
THE K.K. LUTHRA MEMORIAL MOOT COURT, 2025

February 13, 2026 to February 15, 2026

Before,

THE HON'BLE COURT OF SESSIONS JUDGE SAVOCA AT SERGIO

In the matter of Sessions trial case no. 173 of 2025

STATE OF SAVOCA (Prosecution)

versus

LUCIO (Defence)

UNDER SECTION 105 OF THE SERAGIO PENAL CODE, 2021

MEMORANDUM *on* BEHALF *of* DEFENCE

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Abbreviation	Full Form
¶	Paragraph/paragraphs
v	versus
AI	Artificial Intelligence
AIR	All India Reporter
Art.	Article
BNS	Bharatiya Nyaya Sanhita
CPR	Cardiopulmonary Resuscitation
DW	Defence Witness
ECG	Electrocardiogram
FIR	First Information Report
ibid	ibidem (in the same place)
IEA	Indian Evidence Act
INSC	Supreme Court of India Neutral Citation
IPC	Indian Penal Code
MedTech LLC	MedTech Limited Liability Company
NSCIF	Neuro-Sino Cardiac Interface Failure
para	paragraph
PW	Prosecution Witness
S. /Sec	section
SCC	Supreme Court Cases
SPC	Seragio Penal Code
USM	United States of Maga

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STATEMENT OF FACTS

THE MEDICAL EXIGENCY

On 15 January 2025, Mr. Anthony Corleone’s life-support Transmitter hit the ground with force at VLS Avenue Mall, rendering the screen severely cracked and unresponsive. The medical protocol dictated that a signal disconnection of longer than 60 minutes could be fatal. Mr. Corleone’s daughter, Isabella (PW-1), realised that retrieving the backup transmitter would take approximately 1.5 hours due to traffic, a delay that posed an imminent threat to the patient’s life. Fearing the device might shut down before the backup arrived, Isabella sought immediate assistance at Planet Electronics to bridge this critical time gap.

THE PROFESSIONAL ASSESSMENT AND CONSENT

The Accused, Lucio, is a Senior Technician with 15 years of experience. Isabella explained the urgency and asked if he could repair the screen “without shutting it down for too long,” and in fact mentioned that no longer than 30-40 minutes. After examining the device and the Patient Handbook shown to him, the Accused assessed that the damage appeared “limited to the display”. He formed a bona fide opinion that he could repair the screen without interfering with the internal processor. Relying on this assessment, Isabella consented to the repair to prevent the risk of a shutdown.

THE ATTEMPTED REPAIR AND ACCIDENTAL OUTCOME

The Accused took significant precautions, utilising anti-static gloves, a magnifying lens, and non-invasive tools. He placed the device on a grounded surface and gently pried open the casing, intending to access only the screen assembly. Upon opening, he observed that the display connector was already dislodged, likely due to the initial fall. Believing this dislodged cable was the cause of the malfunction and that leaving it disconnected might cause the transmitter to go dead entirely, he attempted to reseat the connector. An accidental short circuit occurred during this attempt.

THE TIMELINE AND RESULT

The Accused was visibly shocked and immediately tried to switch on the device using recovery tools. The entire incident, from the fall at the mall to the onset of cardiac distress, transpired within 30 to 40 minutes, well within the 60-minute survival window described by the doctors.

Despite the Accused's efforts to stabilise the device until the backup arrived, the patient subsequently suffered cardiac arrest and passed away.

CURRENT PROCEDURAL STATUS

Following the incident, FIR No. 212 of 2025 was registered. The Accused was charged under Section 105 of the Seragio Penal Code, 2021. He pleaded not guilty to the charge. The evidence has been recorded by the Savoca Sessions Court, and the matter is currently listed for final arguments.

ISSUES RAISED

I

WHETHER THE ACCUSED ACTED WITH THE REQUISITE KNOWLEDGE UNDER SECTION 105 OF THE SERAGIO PENAL CODE.

II

WHETHER THE ACCUSED'S ACT CONSTITUTED THE ACTUS REUS AND ESTABLISHED CAUSATION UNDER SECTION 105 OF THE SERAGIO PENAL CODE.

III

WHETHER THE ACCUSED IS ENTITLED TO THE BENEFIT OF THE GENERAL EXCEPTIONS UNDER SECTIONS 18, 19, AND 26 OF THE BHARATIYA NYAYA SANHITA.

