

Queries & Clarifications:

We have recently received queries from teams, who have sought a clarification on the Moot Problem as under:

Q1. We would like to know if we are allowed to use the complete explanation, provisos and essentials of sec. 299 & 300 of the Indian Penal Code?

A1. Yes.

Q2. On what offences/acts section 201 of the Frisk Penal Code was charged? Was it only the disposal of murder weapon and body or does it also include hiding the packet of Lucky Strike cigarettes?

A2. Charges have been framed covering all allegations made in the investigation report.

Q3. What was the time Pique last saw Lionel and Cristo?

A3. No clarification is required.

Q4. What was the time Antonella last saw Lionel and Cristo?

A4. No clarification is required.

Q5. What was the time Mr. Chancerton last saw the two people arguing?

A5. No clarification is required.

Q6. Are there further details on the post mortem report?

A6. No clarification is required.

Q7. What type of injury was the blunt force trauma (Was there external bleeding)?

A7. No clarification is required.

Q8. Were there other injuries on his body?

A8. No.

Q9. Was lucky strike cigarettes recovered from Cristo's room before or after Cristos confession?

A9. No clarification is required.

Q10. Who paid for the dinner between Lionel and Cristo?

A10. No clarification is required.

Q11. What is the date on which Lionel died?

A.11. No clarification is required.

Q12. Which part of the head was Lionel's death due to? (Front head, back head, or anywhere specific)

A12. No clarification is required.

Q13. When were Lionel and Cristo last seen together?

A13. No clarification is required.

Q14. What time did Cristo enter back into his house?

A14. No clarification is required.

Q15. How much money does Cristo owe Lionel?

A15. No clarification is required.

Q16. a. Did Lionel's family know about his immoderate spending and acute shortage of funds?

b. If they did, did they lend him money/offer to lend him money?

c. Did Lionel ask his parents for money?

A16. a. No clarification is required.

b. No clarification is required.

c. No clarification is required.

Q17. Did Lionel have any debts to repay?

A17. No clarification is required.

Q18. In para 7, it is stated that Lionel's parents made a few frantic phone calls. Who did they make these calls to?

A18. No clarification is required.

Q19. Is there a copy of the receipt provided by Mr. Chancerton?

A19. No clarification is required.

Q20. Were the Lucky Strike cigarettes produced in Court?

A20. No clarification is required.

Q21. Did Mr. Chancerton identify Cristo in Court?

A21. Yes.

Q22. Is the any information as to the exact extent of Cristo's debt to Lionel?

A22. No clarification is required.

Q23. In the present proposition, are we expected to apply section 300 along with the provisions (i.e. the 4 clauses) and exceptions as under IPC or just stated information within the proposition i.e. based on exceptions only and for clarifying the latter we can refer to IPC. without increasing the scope of section 300 as under frisk penal code.

Kindly clarify the same.

A23. No clarification is required.

Q24. According to Paragraph 11, the investigation report states that Cristo identified the spot where he allegedly dumped Lionel's body. Is that spot the same as where Cristo alleges to have dropped Lionel according to his statement in paragraph 13?

A24. No clarification is required.

Q25. IPC is pari materia to Frisk Penal Code or not.

A25. No clarification is required.

Q26. Whether the court has given the sentence of rigorous imprisonment with the permission of the High Court or not.

A26. No clarification is required.

Q27. Post-mortem report came before or after Cristo's confession.

A27. No clarification is required

Q28. Q1 answered in clarification 1 mentioned that complete explanation, provisos and essentials of sec. 299 & 300 of the Indian Penal Code could be used. However, the provisions of the Frisk Penal Code have different essentials. Kindly clarify how to go about the provisions.

A28. Essentials of Section 299 and 300 are as per definition in Frisk Penal Code. No clarification is required on explanation(s) or proviso(s).

Q29. Was Mr. Pique, the toll-booth operator working at a toll booth that was en route to Lionel's house or was he simply en-route to Lionel's house, i.e., to say was Mr. Pique in motion when he saw Lionel?

A29. Mr. Pique was working at the said toll booth.

Q30. Were the Lucky Strikes cigarette packet a part of recovery or a part of search and seizure?

A30. No clarification is required

Q31. Was an application moved by the prosecution for dropping of the guard as a witness? Should the guard be considered a witness for the case?

A31. No clarification is required.

Q32. Could you please clarify whether Mr. Chancerton identified Cristo in the trial court?

A32. Yes, in Court.

