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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* THE PROSECUTION

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INDEX OF ABBREVIATIONS

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

BACKGROUND AND MEDICAL CONTEXT

The Deceased, Anthony Corleone (65), had a history of cardiac issues dating back to 2010. In March 2024, he suffered a severe heart attack requiring life support. Consequently, in April 2024, he was airlifted to the Ellen Meller Heart Institute in Maga (USM), where he was diagnosed with NSCIF. On 15 April 2024, Dr. Helly Meller implanted the AtriaLink System, an AI-powered neuro-pacemaker. This system relied on a proprietary "Transmitter" running the "PulseLink" application to relay real-time pacing signals. The medical protocol was strict: the Transmitter had to remain functional at all times. Dr. Meller explicitly warned that an absence of signals for longer than 60 minutes posed a life-threatening risk of sudden cardiac arrest. The Patient Handbook (Exhibit 1) contained an express warning: "WARNING: DO NOT OPEN OR INTERFERE WITH INTERNAL COMPONENTS".

THE INCIDENT ON 15 JANUARY 2025

On 15 January 2025, while leaving VLS Avenue Mall in Savoca, Anthony accidentally tripped, causing the Transmitter to fall and the screen to crack. His daughter, Isabella (PW-1), noted that retrieving the backup transmitter would take approximately 1.5 hours due to traffic, a duration exceeding the critical safety window. They proceeded to Planet Electronics, a repair shop not certified by MedTech LLC, where they met the Accused, Lucio.

THE UNAUTHORIZED INTERVENTION

Isabella informed the Accused that the device was a medical transmitter linked to a pacemaker and warned that "any malfunction or prolonged disconnection could lead to cardiac failure or even sudden cardiac arrest". She showed him the Patient Handbook containing the warnings against opening the device. The Accused attempted to look up the device online, but, due to its proprietary nature, could not find any internal layout diagrams. Despite lacking the schematics and being aware of the warnings, the Accused assured Isabella he could repair the screen without interfering with internal parts.

THE DEVICE FAILURE AND SUBSEQUENT DEATH

The Accused proceeded to pry open the casing. Inside, he observed a display connector (cable) at the edge of the circuit board. He attempted to reconnect the cable, which immediately caused a short circuit. The device failed to reboot despite attempts by the Accused and his colleague, Mario Denver (DW-1). Shortly thereafter, Anthony suffered acute cardiac distress. The entire sequence of events, from the fall at the mall to the cardiac distress, occurred within

approximately 30 to 40 minutes. Anthony was rushed to the hospital but was declared deceased due to cardiac arrest.

CURRENT PROCEDURAL STATUS

An FIR (No. 212 of 2025) was registered against the Accused on the complaint of Isabella. The investigation culminated in a Final Report charging the Accused under Section 105 Part II of the Bharatiya Nyaya Sanhita, 2023 (pari materia to Seragio Penal Code). The Accused pleaded not guilty. The trial commenced before the Savoca Sessions Court, and the case is now listed for final hearing.

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 ACTED WITH THE REQUISITE KNOWLEDGE UNDER SECTION 105 SPC

Firstly, the Accused possessed actual knowledge that his conduct was likely to cause death. Explicit verbal warnings and the unequivocal "Do Not Open" mandate in the Patient Handbook converted the risk of death into a known certainty, which the Accused consciously disregarded. *Secondly*, the Accused's conduct amounts to criminal recklessness equivalent to knowledge. Despite admitting the absence of proprietary schematics, he chose to operate blindly on a life-support device, thereby attracting imputed knowledge for an inherently dangerous act. *Thirdly*, the act satisfies the *Virsa Singh* doctrine. The Accused voluntarily pried open the casing and manipulated internal components, and since the initial act was intentional and sufficient to cause death, the defence of accident is legally untenable.

ISSUE II: WHETHER THE ACCUSED'S ACT CONSTITUTED THE ACTUS REUS AND ESTABLISHED CAUSATION UNDER SECTION 105 OF THE SPC

Firstly, the accused committed a positive voluntary act by opening the Transmitter casing and interfering with its internal assembly. The device functioned before interference and failed immediately thereafter, making his act the *sine qua non* of death. *Secondly*, the accused's act was the proximate and legally operative cause of death. Despite explicit warnings, he interfered with a life-support device, rendering death a natural and foreseeable consequence. *Thirdly*, the chain of causation remains unbroken and is proved beyond a reasonable doubt. No intervening act displaces the accused's conduct, and the circumstantial evidence forms a complete chain. Therefore, the requirements of actus reus and causation under Section 105 of the SPC stand fully satisfied.

