated by the mall fall, which dislodged the connector and compromised the signal.[67] The device was already failing. The Accused attempted to decelerate death by restoring connection. A failed reversal of a fatal process is not acceleration. The victim died within 30-40 minutes of the fall, consistent with the initial accident's shock rather than any new acceleration from the repair.[68]

2.5. THAT THE PRESENT CASE IS DISTINCT FROM PRECEDENTS INVOLVING DANGEROUS AGENTS

¶25. Precedents involving dangerous agents are factually distinguishable. In *Empress v. Gonesh Doobey*, liability arose from introducing a lethal snake into a safe environment;[69] similarly, *Juggankhan* involved administering inherently lethal Datura. [70] Conversely, the

[63] *Ambalal D. Bhatt v. State of Gujarat*, 1972 SCC OnLine SC 136, ¶10.
[64] *Id.*
[65] Moot Proposition, Statement of Facts, at 4, ¶18.
[66] Indian Penal Code, 1860, § 299, Explanation 1.
[67] Moot Proposition, Statement of Facts, at 5, ¶¶12, 21.
[68] Queries and Clarifications, Q20/A20.
[69] *Empress v. Gonesh Doobey*, 1879 SCC OnLine Cal 101, at 581-582.
[70] *Juggankhan*, *Supra* note 37.

Accused did not create a hazard but responded to a victim already in peril,[71] and his act (reconnecting a wire) is not inherently lethal like poison. Absent the introduction of a lethal agent, the direct causal nexus found in those cases is absent here.

2.6. THAT THE PROSECUTION HAS FAILED TO ESTABLISH THE ACT AS *CAUSA CAUSANS*

¶26. The rigorous *causa causans* standard of *Kurban Hussein* and *Sushil Ansal* remains unmet.[72] The causal chain is irretrievably severed by three undisputed facts: the device was internally compromised *prior* to intervention; the victim died within the "safe zone," contradicting pacing failure theory; and external circumstances interrupted the sequence. Absent proof that the Accused's intervention was the exclusive proximate cause, independent of pre-existing trauma, the *actus reus* for Culpable Homicide remains unproven.

3. WHETHER THE DEFENSE OF ACCIDENT UNDER SECTION 18 OF BNS IS AVAILABLE TO THE ACCUSED?

¶27. Section 18 of BNS creates a complete exemption for results occurring "by accident or misfortune" if four conditions are met: the act must be done (i) without criminal intention or knowledge; (ii) as a lawful act; (iii) in a lawful manner by lawful means; and (iv) with proper care and caution.[73] This recognises that penal law excludes unfortunate outcomes occurring despite due diligence.[74] As held in *Tunda v. Rex*, absent foul play, this protection applies in full force.[75] It is submitted that the death here was a "pure accident" occurring during a lawful, careful emergency repair, devoid of criminal intention.[76]

3.1. THAT THE ACT OF REPAIR WAS A LAWFUL ACT PERFORMED BY LAWFUL MEANS

¶28. Repairing electronic devices is inherently lawful; the Accused is a senior technician and repair is his vocation.[77&78] The Handbook warning creates, at most, a civil obligation, not criminal illegality.[79] Breaching manufacturer guidelines does not render an act

[71] Moot Proposition, Statement of Facts, at 3, ¶12.
[72] Sushil Ansal, *Supra* note 52; *Kurban Hussein*, *Supra* note 54.
[73] *See* Indian Penal Code, 1860, § 80; *Tunda v. Rex*, 1949 SCC OnLine All 161. ¶5.
[74] *The State Government v. Rangaswami*, 1951 SCC OnLine MP 50, ¶16.
[75] *Tunda*, *Supra* note 73, at ¶8.
[76] *Yuvraj Laxmilal Kanther*, *Supra* note 18, at ¶17.3.
[77] *See* Seragio Penal Code, 2021, § 18; *Tunda*, *Supra* note 73.
[78] Statement of DW-1, *Supra* note 39.
[79] Exhibit -1, *Supra* note 14.