SUMMARY OF ARGUMENTS

ISSUE I: THE ACCUSED LACKED THE REQUISITE KNOWLEDGE UNDER SECTION 105 SPC

Firstly, the Accused lacked the subjective foresight of death required for Culpable Homicide. As a Senior Technician, he bona fide believed the repair was safe based on his expert assessment. This positive belief in safety negates the “conscious awareness” of fatal consequences required by law. *Secondly*, the Accused is protected by professional good faith. Acting in an emergency, he exercised the skill of a competent technician using precision tools. Under the Jacob Mathew standard, a professional acting with due care cannot be criminally liable for a mere error of judgment. *Thirdly*, the death resulted from an inevitable accident. The fatal short circuit was a mechanical misfortune likely triggered by the device’s prior fall. As the Accused was engaged in a lawful act using lawful means without criminal intent, the general exception of Accident absolves him of liability.

ISSUE II: WHETHER THE ACCUSED’S ACT CONSTITUTED THE ACTUS REUS AND ESTABLISHED CAUSATION UNDER SECTION 105 OF THE SERAGIO PENAL CODE

Firstly, factual causation under Section 105 of the Seragio Penal Code is not established, as the prosecution has failed to satisfy the “but-for” test. The Transmitter’s operational status remains unproven, pre-existing damage from the fall is unexcluded, and the alleged causal link is speculative. Secondly, legal causation is not attracted, as the accused’s act was neither the proximate nor operative cause of death. The component handled was not shown to be therapeutically critical, and death was neither a natural nor probable consequence of a careful, good-faith repair. Thirdly, the chain of causation stands broken by multiple independent and plausible alternative causes, including the fall, device failure, and the deceased’s medical condition. The circumstantial evidence fails to exclude reasonable hypotheses of innocence.

Therefore, the requirements of actus reus and causation under Section 105 of the Seragio Penal Code are not satisfied, and the accused incurs no criminal liability.

ISSUE III: WHETHER THE ACCUSED IS ENTITLED TO THE BENEFIT OF THE GENERAL EXCEPTIONS UNDER SECTIONS 18, 19, AND 26 OF THE BHARATIYA NYAYA SANHITA.

It is respectfully submitted that the accused is entitled to the protection of the General Exceptions under Sections 18, 19, and 26 of the Bharatiya Nyaya Sanhita, 2023. The defence under Section 18 applies as the accused acted without criminal intention or knowledge, employed lawful means, and exercised proper care and caution while attempting the repair, with the resulting short circuit being an unforeseen accident. The protection under Section 19 is also attracted since the accused acted in good faith to prevent imminent and greater harm arising from the possible shutdown of a life-critical device, in circumstances requiring urgent intervention. Further, Section 26 squarely applies as the accused acted for the benefit of the patient, without any intention to cause death, and with the express, informed, and voluntary consent of Isabella, which the accused reasonably believed to be valid and unvitiated. Accordingly, the accused's conduct falls within the statutory protections afforded by Chapter III of the BNS, 2023.

WRITTEN PLEADINGS

**ISSUE I. THE ACCUSED LACKED THE REQUISITE KNOWLEDGE OF THE
LIKELIHOOD OF DEATH, AS HIS SUBJECTIVE BELIEF IN SAFETY,
ADHERENCE TO PROFESSIONAL PROTOCOLS, AND THE ACCIDENTAL
NATURE OF THE INTERVENTION NEGATE THE MENS REA UNDER SECTION
105 SPC**

¶1 It is humbly submitted that the Accused is not guilty of Culpable Homicide under Section 105 of the SPC. The Prosecution has failed to establish the requisite *mens rea* of ‘Knowledge.’ The Accused’s conduct was characterised by a bona fide attempt to save a life, not a reckless disregard for it. This is substantiated by (A) the Accused’s subjective assessment of safety, which negates the foresight of death; (B) the protection afforded to professional judgment exercised in good faith under the *Jacob Mathew* standard; and (C) the accidental nature of the intervening mechanical fault, which breaks the chain of causation.

**A. THE ACCUSED’S SUBJECTIVE BELIEF IN SAFETY NEGATES THE
FORESIGHT OF DEATH REQUIRED FOR CULPABLE HOMICIDE**

¶2 The Defence submits that the high threshold of “Knowledge” under Section 105 Part II is not met where the accused genuinely believes his actions are safe. This subjective belief precludes the “conscious awareness” of fatal consequences required for a homicide conviction.