ISSUE III: THE ACCUSED IS NOT ENTITLED TO THE BENEFIT OF THE GENERAL EXCEPTIONS UNDER SECTION 18, 26 AND 19 OF BNS

The Accused fails to satisfy the statutory requirements for the General Exceptions under the Bharatiya Nyaya Sanhita. Section 18 (Accident) is inapplicable as the act was done without due care and with knowledge of the fatal risk. Section 26 (Consent) is unavailable as consent was vitiated by misrepresentation of competence and lack of good faith. Finally, Section 19 (Necessity) cannot be invoked because the harm was not imminent enough to justify unauthorised intervention, and the Accused's reckless conduct created the high risk he purported to avert. Thus, no exception absolves him of liability.

WRITTEN PLEADINGS

ISSUE I. THE ACCUSED ACTED WITH THE REQUISITE KNOWLEDGE THAT HIS CONDUCT WAS LIKELY TO CAUSE DEATH, THEREBY SATISFYING THE MENS REA UNDER SECTION 105 SPC

¶1. It is humbly submitted that the Accused is liable for Culpable Homicide not amounting to Murder under Section 105 of the SPC. The Prosecution establishes that the Accused possessed the requisite *mens rea* of 'Knowledge' regarding the likelihood of death, distinct from negligence. This is substantiated by **(A)** the imputation of actual knowledge via express warnings; **(B)** the commission of an inherently dangerous act through 'Subjective Recklessness'; and **(C)** the intentional nature of the act, which creates a direct nexus to death.

A. THE EXPRESS WARNINGS AND MEDICAL CONTEXT IMPUTED ACTUAL KNOWLEDGE, DISTINGUISHING THE ACT FROM NEGLIGENCE

¶2. The Prosecution submits that the Accused did not act with mere rashness or inadvertence, but with a conscious awareness of the fatal consequences. This awareness elevates his liability from Negligence to Culpable Homicide.

(i) <u>The Accused possessed 'Conscious Awareness' of the consequences.</u>

¶3. Section 105 Part II SPC punishes an act done with the knowledge that it is "likely to cause death," even absent the intention to cause death.[1] Here, it's crucial to distinguish from negligence, which involves a failure to foresee, whereas "knowledge" involves a conscious realisation. The Hon'ble Supreme Court in *Sushil Ansal v State through CBI* authoritatively held that "knowledge" imports a certainty that the act is likely to cause death, distinguishing it from "rashness" which is merely acting with the hope that the consequence will not follow.[2] Where the risk is so imminent that the consequences are probable, the offence is elevated. As further clarified in *Jai Prakash v State (Delhi*

[1] The Seragio Penal Code 2021, s 105.

[2] *Sushil Ansal v State through CBI* (2014) 6 SCC 173, [56]; *Alister Anthony Pareira v State of Maharashtra* (2012) 2 SCC 648.

Administration), "knowledge" signifies a mental realisation of the circumstances and a conscious awareness of the consequences.[3]

¶4. In the present case, the element of "conscious awareness" was actively instilled by PW-1 (Isabella), who expressly warned the Accused that the device was a "medically approved mobile transmitter" and that any malfunction could lead to cardiac failure or even sudden cardiac arrest.[4] This verbal notice removed the defence of ignorance. Crucially, the Patient Handbook (Exhibit 1) contained a specific warning stating not to open the device and mentioned clearly that device integrity is essential to cardiac life support.[5] The Accused paused to read this warning.[6]

¶5. By reading the warning and ignoring it, the Accused possessed the "mental realisation" described in *Jai Prakash* that breaching the casing was likely to cause cardiac arrest.[7] As noted in *Empress v Idu Beg*, where an accused knows that his act is dangerous and likely to cause death, he is liable for culpable homicide.[8]

(ii) *Knowledge of the Victim's infirmity aggravates liability.*

¶6. The standard of knowledge is aggravated when the victim suffers from a known infirmity. In *Gudar Dusadh v State of Bihar*, the Supreme Court held that if an accused knows of a peculiar physical condition of the victim, and inflicts an injury that would be fatal due to that condition, the accused is liable for Culpable Homicide.[9] The Court reasoned that knowledge of the victim's physical state prevents the accused from claiming the injury was not intended to cause death.[10] Similarly in *Bakhshish Singh v State of Punjab*, where the Court held that knowledge of the victim's enlarged spleen rendered the accused liable for the death caused by a simple blow.[11]

[3] *Jai Prakash v State (Delhi Administration)* (1991) 2 SCC 32, [12]; *State of Rajasthan v Chittarmal* AIR 2007 SC 1573.

