



Remembering
PADMA BHUSHAN PROF. (DR.) N. R. MADHAVA MENON



6th PROF. N. R. MADHAVA MENON SAARCLAW MOOTING COMPETITION 2020-21 INDIA ROUND

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CLARIFICATIONS

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Q 1. Is the write up carried out by the political analyst and veteran journalists under para 3 of the main moot prop is a media report?

Clarification - The write up in para 3 are some of the excerpt from stories/ media reports/ analysis written by the political analysts and veteran journalist in state of A&P.

Q 2. As mentioned in para 13 line 6 that "one of the specific prayers of the writ petitioner..." so what are the other prayers in this writ petition?

Clarification - Kindly read para 14.

Q 3. Whether SIT referred in para 13 is the other SIT formed by or under the Crime Branch of State Police or the same that was formed by the District Police Chief?

Clarification - Kindly read para 10 & 14 jointly. There has been only one SIT as constituted in para 10 of the moot problem.

Q 4. In para 18 when the list for final hearing is mentioned from 01.06.2020 then why in paragraph 19 the division bench of the High Court vide its judgment and order dated is 01.07.2020, accepted the final report which has been submitted by the State Police? Is there an ambiguity in the dates mentioned?

Clarification - No. There is no ambiguity in the dates mentioned. The final hearing took place as scheduled on

01.06.2020 onwards and the judgment of the High Court was pronounced on 01.07.2020.

Q5. By what process of law, consent was withdrawn by state? (order, notification or letter)

Clarification - The consent was withdrawn by way of executive notification and the same was placed before the Legislative Assembly on 17.03.2020 (which was in session then). The House also approved the same.

Q6. Was case diary examined by the Division Bench of the HC before transferring the investigation?

Or

Did the courts call upon case diary?

Clarification - The case diary was

Q7. Was the superintendent of police, Ellis bridge, the officer in charge of the police station?

Clarification - The clarification is not required.

Q8. Are the state laws of A & P pari materia with any state in India?

Clarification - It is not a relevant query.

Q9. What is the date in which the writ was filed at the court of first instance?

Clarification - The writ petition was filed on 13.03.2020.

Q.10. Whether the Opposition Party in the State of A&P was the Ruling Party in the Centre or is the State and Centre ruling party the same?

Clarification - The query is not relevant.

Q.11. Were the accused already leaders of Ruling political party in state of A & P or did they get allegiance after the murder and during the trial? (Point 17 & 13 of the fact sheet respectively)

Clarification - Kindly read the moot problem carefully.

Q.12. State Police produced the report before HC on which date?

Clarification - Read para no. 16 & 17 of the moot problem.

Q.13. On which date did the family members of the victim approach the HC?

Clarification - The writ petition was filed on 13.03.2020.

Q.14. "Some of the state leaders criticized the Central Government of misusing the CBI for political vendetta" (Point no. 8) is this statement a disputable fact or an undisputable one? Clarification -

Clarification - Its merely a statement and read in the context of moot problem.

Q.15. In addition to that, can we be provided with more facts

about how the Central Government is misusing CBI?

Clarification - It is not a relevant query.

Q.16. On what facts are the petitioners challenging the re-consideration of Kazi Lhendup Dorji v. CBI, 1994 Supp (2) SCC 116, 1994 3 SCR 201?

Clarification - Kindly read para 21 alongwith reference order as passed by the Supreme Court of India.

Q.17. This query concern with the factsheet. If the state of AP withdrew its consent u/s 6 of DSPE Act on 16-3-2020 and the HC transferred the case to CBI on 11-5-2020, why does the factsheet asks the court to also review the case of Lhendup Dorji vs. Central Bureau of Investigation, 1994 Supp (2) SCC 116, 1994 3 SCR 201? for the consent revoked is not retrospective, it's prospective. *(Please refer Para 11 of the Appendix A and para 17 & 19 of the fact sheet.)*

Clarification - Kindly read para 21 alongwith reference order as passed by the Supreme Court of India.

Q.18. Is there any applicability of the Kazi Lhendup Dorji case to the facts of the moot problem as there hasn't been retrospective withdrawal of consent?

Clarification - Kindly read para 21 alongwith reference order as passed by the Supreme Court of India.



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