(i) *The Accused lacked the ‘Conscious Awareness’ of death required for Section 105.*

¶3 To sustain a conviction under Section 105 SPC, the prosecution must prove that the accused actually foresaw death as a likely consequence. The standard is “Subjective Recklessness,” requiring that the accused must have been aware of the risk and deliberately closed his mind to it.¹ In *Laxman Kalu Nikalje v State of Maharashtra*, the Supreme Court held that where the accused intends to achieve a different object and death

¹ *Alister Anthony Pareira v State of Maharashtra* (2012) 2 SCC 648, [40]; *R v Cunningham* [1957] 2 QB 396; Andrew Ashworth, *Principles of Criminal Law* (6th edn, OUP 2009) 182.

is an unexpected result, the rigorous provisions of culpable homicide do not apply.² Similarly, in *Alister Anthony Pareira v State of Maharashtra*, the Court clarified that “knowledge” requires a positive mental realisation that the act will likely cause death; mere possibility or negligence is insufficient.³

¶4 The Accused was not a layman ignoring a warning since he was a Senior Technician with 15 years of experience.⁴ He explicitly assessed the device and concluded that the damage was “limited to the display” and that he could repair it “without interfering with the internal parts.”⁵ This was a professional diagnosis, not a reckless gamble. His target was the screen, a non-vital component for life support, not the motherboard, which is a vital part. Because the Accused subjectively believed the repair was safe based on his expert diagnosis, he did not possess the mental state that death was “likely.” He foresaw a successful repair, not a fatality.

(ii) *The honest belief in the device’s architecture constitutes a valid Mistake of Fact.*

¶5 Under the general exceptions (pari materia with Section 79 IPC/BNS), an act done in good faith by a person who is justified by law, or who by reason of a mistake of fact believes himself to be justified, is not an offence.⁶ In *State of Orissa v Ram Bahadur Thapa*, the Court held that a bona fide belief in the existence of facts which, if true, would justify the act, is a complete defence.⁷ Good faith requires “due care and attention,” which is judged by the standard of a reasonable person in the accused’s position.

¶6 The Accused acted under a bona fide belief that the “display connector” was merely a display component and not part of the therapy pathway.⁸ This belief, formed after a visual inspection and reliance on 15 years of technical experience, constitutes a Mistake of Fact regarding the device’s architecture. Even if this belief was erroneous, it was formed in good faith to facilitate the repair. The Accused attempted to find schematics but, finding

² *Laxman Kalu Nikalje v State of Maharashtra* (1968) INSC 93; *State of Andhra Pradesh v Rayavarapu Punnayya* (1976) 4 SCC 382.

³ *Alister Anthony Pareira v State of Maharashtra* (2012) 2 SCC 648, [40]; *Jai Prakash v State (Delhi Administration)* (1991) INSC 22.

⁴ Moot Problem, Statement of DW-1 [2].

⁵ Moot Problem, [19].

⁶ The Bharatiya Nyaya Sanhita 2023, s 17; The India Penal Code 1860, s 79; *State of West Bengal v Shew Mangal Singh* (1981) 4 SCC 2; K D Gaur, Textbook on The Bharatiya Nyaya Sanhita (9th edn, 2023).

⁷ *State of Orissa v Ram Bahadur Thapa*, (1959) SCC OnLine Ori 22.

⁸ Moot Problem, [21].

none due to the manufacturer's restrictive proprietary practices, relied on his general expertise.⁹ This was a reasonable course of action for a technician in a remote location facing a dying device.

B. PROFESSIONAL GOOD FAITH UNDER THE 'JACOB MATHEW' STANDARD PRECLUDES CRIMINAL LIABILITY

¶7 The Defence contends that the Accused's conduct falls within the protective ambit of professional negligence laws. An error of judgment made by a professional in a crisis cannot be elevated to the crime of homicide.

(iii) The Accused's adherence to safety protocols negates the charge of 'Gross Negligence'.

¶8 The Supreme Court, through its landmark judgment in *Jacob Mathew v State of Punjab*, established that a professional is not criminally liable for a "simple lack of care, an error of judgment, or an accident" if they exercised the skill of an ordinary competent person.¹⁰ The negligence must be "gross" or "reckless" to attract criminal liability. This standard was reaffirmed in *Suresh Gupta v Govt of NCT of Delhi*, where the Court held that legal punishment is not the answer for every professional mishap.¹¹ As recognised in *Kusum Sharma v Batra Hospital*, professionals often face a choice between "the devil and the deep sea" and cannot be penalised for choosing the "lesser evil" in an emergency.¹²

¶9 The Accused acted under the pressure of extreme urgency. PW-1 (Isabella) informed him that the backup support would take over an hour to arrive, while the device was already failing.¹³ Faced with the certainty of device failure if he did nothing, he chose the "lesser evil", which is to attempt a repair to save the patient. Unlike the "Quack" analogy used by the Prosecution, the Accused followed standard safety protocols: he utilised anti-static gloves, placed the device on a grounded surface, and used precision rubber-tipped tools.¹⁴ These are the actions of a cautious professional, not a reckless criminal.