"unlawful" in the penal sense.[80] In *Yuvraj Laxmilal Kanther*, the failure to provide mandated safety belts caused death, yet the Court held this breach constituted civil negligence, not criminal unlawfulness.[81] The Court characterised such deaths as "purely accidental" despite the breach.[82] Analogously, breaching an "unauthorised repair" clause is a civil matter.[83] In *Tunda*, inherently risky activities like wrestling remained "lawful acts" despite injuries;[84] similarly, this repair was a lawful professional engagement consented to by the owners.[85]

¶29. "Lawful means" depends on context. The Accused employed standard precision tools (anti-static gloves, lens), which are customary lawful implements.[86] Evidence confirms no deviation from standard methodology.[87] In *Tunda*, physical grappling was "lawful" absent foul play,[88] and in *The State Government v. Rangaswami*, shooting a hyena was protected despite a technical breach (unlicensed gun).[89] Just as grappling was lawful in *Tunda*, the Accused's use of precision tools to reseat a connector constitutes lawful means. He acted without "foul play," utilising non-invasive tools for restoration, not harm;[90] the unforeseen short circuit does not render the means unlawful.

3.2. THAT THE ACCUSED EXERCISED "PROPER CARE AND CAUTION" COMMENSURATE WITH THE EMERGENCY

¶30. Section 18 requires "proper care and caution," assessed in light of exigency. The standard is "reasonable competence," not infallibility (*Jacob Mathew*).[91] With 15 years' experience, the Accused exercised skill commensurate with the urgency.[92]

¶31. The Accused took affirmative steps to mitigate risk: visual inspection to assess safety,[93] using precision tools, a magnifying lens, and anti-static gloves.[94] He expressly committed

[80] *K.A. Abdul Vahid v. State of Kerala*, 2004 SCC OnLine Ker 542, ¶10.
[81] *Yuvraj Laxmilal Kanther*, *Supra* note 18, at ¶¶ 13, 17.3.
[82] *Id.* ¶ 17.3.
[83] *See generally Dr. Suresh Gupta v. Govt. of NCT of Delhi*, 2004 SCC OnLine SC 797, ¶21.
[84] *Tunda*, *Supra* note 73, at ¶8.
[85] Statement of PW-1, *Supra* note 31.
[86] Moot Proposition, Statement of DW-1, *Supra* note 42; Statement of PW-1, Cross-Examination, *Supra* note 25.
[87] Moot Proposition, Statement of DW-1, at 22, ¶11.
[88] Tunda, *Supra* note 73, at ¶¶8-9.
[89] *Rangaswami*, *Supra* note 74, at ¶16.
[90] *Tunda*, *Supra* note 73, at ¶8.
[91] Jacob Mathew, *Supra* note 41, ¶48(3).
[92] Statement of DW-1, *Supra* note 39.
[93] *Id.* at ¶11 ("I think it's safe to reconnect this").
[94] Statement of PW-1, Cross-Examination, *Supra* note 25.

to "avoid anything beyond the screen area," deliberately limiting intervention to non-critical components.[95] These are indicia of due diligence, not wanton disregard.

¶32. "Proper care" must account for the medical crisis; PW-1 warned prolonged shutdown could be fatal.[96] In *Syad Akbar*, the Hon'ble Supreme Court held that an "error of judgment" committed in a situation of sudden exigency does not amount to negligence, let alone criminal culpability.[97] The Accused faced a dilemma: risk a fatal shutdown by doing nothing, or attempt a quick repair to maintain the device's function. His decision to attempt the repair was a calculated judgment call made in good faith to preserve life. Retrospective error does not negate professional protection in emergencies.[98]

3.3. THAT THE OUTCOME WAS AN "ACCIDENT OR MISFORTUNE"

¶33. The death resulted from an "accident", which was an unintended event contrary to design. In *Tunda*, the High Court held that a fatal fracture during lawful wrestling, absent "foul play," was an unpunishable "unfortunate chance."[99] Inherent risk did not negate the defense where the outcome was unintended.

¶34. Similarly, the short circuit was a technical misfortune. The Accused's visible shock.[100] confirms the outcome contradicted his design. DW-1 testified such failures are "not that common" and safe repair is generally possible.[101] This "misfortune" occurred despite precautions, mirroring *Tunda*.

¶35. The incident is properly characterised as a workplace accident rather than a crime. In *Yuvraj Laxmilal Kanther*, the Hon'ble Supreme Court observed that workplace accidents aren't criminal absent gross negligence amounting to wilful disregard.[102] The Accused sought restoration, not destruction. Criminalising technical malfunction during good-faith emergency repair would untenably render every professional liable for homicide upon failure.