[4] Moot Problem, 4 [16].

[5] Moot Problem, Exhibit 1, 15.

[6] Moot Problem, 4 [17].

[7] *Jai Prakash v State (Delhi Administration)* (1991) 2 SCC 32, ¶12

[8] *Empress v Idu Beg* (1881) ILR 3 All 776; *R v Shewaram* AIR 1964 Bom 211.

[9] *Gudar Dusadh v State of Bihar* (1972) 3 SCC 118, [5]; *Bakhshish Singh v State of Punjab* (1971) 1 SCC 66.

[10] Ibid.

[11] *Bakhshish Singh v State of Punjab* (1971) 1 SCC 66, [9].

¶7. Here, the Accused had actual knowledge of Anthony Corleone's unique vulnerability, specifically, that his heart relied entirely on the transmitter.[12] Unlike a standard repair where a mistake implies only financial loss, the Accused knew that "interference" meant "death" for this specific customer. Proceeding with the repair despite this specific knowledge brings the act squarely within Section 105.

B. THE ACCUSED COMMITTED AN INHERENTLY DANGEROUS ACT THROUGH SUBJECTIVE RECKLESSNESS

¶8. The Prosecution contends that the Accused's unauthorised operation on a proprietary life-support device constitutes 'Subjective Recklessness' and 'Virtual Certainty,' which the law equates to criminal knowledge.

(i) Operating blindly on proprietary technology constitutes 'Virtual Certainty' of failure.

¶9. It is a well-settled principle in criminal law that "Knowledge" encompasses "Oblique Intention." Even if the accused's primary purpose was not to kill, the law imputes knowledge if the accused foresaw the consequence as a "virtual certainty" of his actions.[13] A man is presumed to intend the natural and probable consequences of his acts. As further observed in *R v Nedrick*, foresight of virtual certainty is evidence from which the jury may infer intent.[14] Furthermore, this is not the case of "inadvertent negligence" but rather "subjective recklessness," since the accused here is aware of the risk and deliberately chooses to take it.[15]

¶10. The Accused admitted he could not find specific internal layout diagrams since the device was proprietary.[16] To attempt a board-level repair on a complex life-support system without a schematic map is to accept failure as a virtual certainty. By tampering with the internal circuitry blindly, he legally accepted the certainty of the device's failure. The

[12] Gullu Sah v State of Bihar AIR 1958 SC 813; Inder Singh Bagga Singh v State of Pepsu AIR 1955 SC 439.

[13] Glanville Williams, Textbook of Criminal Law (4th edn, Stevens & Sons 2015) 75; Ratanlal & Dhirajlal's Law of Crimes (27th edn, 2013) 1522.

[14] R v Nedrick [1986] 1 WLR 1025; R v Woollin [1999] 1 AC 82.

[15] Andrew Ashworth, Principles of Criminal Law (6th edn, OUP 2009) 182; Thangaiya v State of Tamil Nadu (2005) 9 SCC 650.

[16] Moot Problem, [20].

Accused paused, understood the lack of information, and chose to endanger the victim's life.

(ii) Lack of Competence negates Good Faith.

¶11. The Accused cannot claim "Good Faith" or "Professional Competence." In *Juggankhan v State of Madhya Pradesh*, the Supreme Court held that administering a dangerous treatment without proper knowledge or skill constitutes Culpable Homicide.[17] The Court held that a person who undertakes a procedure they are not qualified to perform acts with the knowledge of likely fatal consequences. This is supported by *Kusum Sharma v Batra Hospital*, which holds that a professional must possess the specific skill for the task undertaken to claim 'Good Faith'.[18] Similarly, in *Dr Suresh Gupta v Govt. of NCT of Delhi*, the Court affirmed that gross lack of competence in a medical procedure attracts criminal liability.[19]

¶12. The Accused, though a technician, was a "quack" regarding the proprietary AtriaLink System. He lacked the requisite "internal layout diagrams" and training.[20] His attempt to repair a life-support device "blindly" is legally analogous to the quack doctor in *Juggankhan*. He possessed neither the competence nor the tools required, stripping him of any defence.