⁹ Moot Problem, [20].

¹⁰ *Jacob Mathew v State of Punjab* (2005) INSC 334, [48].

¹¹ *Suresh Gupta v Govt of NCT of Delhi* (2004) INSC 418, [21]; *Malay Kumar Ganguly v Sukumar Mukherjee* (2009) INSC 1025.

¹² *Kusum Sharma v Batra Hospital & Medical Research Centre & Others* (2010) INSC 95.

¹³ Moot Problem, [18].

¹⁴ Moot Problem, Statement of DW-1, [10].

(iv) The decision to repair in an emergency is a protected 'Error of Judgment'.

¶10 The law distinguishes between a “rash act” and an “error of judgment.” In *Syad Akbar v State of Karnataka*, the Court held that where a driver takes a calculated risk to avoid an accident but fails, it is an error of judgment, not rashness.¹⁵ Similarly, in *Malay Kumar Ganguly v Sukumar Mukherjee*, the Court held that adopting a medically acceptable practice, even if it fails, does not constitute negligence.¹⁶

¶11 The Accused’s decision to reconnect the dislodged cable was a calculated professional judgment intended to restore the screen’s function. That this decision resulted in a short circuit is a tragic operational failure, but it remains an “Error of Judgment.” As per *Jacob Mathew*, holding a professional criminally liable for every failed intervention would disincentivise life-saving attempts.¹⁷ The Accused exercised the skill of an ordinary competent technician; the proprietary “trap” hidden in the device’s design does not render his judgment criminal.

C. THE INTERVENING MECHANICAL FAULT AND ACCIDENTAL NATURE BREAK THE CHAIN OF CAUSATION

¶12 The Defence submits that the immediate cause of death was an accidental short circuit, not the intentional act of the Accused. This constitutes a *novus actus interveniens* or falls under the general exception of Accident.

(i) The unforeseen electrical failure satisfies the ingredients of the Defence of Accident.

¶13 Section 80 of the IPC (pari materia with SPC) provides that nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge, in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution.¹⁸ In *Jashubha Bharatsinh Gohil v State of Gujarat*, the Supreme Court held that where the fatal injury is accidental and not the likely result of the intended act, culpable homicide is not made out.¹⁹

¹⁵ *Syad Akbar v State of Karnataka* (1979) INSC 126, [28]

¹⁶ *Malay Kumar Ganguly v Sukumar Mukherjee* (2009) INSC 1025.

¹⁷ *Jacob Mathew v State of Punjab and Anr* (2005) INSC 334.

¹⁸ *Sukhdev Singh v State of Delhi* (2003) 7 SCC 441; K D Gaur, Textbook on The Bharatiya Nyaya Sanhita (9th edn, 2023).

¹⁹ *Jashubha Bharatsinh Gohil v State of Gujarat* (1994) 4 SCC 353, [12].

¶14 The Accused was engaged in a lawful act (repair service) in a lawful manner (using proper tools) with proper care (anti-static precautions). The “short circuit” was an unexpected accident.²⁰ The Accused intended to *connect* the circuit, not *short* it. The spark that caused the failure was a misfortune, a mechanical anomaly likely exacerbated by the initial fall of the device at the mall.²¹ This clearly falls within the exception of Accident.

(ii) *The latent mechanical defect breaks the Chain of Causation between act and death.*

¶15 For liability under Section 105 SPC, the act must be the *causa causans* (immediate, direct cause) of death. Where an intervening factor contributes to the result, the accused is not liable for the remote consequence. In *Kurban Hussein v State of Maharashtra*, the Supreme Court ruled that the act must be the proximate cause of death; remote causes do not suffice.²² Furthermore, in *V Subramani v State of Tamil Nadu*, the Court clarified that liability attaches only if the specific injury found was the one the accused intended to inflict.²³

¶16 The immediate cause of the cardiac arrest was the cessation of signals due to the short circuit. It is a reasonable inference that the connector was already dislodged or damaged by the victim’s fall at the mall (the mechanical fault).²⁴ The Accused’s intervention merely revealed this latent damage. The initial fall created the “ticking time bomb”; the Accused merely touched it while trying to defuse it. This pre-existing damage is an intervening factor that breaks the chain of causation

**ISSUE II: THE ACCUSED’S ACT DOES NOT CONSTITUTE THE ACTUS REUS
AND ESTABLISHED CAUSATION UNDER SECTION 105 OF THE SERAGIO
PENAL CODE**

¶17 It is humbly submitted that the accused’s act of opening the Transmitter casing and interfering with its internal electronic assembly did **not** cause the death of Anthony Corleone. The requirements of *actus reus* and causal nexus under Section 105 of the SPC

²⁰ Moot Problem, [21].