[95] Statement of DW-1, *Supra* note 39, at ¶15.
[96] Statement of PW-1, *Supra* note 31, at ¶¶15, 16.
[97] *Syad Akbar*, *Supra* note 46, at ¶¶34, 37.
[98] *Id.*
[99] *Tunda*, *Supra* note 73, at ¶8.
[100] Moot Proposition, Statement of PW-1, Cross-Examination, at 20, ¶¶26–27.
[101] Moot Proposition, Statement of DW-1, *Supra* note 39, at ¶¶17-18.
[102] *Yuvraj Laxmilal Kanther*, *Supra* note 18, at ¶17.3.

3.4. THAT THE ACCUSED HAD NO CRIMINAL INTENTION OR KNOWLEDGE

¶36. Section 18 BNS mandates that the act be done "without any criminal intention or knowledge." It is submitted that the Accused's intention was unequivocally directed towards the restoration of the device to preserve the patient's life, not to cause his death. The Accused was responding to a medical emergency at the specific, urgent request of PW-1, who feared imminent cardiac arrest.[103] There is no evidence of motive, prior animosity, or any desire to harm the deceased; to the contrary, every action taken by the Accused was an attempt to assist the patient in a crisis.[104]

3.5. THAT THE DEFENSE OF ACCIDENT IS FULLY ESTABLISHED

¶37. The ingredients of Section 18 BNS are fully satisfied. The Accused performed a lawful act (electronics repair) in a lawful manner (using professional methods) by lawful means (standard tools) with proper care (visual inspection, anti-static gloves), resulting in an accident (unexpected short circuit) without criminal intent. As held in *Tunda*, accidental injury during lawful activity without foul play is protected.[105] *Yuvraj Laxmilal Kanther* affirms that industrial accidents, absent gross negligence amounting to wilful disregard, cannot be criminalised.[106] Consequently, the defense of Accident is available, and the Accused is entitled to an acquittal on this ground.

4. WHETHER THE DEFENSE OF CONSENT UNDER SECTION 26 OF BNS IS AVAILABLE TO THE ACCUSED?

¶38. Section 26 provides complete immunity for acts done in good faith, for the person's benefit, without intention to cause death, and with valid consent. In *Dr. Suresh Gupta*,[107] the Supreme Court observed this protection applies specifically where risk is involved. It is submitted that all essential ingredients are established.

[103] Statement of PW-1, at 19, ¶17 (Isabella's request for help).
[104] Moot Proposition, Statement of PW-1, at 20, ¶25; Basdev, *Supra* note 6, at ¶6.
[105] *Tunda*, *Supra* note 73, at ¶14.
[106] *Yuvraj Laxmilal Kanther*, *Supra* note 18, at ¶17.3.
[107] *Dr. Suresh Gupta v. Government of NCT Delhi,* (2004) 6 SCC 422.

4.1. THAT THE ACCUSED OBTAINED VALID CONSENT FROM THE DECEASED'S LAWFULLY AUTHORISED REPRESENTATIVE

4.1.1. THAT ISABELLA CORLEONE WAS LAWFULLY AUTHORISED TO PROVIDE CONSENT DUE TO EXIGENT MEDICAL CIRCUMSTANCES

¶39. Section 27 explicitly recognises consent from a person in "lawful charge" of the beneficiary. Isabella Corleone held this authority. As the primary caregiver, she received comprehensive training from Dr. Helly Meller on the device's maintenance and protocols,[108] establishing her lawful charge over Anthony's medical management.

¶40. Legal precedent supports this authority. In *Emperor v. G.B. Ghatge*, the Court recognised that "lawful charge" (e.g., a teacher) validates consent for the beneficiary's good.[109] Furthermore, in *Jacob Mathew*, the Supreme Court recognised that in medical exigencies, consent from family members is legally valid.[110] Faced with an unresponsive screen and imminent shutdown risk, Isabella's urgent request constituted valid substituted consent, authorising the Accused to intervene.[111]

4.1.2. THAT THE CONSENT PROVIDED WAS VALID, VOLUNTARY, AND FREE FROM MISCONCEPTION OR FEAR

¶41. Section 28 SPC invalidates consent only if given under fear or misconception. Here, consent was entirely voluntary. Isabella approached the Accused *suo motu*, explained the exigency, and expressly requested the repair to prevent a fatal shutdown.[112] As confirmed in cross-examination, her choice was a calculated attempt to mitigate risk, not a reaction to coercion.[113]

¶42. In *Tunda,*[114] the Court held that voluntary participation in risky activities (wrestling), absent foul play, provides a complete defense even if death results. Similarly, Isabella voluntarily authorised the repair as a necessary intervention.