C. THE INTENTIONAL CREATION OF A LETHAL HAZARD NEGATES THE DEFENCE OF ACCIDENT

¶13. The Prosecution submits that the Accused committed a voluntary and intentional act that directly caused the death.

(iii) Liability attaches to the Voluntary Act under the Virsa Singh doctrine.

¶14. The defence of "accident" is negated when the initial act is intentional. Relying on *Virsa Singh v State of Punjab*, the Supreme Court established that if the act causing the injury

[17] Juggankhan v State of Madhya Pradesh (1964) INSC 165, 16 - 19.

[18] Kusum Sharma v Batra Hospital & Medical Research Centre & Others (2010) INSC 95, [81] & [91].

[19] Dr. Suresh Gupta v Govt. of NCT of Delhi (2004) INSC 418; Jacob Mathew v State of Punjab (2005) INSC 334.

[20] Moot Problem, [20].

is intentional and that injury is sufficient to cause death, the offence is established.[21] It is irrelevant whether the accused intended the death itself. This doctrine is affirmed in *Sant Bir Singh v State of Punjab*, where the Court held that if the accused intended the particular act that caused death, they are liable.[22]

¶15. The Accused *intended* to pry open the casing and *intended* to manipulate the internal connector.[23] He did not trip and fall. This intentional interference caused the "injury" (short circuit) sufficient to cause death. Under *Virsa Singh*, the Accused is liable for the natural consequences of his intentional act.

(iv) *The Act was the Causa Causans of Death.*

¶16. Finally, the act must be the *causa causans* (immediate cause). In *Kurban Hussein Mohammedali Rangwalla v State of Maharashtra*, the Court held that there must be a direct nexus between the act and the death.[24] This is analogous to *Cherubin Gregory v State of Bihar*, where the Supreme Court convicted an accused who electrified a latrine, holding that creating a hidden lethal hazard with knowledge of the risk constitutes knowledge of likely death.[25]

¶17. The facts affirm this direct nexus since, within minutes of the short circuit, the victim suffered cardiac distress and died.[26] There was no intervening act. The Accused's act was the causa causans, fulfilling Section 105 SPC.

ISSUE II: THE ACCUSED'S ACT CONSTITUTES THE ACTUS REUS AND ESTABLISHED CAUSATION UNDER SECTION 105 OF THE SPC

¶18. It is humbly submitted that the accused's act of opening the Transmitter casing and interfering with its internal electronic assembly directly and proximately caused the death of Anthony Corleone. The actus reas and causal nexus requirement under Section 105 of

[21] Virsa Singh v State of Punjab AIR 1958 SC 465, [12] – [14]; State of A.P. v Rayavarapu Punnayya (1976) 4 SCC 382.

[22] Sant Bir Singh v State of Punjab AIR 1973 SC; Jagrup Singh v State of Haryana (1981) 3 SCC 616.

[23] Moot Problem, [21].

[24] Kurban Hussein Mohammedali Rangwalla v State of Maharashtra (1965) 2 SCR 622, [4]; Suleman Rahiman Mulani v State of Maharashtra AIR 1968 SC 829.

[25] Cherubin Gregory v State of Bihar AIR 1964 SC 205, [6].

[26] Moot Problem, [22].

the SPC stands fully satisfied[27], as: **(A)** the accused's act was the sine qua non of death; **(B)** the act constituted the proximate and effective operative cause of death; and **(C)** the chain of causation remained unbroken and stands proved beyond reasonable doubt through a complete chain of circumstantial evidence.

A. FACTUAL CAUSATION IS ESTABLISHED AS THE ACCUSED'S ACT WAS THE SINE QUA NON OF DEATH

(i) The "but-for" test stands satisfied as death would not have occurred absent the accused's intervention

¶19. The settled test for factual causation in criminal law is whether the death would have occurred *but for* the act of the accused. In *Virsa Singh v. State of Punjab*, the Supreme Court affirmed that where a voluntary act results in bodily injury which operates to cause death in the ordinary course of nature, the causal requirement is satisfied.[28] Ratanlal & Dhirajlal clarify this as establishing temporal and mechanical connection between act and consequence.[29] This test has been consistently applied to determine whether the accused's act forms the factual foundation of liability.[30]

¶20. In the present case, Anthony Corleone was physiologically stable and asymptomatic prior to the accused's intervention. Despite the fall, no cardiac distress was observed, nor was any emergency medical intervention required. The Transmitter continued to function sufficiently to maintain life until the accused pried open its casing and interfered with its internal circuitry. Immediately thereafter, a short circuit occurred, the device became permanently unresponsive, and Anthony experienced acute cardiac symptoms "soon thereafter," culminating in cardiac arrest and death within the same compressed timeline.