²¹ Moot Problem, [12].

²² *Kurban Hussein Mohammedali Rangwalla v State of Maharashtra* [1964] INSC 289.

²³ *V Subramani v State of Tamil Nadu* (2005) INSC 119.

²⁴ Moot Problem, [21].

are not satisfied.²⁵ as: (A) the threshold for the but-for test is not satisfied; (B) the act did not constitute the proximate or legally operative cause; and (C) the chain of causation remains broken and unproven.

A. FACTUAL CAUSATION NOT ESTABLISHED AS THE “BUT-FOR” TEST IS NOT SATISFIED

(i) The prosecution failed to prove the Transmitter was operational and that the accused’s act caused the device failure

¶18 It is submitted that the test for factual causation requires proving that but for the accused’s act, death would not have occurred. In *Sharad Birdhichand Sarda v. State of Maharashtra*, the Court held that where circumstantial evidence forms the basis of a conviction, each circumstance must be fully established.²⁶ Ratanlal & Dhirajlal emphasise that the foundational requirement of the “but-for” test is that the pre-existing state of the instrumentality is without uncertainty.²⁷

¶19 In *casu*, the Transmitter screen became severely cracked and unresponsive after the fall. Isabella’s statement that she feared it might shut down reflects prospective concern, not confirmation of operation.²⁸ No logs, no technical records, and no expert testimony establish that the Transmitter held operational status at the time of repair. As affirmed in *Woolmington v. DPP*, the burden never shifts.²⁹ Where pre-existing operational status remains uncertain, the “but-for” test fails.

¶20 Further, the display connector was found dislodged at the edge of the circuit board after the fall. It is more probable that high-impact trauma caused the damage. Hence the uncertainty and the gap in the circumstantial evidence along with indications of prior damages, fails to establish the threshold for the “but-for” test of factual causation³⁰

(ii) The possibility of pre-existing internal damage caused by the fall has not been excluded

²⁵ The Seragio Penal Code 2021, s 105.

²⁶ *Sharad Birdhichand Sarda v State of Maharashtra* (1984) 4 SCC 116, 185.

²⁷ Ratanlal Ranchhoddas and Dhirajlal Keshavlal Thakore, *The Law of Crimes: A Commentary on the Indian Penal Code 1860* (28th edn, LexisNexis 2020) 2310-2315.

²⁸ Statement of PW-1, Isabella Corleone, cross-examination para 24.

²⁹ *Woolmington v DPP* [1935] AC 462, 481-482 (HL).

³⁰ *Hanumant Govind Nargundkar v State of Madhya Pradesh* AIR 1952 SC 343, 345-346.

- ¶21 It is submitted that the prosecution has failed to exclude the reasonable alternative cause of attainment of internal damage due to the fall. Failure to exclude a reasonable alternative cause defeats factual causation. In *Shivaji Sahabrao Bobade v. State of Maharashtra*, the Court held that where two views are reasonably possible, the one favouring the accused must prevail.³¹ As explained by K.D. Gaur, a condition that creates the occasion for harm cannot be equated with the cause that produces it.³²
- ¶22 In *casu*, the Transmitter hit the ground with force, following which the immediate consequence of severely cracked and unresponsive screen. However, it was testified that the display connector was found dislodged at the circuit board edge.³³ It is at least equally plausible that the impact of the fall caused internal displacement. Further, the absence of any vibration alerts or notifications on PulseLink after the fall, as warned in the Patient Handbook, strongly indicates that the internal circuitry transmitting pacing signals had already been disrupted.³⁴
- ¶23 Lastly, it has been affirmed that causation, especially involving technical systems, cannot be presumed and must be affirmatively proved.³⁵ The evidentiary vacuum precludes any finding of causation beyond reasonable doubt.