[108] *Moot Proposition*, Statement of Facts, p. 3, ¶ 9.
[109] *Emperor v. G. B. Ghatge*, AIR 1949 Bom 226.
[110] *Jacob Mathew v. State of Punjab* 2005 (6) SCC 1.
[111] *Moot Proposition*, Statement of Facts, p. 4, ¶ 12.
[112] *Moot Proposition*, Statement of Facts, p. 4, ¶ 13.
[113] *Moot Proposition*, Statement of PW-1, p. 20, ¶ 25.
[114] *Tunda v. Rex*, AIR 1950 All 95.

¶43. Furthermore, there was no misconception of fact. Isabella was fully aware of the stakes, having informed the Accused of the pacemaker link and cardiac risks herself.[115] The Accused's subsequent assessment (that the issue appeared limited to the display) was an honest professional judgment based on visual inspection.[116]

4.2. THAT THE ACT WAS PERFORMED IN GOOD FAITH WITH DUE CARE AND ATTENTION

4.2.1. THAT THE ACCUSED ACTED IN GOOD FAITH WITH DUE CARE AND ATTENTION

¶44. § 2(11) SPC[117] defines "good faith" as acts done with due care and attention. The Accused's intention was unequivocally honest: to preserve the device and save Anthony's life. He demonstrated due care by attentively listening to Isabella and reviewing the Handbook.[118] As held in *Bishambher v. Roomal*, bona fide acts done to save a person from severe consequences are protected;[119] corroborating this, DW-1 testified that the Accused did not rush but assessed risks thoroughly.[120] This satisfies the standard in *Dr. Suresh Gupta*, where protection extends to those acting carefully according to their skill.[121] The Accused adopted extensive precautions (anti-static gloves, magnifying lens, and a grounded surface),[122] and as held in *Rangaswami*, technical irregularities (like unavailable documents) do not negate the validity of this physical care.[123]

4.2.2. THAT THE ACCUSED POSSESSED ADEQUATE SKILL AND EXPERIENCE TO HANDLE THE ELECTRONIC REPAIR

¶45. The Accused possessed fifteen years of experience in electronics servicing and repair, having been employed at Planet Electronics since 2015[124]. DW-1 testified that the Accused had considerable technical expertise and had previously handled several advanced devices

[115] *Moot Proposition*, Statement of Facts, p. 4, ¶¶ 16–17.
[116] *Moot Proposition*, Statement of Facts, p. 5, ¶ 19.
[117] *Seragio Penal Code, 2021*, § 2(11).
[118] *Moot Proposition*, Statement of Facts, p. 4, ¶¶ 16–17.
[119] *Bishambher v. Roomal* ,AIR 1950 All 500.
[120] *Moot Proposition*, Statement of DW-1, p. 22, ¶ 9.
[121] *Dr. Suresh Gupta v. Govt. of NCT of Delhi*, *Supra* note ¶ 21.
[122] *Moot Proposition*, Statement of DW-1, p. 22, ¶ 10.
[123] *State Government v. Rangaswami*, 1951 SCC OnLine MP 50.
[124] M*oot Proposition*, Statement of DW-1, p. 21, ¶ 3.

including health-monitoring wearables, medical-grade ECG patch modules, and Bluetooth-enabled vitals trackers.