¶21. Applying the *but-for* test, it is evident that but for the accused's intervention with the internal assembly of the Transmitter, the device would not have failed at that time and the fatal cardiac episode would not have ensued. The accused's act thus constitutes the factual cause of death.

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[27] The Seragio Penal Code 2021, s 105.

[28] *Virsa Singh v State of Punjab* AIR 1958 SC 465, paras 12-14.

[29] Ratanlal & Dhirajlal, *The Law of Crimes: A Commentary on the Indian Penal Code 1860* (27th edn, LexisNexis 2013) 2253-2254.

[30] *State of Karnataka v Shivalingaiah* (1988) 3 SCC 471, para 8; *State of AP v Thummala Anjaiah* (1984) 2 SCC 388, para 6.

(ii) The accused committed a positive act of interference with the internal assembly of a life-sustaining medical device

¶22. Criminal causation requires a positive voluntary act attributable to the accused. The Court affirmed that an act need not be violent in form; interference with an instrumentality that sustains life is sufficient to constitute the actus reus of homicide.[31] Scholarly authority likewise recognises that indirect or mechanical acts which set in motion a fatal chain satisfy this requirement.[32]

¶23. In casu, the accused acts establish such positive interference. The accused pried open the Transmitter casing, despite the express warning in the patient handbook shown stating "not to open or interfere with internal components, device integrity is essential to cardiac life support".[33] Thereafter, accessed the circuit board and attempted to reconnect a dislodged display connector. Further, the circuit board forms part of the internal assembly, and the cable and connector refer to the same internal component.

¶24. The accused's act was therefore not passive or accidental. It was a deliberate physical manipulation of an internal component of a life-support system, squarely amounting to a positive act sufficient to ground criminal causation.

(iii) The fall constituted a prior circumstance creating the occasion, not the operative cause of death

¶25. It is submitted that there is a clear distinction between a condition that merely furnishes the occasion for an act and the act that operates as the effective cause of death. K.D Gaur emphsises that this principle prevents conflation of background circumstances with legal causation.[34] As reaffiermed in *Rayavarapu Punnayya case*, liability attaches to the act that directly sets death in motion, not to antecedent circumstances that merely create a situation in which the act occurs.[35]

¶26. In casu, while the fall damaged the Transmitter screen, there is no evidence that it rendered the device inoperable or caused internal failure. The accused himself assessed

[31] *State of AP v Rayavarapu Punnayya* (1976) 4 SCC 382, paras 12-15.

[32] KD Gaur, *A Textbook on The Indian Penal Code* (6th edn, Universal Law Publishing 2020) 112-115; *Suleman Rahiman Mulani v State of Maharashtra* (1968) 3 SCC 125, para 7.

[33] MedTech LLC, *Patient Handbook* (Ellen Meller Heart Institute, issued to Anthony Corleone) (Exhibit 1).

[34] Gaur (n 32) 118-120.

[35] *Rayavarapu Punnayya* (n 9) paras 16-18; *State of MP v Ram Prasad* (1968) 3 SCC 301, para 9.

the damage as limited to the display. Crucially, no cardiac symptoms manifested until after the short circuit occurred during the repair attempt.

¶27. Accordingly, the fall at most created the occasion for the accused's intervention. It was the accused's act of internal interference resulting in device failure that constituted the operative cause of death.

B. THE ACCUSED'S ACT WAS THE PROXIMATE AND EFFECTIVE CAUSE OF DEATH

(iv) Deliberate interference with a life-support medical device attracts the strict application of the doctrine of proximate cause

¶28. Legal causation requires that the accused's act be the proximate and effective cause of death, not merely a remote or incidental factor. In *Alister Anthony Pareira v. State of Maharashtra*, the Court held that where death follows as a direct consequence of a dangerous act knowingly undertaken, proximate causation is established.[36] This principle applies with particular force where the act involves interference with a life-support system.[37]

¶29. In casu, the doctrine applies with heightened force as the accused was expressly informed that the Transmitter was essential to the pacemaker's functioning and that any disruption more beyond could result in cardiac arrest. Despite this knowledge, he proceeded to open the sealed casing and manipulate internal components of an AI-powered medical device. The resulting short circuit immediately rendered the device non-functional.