(iii) *Absence of expert evidence renders the causal link purely speculative*

- ¶24 Causation in technical and medical contexts requires objective expert evidence. In *State of Punjab v. Shamlal Murari*, the Court held that expert evidence is necessary for technical questions.³⁶ Further in *Ramesh Chandra Agrawal case*, the Court held that medical causation requires expert testimony, not temporal correlation.³⁷
- ¶25 In *casu*, there has been no post-mortem report, no forensic analysis of the Transmitter, no expert testimony from a biomedical engineer or cardiologist, and no technical evaluation of the AtriaLink System's failure mode. The NSCIF condition, exceptionally rare with progressively deteriorated pathways, could cause spontaneous arrest. The entire case rests on the principle of *post hoc ergo propter hoc*, which was rejected in *Bonnington*

³¹ *Shivaji Sahabrao Bobade v State of Maharashtra* (1973) 2 SCC 793, 807.

³² KD Gaur, *Criminal Law: Cases and Materials* (7th edn, LexisNexis 2016) 268-270.

³³ Statement of DW-1, Mario Denver, examination-in-chief para 11.

³⁴ Exhibit 1 – Patient Handbook, AtriaLink System (published by MedTech LLC).

³⁵ *Spring Meadows Hospital v Harjol Ahluwalia* (1998) 4 SCC 39, 46-47.

³⁶ *State of Punjab v Shamlal Murari* (1976) 1 SCC 416, 418.

³⁷ *Ramesh Chandra Agrawal v Regency Hospital* (2009) 9 SCC 709, 714-715.

Castings v. Wardlaw.³⁸ As held in *Anvar P.V. v. P.K. Basheer*, technical causation requires technical proof.³⁹ Hence, Temporal proximity without mechanism evidence cannot satisfy the criminal standard.

B. LEGAL CAUSATION NOT ESTABLISHED AS THE ACCUSED’S ACT WAS NOT THE PROXIMATE CAUSE

(i) *The component handled was not proven therapeutically critical*

¶26 It is submitted that Proximate cause requires proving the specific injury was sufficient in the ordinary course of nature to cause death. In *Virsa Singh v. State of Punjab*, the Supreme Court held the prosecution must establish that the specific injury caused by that act was of such a nature as would ordinarily result in death.⁴⁰

¶27 In *casu*, the accused handled a display connector during a screen repair. The prosecution has produced no schematic or expert testimony to establish that this connector formed part of the therapeutic pathway transmitting pacing signals. No documentation establishes an electrical connection to the Bluetooth module or AI algorithm. Internal location alone does not establish therapeutic criticality.

¶28 Further, the common law principle affirms that where multiple possible causes exist and the operative one is unproven, causation fails. Hence, failure to prove that the display connector was indispensable to pacemaker communication, the gap defeats in establishment of proximate causation.

(ii) *Death was not the natural or probable consequence of careful repair*

¶29 It is further submitted that criminal liability under Section 105 of SPC requires proof that death was the natural and probable consequence of the accused’s act.⁴¹ In *Jacob Mathew v. State of Punjab*, the court held that ordinary lack of care does not constitute criminal culpability. The test requires proving the result was likely, not merely possible.⁴²

¶30 The accused employed the highest degree of care and caution, including anti-static gloves, grounded workspace, magnifying lens, and precision tools. Defence witness

³⁸ *Bonnington Castings Ltd v Wardlaw* [1956] AC 613, 620-621 (HL).

³⁹ *Anvar PV v PK Basheer* (2014) 10 SCC 473, 495-496.

⁴⁰ *Virsa Singh v State of Punjab* AIR 1958 SC 465, 468.

⁴¹ The Seragio Penal Code 2021, s 105.

⁴² *Jacob Mathew v State of Punjab* (2005) 6 SCC 1, 18-19.

Mario testified that the accused proceeded to repair the device with extreme care, following precautions. The accused possessed fifteen years' experience without prior incident.⁴³ This confirms the outcome was unexpected, the antithesis of natural and probable. No schematics existed for this proprietary device. The accused could not foresee device-specific risks. In *Suleman Rahiman Mulani v. State of Maharashtra*, it was affirmed that an accident resulting from reasonable care and in the absence of recklessness does not give rise to criminal liability.⁴⁴

¶31 In the present case, death was neither foreseeable nor a natural and probable consequence of the accused's cautious, skilled repair, thereby, falling squarely outside the threshold of criminal liability under Section 105 SPC.⁴⁵

C. THE CHAIN OF CAUSATION STANDS BROKEN

(i) Multiple concurrent causes prevent attribution to the accused

¶32 Where multiple alternative causes are equally plausible, and the prosecution cannot prove which operated, causation fails. In *Trimukh Maroti Kirkan v. State of Maharashtra*, the Court held that where several causes may have produced death and evidence does not establish which operated, the benefit of doubt must be given.⁴⁶

¶33 The fall was an independent superseding cause. As held in *State of M.P. v. Ram Prasad*, a prior circumstance becomes the operative cause where it creates the entire emergency independently of the accused's volition.⁴⁷ The fall caused severe device damage, necessitated repair, and occurred through Anthony's accidental trip, wholly independent of the accused. But for the fall, the accused would never have encountered the device.