Q33. Is the place that Cristo identified as the place where he dumped Lionel's body same as the place where Lionel's body was discovered by the police?

A33. No clarification is required.

Q34. When Mr. Pep confirm all personal belongings of Lionel appearing to be on him, did he also identify the pack of Lucky cigarettes recovered from Cristo's room?

A34. No clarification is required.

Q35. As per clarification no. 1, it is mentioned that complete explanation, proviso, and essential of section 299/300 of IPC could be used whereas in clarification no. 28 it is stated that essential of Section 299 and 300 should be used as per definition of Frisk Penal Code, therefore, there is a contradiction between the Cl no 1 and 28. You are requested to please clarify the same.

A35. Essentials of Section 299 and 300 are as per definition in Frisk Penal Code. No clarification is required on explanation(s) or proviso(s).

Q36. What all documents were proved by the investigating officer during the Trial?

A36. No clarification is required.

Q37. Whether Mr. Pep was present when Lionel's dead body was being recovered?

A37. No clarification is required

- Q38. How much time does the investigating officer take to file the charge sheet?
- A38. No clarification is required
- Q39. Were the packet of Lucky Strike that Lionel and Cristo smoked with that night in Lionel's possession according to Mr. Pep?
- A39. No clarification is required
- Q40. Did Lionel's parents have explicit knowledge about Lionel's smoking habit?
- A40. No clarification is required
- Q41. Did the Trial Court in its decision give a scope of remission and parole?
- A41. No clarification is required
- Q42. As it is stated in the moot problem that Frisk Penal Code, 1860 is in pari materia with the Indian Penal Code, 1860 but section 299 of the Frisk Penal Code is different as to Indian Penal Code, 1860. So accordingly can we refer to the essential ingredients of Section 299 of Indian Penal Code, 1860 or not??
- A42. Essentials of Section 299 and 300 are as per definition in Frisk Penal Code. No clarification is required on explanation(s) or proviso(s).
- Q43. Could you please clarify whether paragraph 4 of the moot proposition was proved in the trial court, i.e., whether Lionel's acute shortage of funds, repeated reminders by Lionel, were proved?
- A43. No clarification is required.
- Q44. According to paragraph 12(vi) Mr. Chancerton did not know Lionel from before. Did Mr. Chancerton know Cristo from before?
- A44. No clarification is required.
- Q45. For the 1st contention, do we have to check for the essentials of both S299 and S300 or does the slash implicate a choice?
- A45. No clarification is required.
- Q46. Are the 5 mitigated descriptions under S300, exceptions or ingredients of the section?
- A46. No clarification is required.
- Q47. Was there any source of light at the spot where Chancerton saw the two people fighting?

A47. No clarification is required.

Q48. Was Cristo's alleged disclosure statement / confession made to a police officer, or was it made to a magistrate?

A48. No clarification is required.

Q49. When Cristo allegedly 'identified' the place where the body was dumped, was this part of his disclosure statement / confession, or was he brought down to the crime scene to identify the location where he allegedly dumped the body?

A49. No clarification is required.

Q50. Was Cristo informed of where the body was dumped at before identifying where he allegedly dumped the body?

A50. No clarification is required.

Q51. Does Cristo have to pass through the toll booth to get from Lionel's house back to his house?

A51. No clarification is required.

Q52. Whether Cristo was given an opportunity to cross-examine the witnesses?

A52. No clarification is required.

Q53. What was the reason that no defense evidence was led down in trial court by Cristo? Whether there was any advocate representing Cristo?

A53. No clarification is required.

Q54. What was the reason given by the State for dropping the guard as a witness?

A54. No clarification is required.

Q55. Whether the confession made by Cristo was in police custody (Extra-judicial) or in front of Magistrate (judicial)?

A55. No clarification is required.

Q56. Which high court judgements of India will be of most significance to the high court of Killdare in case there are contradictory opinions on point of law?

- A56. No clarification is required.
- Q57. Was the spot where Lionel's dead body was found mentioned in the newspaper through which Mr. Chancerton got to know about the death?
- A57. No clarification is required.
- Q58. Can undisputed facts like Lionel's lending money to Cristo be considered as documentary evidence as it has been given in the moot proposition?
- A58. No clarification is required.
- Q59. Was the injury on Lionel's head sufficient in the ordinary course of nature to cause death?
- A59. No clarification is required.
- Q60. Is there any other elaborative point mentioned in Dr. Asene's report?
- A60. No clarification is required.