¶30. The accused's act thus bore a direct and immediate nexus to the fatal outcome. There was no intervening force of such overwhelming nature as to displace his act as the proximate cause.

(v) Death was a natural, probable, and foreseeable consequence of device malfunction in light of explicit warnings

[36] *Alister Anthony Pareira v State of Maharashtra* (2012) 2 SCC 648, paras 28-32.

[37] *Virsa Singh* (n 2) paras 15-17; Ratanlal & Dhirajlal (n 3) 2255-2257; *R v Smith* [1959] 2 QB 35, 42-43; *R v Cheshire* [1991] 1 WLR 844, 851-852.

¶31. Foreseeability is central to legal causation under Section 105 BNS.[38] In *Cherubin Gregory v. State of Bihar*, the Court held that when an accused proceeds despite knowledge of a substantial risk, the resulting harm is legally attributable to him.[39] Similarly, *Alister Anthony Pareira* confirms that recklessness, conscious disregard of a known risk, satisfies the causal threshold.[40]

¶32. The accused was warned repeatedly that, firstly, the Transmitter must remain continuously operational and that a malfunction could cause sudden cardiac arrest. Secondly, He was shown the Patient Handbook containing explicit prohibitions against opening the device. Thirdly, Isabella's constant emphasis on prolonged disconnection could lead to cardiac failure or even sudden cardiac arrest. He acknowledged these warnings and reviewed the handbook, assured careful handling, and nonetheless proceeded to interfere internally.

¶33. Death occurred through the exact risk repeatedly warned against, internal interference causing device failure and cardiac arrest. Death was therefore not a speculative or extraordinary consequence, but the natural and probable outcome of the accused's conduct.

(vi) *The deceased's pre-existing NSCIF condition does not negate causation under the thin-skull rule*

¶34. The thin-skull rule mandates that an accused take his victim as found, including pre-existing medical vulnerabilities. In *Gyarsibai v. State of M.P.*, the Supreme Court held that pre-existing vulnerability does not absolve liability where the accused's act accelerates or precipitates death.[41] Scholarly commentaries affirm that the accused must take the victim as he finds him; pre-existing weakness is no defence.[42]

¶35. Further, in *Ram Bilas Singh v. State of Bihar*, confirms that even acceleration of inevitable death attracts liability.[43] In casu, Anthony's NSCIF condition made uninterrupted device support critical to his survival. The accused was fully aware of this fragility. His act

[38] Bharatiya Nyaya Sanhita 2023, s 105.

[39] *Cherubin Gregory v State of Bihar* (1965) 1 SCR 205, 211-212.

[40] *Pareira* (n 36) paras 33-37; *State of MP v Goloo Raikwar* (2016) 12 SCC 381, para 15; *R v Cunningham* [1957] 2 QB 396, 399.

[41] *Gyarsibai v State of MP* AIR 1981 SC 2030, paras 6-8.

[42] Ratanlal & Dhirajlal (n 29) 2258.

[43] *Ram Bilas Singh v State of Bihar* AIR 1964 SC 1088, para 11.

caused the Transmitter to fail, thereby accelerating death that would otherwise not have occurred at that time. Hence, the victim's medical condition thus reinforces, rather than negates, the causal link between the accused's act and the death.

C. THE CHAIN OF CAUSATION IS UNBROKEN AND ESTABLISHED BEYOND A REASONABLE DOUBT

(vii) *The chain of causation was not broken by any intervening act*

¶36. An intervening act breaks the chain of causation only if it is independent, unforeseeable, and so overwhelming as to render the accused's act insignificant. This standard has been affirmed in Indian jurisprudence and is consistent with the principle articulated in *R v. Cheshire.*[44]

¶37. In the present case, neither the fall, nor the conduct of third parties, nor subsequent medical intervention qualifies as a novus actus interveniens. Isabella's decision to seek an immediate, nearby repair was a foreseeable emergency response. Her consent was expressly limited to display repair without internal interference, a limit the Accused exceeded by opening the casing; consent given under emergency duress and then transgressed cannot sever causation. Emergency medical response was a foreseeable consequence of the device failure, and any alleged lapse therein does not displace the accused's act as the operative cause. Hence, the accused's act remained a continuing and substantial cause of death.