¶46. In *Sukaroo Kabiraj*,[125] the Calcutta High Court denied protection to an unqualified medical practitioner who operated a patient. The distinguishing feature here is that the Accused possessed relevant qualifications and extensive experience in electronics repair. DW-1 confirms that in his experience, it is possible to access and reconnect the display without touching or affecting nearby circuits.[126]

4.3. THAT THE ACT WAS DONE WITHOUT CRIMINAL INTENTION AND SOLELY FOR THE BENEFIT OF THE DECEASED

4.3.1. THAT THERE WAS A COMPLETE ABSENCE OF INTENTION TO CAUSE DEATH OR HARM

¶47. § 26 explicitly requires that the act must not be intended to cause death. In the present case, there is absolutely no evidence of any intention on the part of the Accused to cause death. His intention was to preserve life by maintaining the device's functionality. When the short circuit occurred, the Accused was visibly shocked and immediately attempted to revive the device .[127]

¶48. In R. v. Clarke,[128] the Court accepted the defense that a woman charged with theft was in a state of absent-mindedness, and held that the act was not voluntary as it lacked intention. DW-1 records that after the short circuit, the Accused repeatedly stated "I didn't expect that - everything looked normal. I followed all precautions",[129] demonstrating his intention was to prevent damage, not cause it.

4.3.2. THAT THE REPAIR WAS UNDERTAKEN EXCLUSIVELY FOR THE BENEFIT OF THE DECEASED

¶49. The repair was undertaken at Isabella's urgent request for the express purpose of preventing the device from shutting down. In R.P. Dhanda (Dr.) v. Bhurelal,[130] the Supreme Court observed that the requirement that the act must be for the benefit of the person is

[125] *Sukaroo Kabiraj v. Empress*, (1882) ILR 8 Cal 537.
[126] *Moot Proposition*, Statement of DW-1, p. 23, ¶ 18.
[127] *Moot Proposition*, Statement of DW-1, p. 5, ¶ 21.
[128] *R v. Clarke*, (1927) 40 CLR 227 (HCA).
[129] *Moot Proposition*, Statement of DW-1, p. 22, ¶ 11.
[130] *Dr. R.P. Dhanda v. Bhurelal*, (1969) 3 SCC 281,at pp. 785–786.

satisfied when the act is undertaken with the objective of preserving life, even if the act carries inherent risks, because the alternative of inaction would result in certain death.

4.4. THAT THE ACT REMAINED WITHIN THE SCOPE OF THE CONSENT PROVIDED

4.4.1. THAT THE REPAIR FELL WITHIN THE SCOPE OF THE GENERAL CONSENT PROVIDED

¶50. Isabella's consent was specific: she asked if the Accused could repair the device without shutting it down,[131] confirming in cross-examination that she authorised the intervention to prevent the risk of shutdown.[132] In Tunda v. Rex,[133] the Court held that consent extends to all injuries reasonably incidental to the activity. When the Accused observed the dislodged connector,[134] reconnecting it was the specific, necessary action to achieve the repair objective. Therefore, the act fell squarely within the scope of the consent provided.

4.4.2. THAT THE SHORT CIRCUIT WAS AN ACCIDENTAL AND UNFORESEEABLE CONSEQUENCE

¶51. In *Girish Saikia v. State of Assam,*[135] the Court held that Section 18 protects accidental injuries occurring during lawful acts performed with proper care. The short circuit here was precisely such an unforeseeable misfortune, occurring devoid of criminal intention during a lawful repair.

¶52. Isabella admitted that electronics are unpredictable even with care, confirming the outcome was a pure accident. Since the Accused acted in good faith for the deceased's benefit, with valid consent and extensive precautions, all ingredients of Section 26 SPC are satisfied. Consequently, the Accused cannot be held liable under Section 105 and is entitled to acquittal.

[131] *Moot Proposition*, Statement of PW-1, p. 19, ¶ 15.
[132] *Moot Proposition*, Statement of PW-1, p. 20, ¶ 25.
[133] *Tunda v. Rex*, AIR 1950 All 95.
[134] *Moot Proposition*, Statement of DW-1, p. 5, ¶ 21.
[135] *Girish Saikia v. State of Assam,1993 CrLJ 3808 (Gau).*

PRAYER

"Wherefore, in light of the facts presented, arguments advanced, and authorities cited, it is most humbly prayed that this Hon'ble Court be pleased to:

1. **ACQUIT** the Accused of the charge under Section 105 of the Seragio Penal Code, 2021; and
2. **DECLARE** that the death of Anthony Corleone was the result of an accident or misfortune under Section 18 of BNS, 2023; **OR IN THE ALTERNATIVE**
3. **HOLD** that the Accused is entitled to protection for acts done in good faith for the benefit of a person under Section 26 of BNS, 2023, and consequently absolve him of all criminal liability."

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: Savoca

Date: 13th February, 2026

URN: 1002

Counsels on behalf of the Respondent