¶34 The NSCIF condition created extreme fragility; any disruption could prove fatal. Natural disease progression, time-based degradation approaching the 60-minute window, and stress during the emergency present additional alternative causes. Common law principle establishes that the accused's act must be proven the substantial and operating cause.

⁴³ Statement of DW-1, Mario Denver (n 11) para 10.

⁴⁴ *Suleman Rahiman Mulani v State of Maharashtra* (1968) 3 SCC 125, 130.

⁴⁵ The Seragio Penal Code 2021, s 105.

⁴⁶ *Trimukh Maroti Kirkan v State of Maharashtra* (2006) 10 SCC 681, 687-688.

⁴⁷ *State of Madhya Pradesh v Ram Prasad* (1968) 3 SCC 301, 304.

Here, the accused's careful and consensual repair attempt is precisely that part of the history, not the cause.

(ii) The circumstantial evidence fails to exclude reasonable hypotheses of innocence

¶35 It is a settled principle that where direct evidence is unavailable, circumstantial evidence must exclude every reasonable hypothesis of innocence. In *Sharad Birdhichand Sarda v. State of Maharashtra*, the Court held the chain must be complete and point unerringly to guilt.⁴⁸ As reaffirmed in *Shivaji Sahabrao Bobade*, where evidence is equally consistent with guilt or innocence, acquittal must follow.⁴⁹

¶36 In the present case, multiple alternative hypotheses exist, each supported by the evidence on record: *First*, The Transmitter was already non-functional following the fall, and the accused's repair attempt was irrelevant to the outcome. *Second*, the 60-minute threshold for fatal disconnection was not crossed. *Third*, the display connector dislodgement occurred during the fall and caused internal damage before the accused intervened; *Fourth*, death from natural NSCIF progression as no post-mortem or cardiac expert opinion excludes this. Each hypothesis is reasonable, evidence-based, and unexcluded. The prosecution has proven none false beyond a reasonable doubt.

¶37 Further, as reaffirmed in *Hanumant Govind Nargundkar* case, criminal conviction cannot rest on conjecture or speculative inference; proof beyond reasonable doubt is indispensable.⁵⁰ The accused, a technician with 15 years of unblemished experience, acted in good faith, with due care, informed consent, and under emergency conditions to avert harm. Hence failure to establish factual causation, legal causation, and an unbroken chain of causation beyond reasonable doubt. The accused is entitled to the benefit of doubt .

ISSUE III. THE ACCUSED IS ENTITLED TO THE BENEFIT OF THE GENERAL EXCEPTIONS UNDER SECTIONS 18, 19, AND 26 OF THE BHARATIYA NYAYA SANHITA, 2023.

¶38 It is respectfully submitted before this Hon'ble Court that the accused is protected by the General Exceptions provided under Chapter III of the BNS, 2023. The accused's conduct

⁴⁸ *Sharad Birdhichand Sarda v State of Maharashtra* (n 1) 185.

⁴⁹ *Shivaji Sahabrao Bobade v State of Maharashtra* (n 8) 807.

⁵⁰ *Hanumant Govind Nargundkar v State of Madhya Pradesh* (n 6) 345.

falls squarely within the ambit of these statutory protections. It is humbly prayed that this Hon'ble Court find that [A] accused is protected under Section 18. It is further prayed that [B] Section 19 applies to the accused's conduct. It is additionally prayed that [C] Section 26 applies to the accused's conduct.

A. THE ACCUSED IS PROTECTED UNDER SECTION 18 OF THE BNS, 2023.

¶39 Section 18 of the BNS, 2023 provides protection only when an act is done (1) without any criminal intention or knowledge; (2) that the act was being done in a lawful manner and by lawful means; (3) that the act was being done with proper care and caution.⁵¹ In the present case, all the essential elements are fulfilled.

¶40 The Hon'ble Supreme Court in *State of M.P. v. Rangaswamy*, held that for Section 80 IPC to apply, the act must be lawful in the eyes of the law.⁵² A lawful act does not become unlawful merely because it is done contrary to manufacturer's instructions or guidelines. The Patient Handbook is not a statute and disregarding it does not render the act "unlawful" for purposes of Section 18.