(viii) *The circumstantial evidence forms a complete chain excluding all reasonable hypotheses of innocence*

¶38. It is submitted that where direct evidence is unavailable, conviction may rest on circumstantial evidence, provided the chain is complete and excludes every reasonable hypothesis of innocence. This test was definitively laid down in *Sharad Birdhichand Sarda v. State of Maharashtra* and reaffirmed in *Hanumant* and *Shivaji Sahabrao Bobade*.[45]

[44] *Cheshire* (n 20) 851-852; *Om Prakash v State of Punjab* (1961) 3 SCR 287, para 12; *R v Smith* [1959] 2 QB 35, 42-43; *R v Jordan* (1956) 40 Cr App R 152, 157.

[45] *Sharad Birdhichand Sarda v State of Maharashtra* (1984) 4 SCC 116, paras 152-165;*Hanumant v State of MP* AIR 1952 SC 343, para 7;*Shivaji Sahabrao Bobade v State of Maharashtra* (1973) 2 SCC 793, para 8.

¶39. The chain in the present case is complete followed by evidences, firstly, the device was functioning after the fall evidenced by absence of symptoms and the Accused's assessment. Secondly, the accused opened the casing and accessed internal components; thirdly, a short circuit occurred during his manipulation; fourthly, the Transmitter became unresponsive immediately thereafter; and lastly, the deceased suffered cardiac arrest and died soon thereafter. Hence, the chain is complete, unbroken, and points unerringly to causation beyond a reasonable doubt.

ISSUE III. THE ACCUSED IS NOT ENTITLED TO THE BENEFIT OF THE GENERAL EXCEPTIONS UNDER SECTIONS 18, 19, AND 26 OF THE BHARATIYA NYAYA SANHITA.

¶40. It is humbly submitted before this Hon'ble Court that the accused has failed to satisfy the essential requirements for invoking statutory defences under Sections 18, 19, and 26 of the BNS, 2023. It is respectfully submitted that **[A]** Section 18 is not applicable as the accused failed to exercise proper care and caution, and lawfully. It is further submitted that **[B]** Section 26 is not applicable as the consent was vitiated and the act was not done in good faith. It is additionally submitted that **[C]** Section 19 is not applicable as the harm was not imminent and the accused created the very harm he sought to prevent.

A. SECTION 18 IS NOT APPLICABLE

¶41. It is humbly submitted before this Hon'ble Court that the defence of accident under Section 18 of the BNS, 2023, is not available to the accused.[46] Section 18 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. In the present case, the accused has failed to establish any of the essential requirements of this defence.

(ix) *The act was not done with proper care and caution*

¶42. The most fundamental requirement under Section 18 is that the act must be done with proper care and caution. It is submitted that the accused demonstrated a complete want of proper care and caution in handling the Transmitter, which was a life-critical medical

[46] Bharatiya Nyaya Sanhita, 2023, Sec. 18.

device. In *Bhupendra Sinha Choudasama v. State of Gujarat*, the Hon'ble Supreme Court held that when an act is done deliberately and without proper care and caution, the benefit of Section 18 cannot be claimed.[47]

¶43. Similarly, in *Sukhdev Singh v. State of Delh*i, the accused pleaded an accident while firing shots that killed the deceased.[48] The Supreme Court held that this was not a case of accident as the accused used a gun and fired shots, demonstrating lack of caution. The Court refused to extend the protection of Section 18 BNS.

¶44. In the instant case, the accused opened a proprietary medical device despite there being explicit warnings in the Patient Handbook. Furthermore, the accused was informed by Isabella multiple times that the device was life-critical and any malfunction could cause cardiac arrest. To add to this, the accused proceeded to open the casing and manipulate internal components of a device he admittedly did not understand. Therefore, this was done without proper care and caution.

(x) *The act was not lawful or done in a lawful manner*

¶45. Section 18 protects only those acts which are lawful and done in a lawful manner by lawful means. In *Jogeshwar v. Emperor*, the accused was giving a blow to a victim but accidentally hit his wife holding a child, resulting in the child's death.[49] The Court held that even though the child was hit by accident, the act was not lawful, not done by lawful means or in a lawful manner. Therefore, the accused was not entitled to the benefits of Section 18 BNS.

¶46. In the present case, the accused's action of disregarding explicit warnings and opening a life-critical medical device without proper authorisation or expertise cannot be considered a "lawful act done in a lawful manner."