¶41 It is submitted that the accused performed the repair in a lawful manner by lawful means. The accused used proper tools and techniques. Para 10 of DW-1's statement confirms the accused "wore anti-static gloves, used a magnifying lens, and non-invasive tools." The accused placed the device on grounded surface. These precautions demonstrate lawful manner of work and proper care and caution.

¶42 Furthermore, the short circuit was an accident beyond the accused's control and demonstrates absence of criminal intention or knowledge as argued above.⁵³ Therefore, Section 18 is applicable to the accused.

B. THE ACCUSED IS PROTECTED UNDER SECTION 19 OF THE BNS, 2023.

¶43 Section 19 of the BNS, 2023 protects acts done to prevent other harm. The section states that nothing is an offence merely by reason of its being done with knowledge that it is likely to cause harm if done without criminal intention and in good faith for preventing or avoiding other harm.⁵⁴ The accused's conduct falls within this protection.

⁵¹ Bharatiya Nyaya Sanhiat, 2023, Sec. 18.

⁵² State of M.P. v. Rangaswamy AIR 1952 Nag 268.

⁵³ refer

⁵⁴ Bharatiya Nyaya Sanhita, 2023, Sec. 19.

¶44 The accused faced imminent harm requiring urgent action as the backup transmitter would take over one hour to arrive and travel to certified center would take 40-45 minutes.⁵⁵ Moreover, the accused acted to prevent greater harm and reasonably assessed that attempting repair to prevent device shutdown was necessary. This constitutes acting to prevent other harm under Section 19, BNS 2023. Isabella herself assessed the situation and concluded that immediate repair was necessary to prevent device shutdown.

C. THE ACCUSED IS PROTECTED UNDER SECTION 26 OF THE BNS, 2023

¶45 Section 26 of the BNS protects acts done in good faith with consent for a person's benefit.⁵⁶ The section states that nothing which is not intended to cause death is an offence by reason of any harm if done in good faith for whose benefit it is done and who has given consent to suffer that harm or take that risk. All requirements of Section 26 are satisfied in the present case.

¶46 The element of benefit is undisputed. The Accused was attempting to repair the device to prevent it from shutting down before the backup transmitter arrived or before Anthony could reach a certified service center. The entire purpose was to benefit Anthony by maintaining his life-supporting device in operational status.

¶47 Isabella gave express consent to the repair. Para 19 of PW-1's statement records: "Relying on the Accused's demeanour and assurances, Isabella agreed for repairing the Transmitter." Para 25 of PW-1's cross-examination confirms: "It is correct that we consented to get the device repaired to prevent risk of the device shutting down." This establishes unequivocal express consent.

¶48 Furthermore, Isabella was fully informed of relevant facts. She knew the Accused was an electronics repair technician at Planet Electronics, not a certified MedTech specialist. She was present when the Accused attempted to research the device online and could not find specifications.

¶49 Given these facts, Isabella possessed accurate knowledge of who the Accused was and what he proposed to do so there was no factual misrepresentation.

¶50 Even if there were some fear or misconception, Section 28 requires that the Accused must "know or have reason to believe" that consent was given under such fear or misconception. The Hon'ble Supreme Court has held that this is a subjective standard.

⁵⁵ *Clarification*, ¶ 9.

⁵⁶ Bharatiya Nyaya Sanhita, 2023, Sec. 26.

The question is what the accused actually knew or believed, not what he should have known. In the present case, the Accused reasonably believed that Isabella's consent was informed and voluntary.

¶51 Therefore, the General Exceptions under Sections 18, 19, and 26 of the Seragio Penal Code, 2021 apply to the accused's conduct.

PRAYER

Wherefore, in the light of facts explained, issues raised, arguments advanced, reasons given and authorities cited, this court may be pleased to adjudge and declare that: -

1. **Firstly**, that the accused did not possess the requisite knowledge under 105 of the Sergio Penal Code;
2. **Secondly**, that the accused's conduct did not constitute the actus reus and established causation under section 105 of the Seragio Penal Code;
3. **Thirdly**, that the conduct of the accused does not constitute criminal negligence punishable under Section 106 of the Bharatiya Nyaya Sanhita;
4. **Fourthly**, that the General Exceptions under Sections 18, 19, and 26 of the Bharatiya Nyaya Sanhita are applicable to the accused in the facts and circumstances of the present case;

And,

Further grant any other relief that this Court may be pleased to grant in the interest of justice, equity, and good conscience.

All of which is most respectfully submitted.

Place: Savoca

Counsels on behalf of the Defence