(xi) *There was knowledge on the part of the accused*

¶47. Section 18 requires the absence of both criminal intention and knowledge. Even if it is accepted that the accused did not intend to cause death, he possessed knowledge that his act was likely to cause harm, as argued above.

[47]Bhupendra Sinha Choudasama v. State of Gujarat, (1998) (2) SCC 603.

[48] *Sukhdev Singh v. State of Delhi 2003 (7) SCC 441*

[49] Jageshwar v. Emperor, 24 Cri LJ 789.

B. SECTION 26 IS NOT AVAILABLE TO THE ACCUSED

¶48. It is respectfully submitted that the defence under Section 26 of the BNS, 2023, is not available to the accused. Section 26 protects acts done (i) not intended to cause death, (ii) in good faith, (iii) for the benefit of a person, (iv) with that person's consent. Each of these requirements must be established by the accused, and in the present case, none are satisfied.

(i) The consent was vitiated under Section 28

¶49. Section 28 of the BNS provides that consent is not valid if given under fear of injury or under a misconception of fact, and the person doing the act knows or has reason to believe that consent was given in consequence of such fear or misconception. In *State of UP v. Naushad*, the Supreme Court held that if consent is given under a misconception of fact, it is vitiated.[50] Where the accused obtained consent through misrepresentation about his capabilities or the nature of his actions, such consent falls squarely under Section 28 BNS.

¶50. As held in *Marendra Debbarma v. State of Tripura*, two conditions must be fulfilled for valid consent: (1) it must be shown that consent was not given under misconception or fear, and (2) the person obtaining consent must not have knowledge of such vitiation.[51]

¶51. In the instant case, the accused knew or had reason to believe that Isabella consented based on these misconceptions. He assured her that the issue appeared limited to the display and he could repair the screen without interfering with internal parts.[52] These assurances were made despite having no technical knowledge of the device's internal architecture. The accused's statement that he 'could not find any specific internal layout diagrams' proves he proceeded with the repair knowing he lacked essential knowledge, yet allowed Isabella to believe otherwise.[53]

(ii) The act was not done in good faith

[50] *State of UP v. Naushad 2013 (16) SCC 651*

[51] *Marendra Debbarma v. State of Tripura.*

[52] compromis, ¶ 19.

[53] Statement of PW-1, ¶ 19.

¶52. Section 2(11) of the BNS provides that good faith requires not merely honest intention but also due care, attention, and competence. It is submitted that the accused cannot claim to have acted in good faith as argued above.[54]

C. SECTION 19 IS NOT APPLICABLE

¶53. It is submitted that the defence under Section 19 of the BNS, 2023, is not available to the accused. Section 19 protects acts done with knowledge that they are likely to cause harm, if done **(i)** without criminal intention to cause harm, **(ii)** in good faith, and **(iii)** for the purpose of preventing or avoiding other harm to person or property.[55]

(i) *The harm was not imminent and could have been avoided by other means*

¶54. In *Dhania Daji v. Emperor*, the Privy Council rejected the defence under Section 81 IPC where the accused poisoned toddy to prevent theft.[56] The Court held that mixing poison was done intentionally and with knowledge that it would cause grave danger to people. The so-called necessity of preventing theft did not justify the dangerous act.

¶55. In the present case, the harm sought to be prevented was neither imminent nor unavoidable. It is submitted that first, the device was already damaged but not shut down. The display was unresponsive, but there is no evidence that the transmitter had stopped functioning internally. The accused himself observed that the display connector was dislodged, suggesting the device might still be operational despite the cracked screen.[57] The accused's act of opening the device may have caused the very harm he claimed to prevent.

(ii) *The act was done without good faith*

¶56. Section 19 requires that the act be done "without any criminal intention to cause harm, and in good faith." For the reasons already submitted, the accused did not act in good faith.[58]

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[54] refer

[55] Bharatiya Nyaya Sanhita, 2023, sec. 19.

[56] Dhania daji v. Emperor (1868) 5 BHC (CrC) 59

[57] *compromis, ¶ 19.*

[58] refer

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 acted with the requisite knowledge under 105 of the Sergio Penal Code.

2. ***Secondly***, that the accused's conduct constituted the actus reus and established causation under section 105 of the Seragio Penal Code;

3. ***Thirdly***, that the conduct of the accused constitutes 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 not 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 Prosecution