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## AUMP National Virtual Moot Court Competition, 2020

*October 29-31, 2020*

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**Organized by – Moot Court Committee, Amity Law  
School, Amity University Madhya Pradesh, Gwalior**

### MOOT PROPOSITION

1. Hailing from a weak economic background, Rajiv Mehta is a young talented boy from Gujarat who moved to Mumbai to earn himself a better life. He always wanted to try his luck in the stock market. Since his childhood, Rajiv Mehta was very intelligent and had a sharp business sense.
2. In Mumbai, Rajiv Mehta started working in a small food outlet where he showcased his business sense giving sudden unexpected profits to the shopkeeper leaving him amazed. Rajiv Mehta managed to complete his education in Mumbai and started working at a small finance company which dealt in trading shares. He gained knowledge about trading shares from his colleagues. While an employee, Rajiv Mehta attained knowledge of how to make quick money.
3. Subsequently, he floated several forged companies, got them listed in the stock exchange, took the money from the market and thereafter closed the business and got away with the money of the public at large. Since the companies were forged, therefore, nothing was available in the companies' records about the identity of the real person behind floating of these companies. However, some of his colleagues, namely Sumit Pandey and Abhishek Anand, knew that Rajiv Mehta was into forgery but never disclosed this fact to anyone as they all were friends.
4. With the passage of time, all the three started working separately. As Rajiv Mehta was intelligent and had ill-gotten money, he gradually became the king of the share market and started following truthful pursuits. Rajiv Mehta now followed all the business ethics and was into charity work as well. After becoming successful, he married Upasana, daughter of a well-known business family from Mumbai.
5. Lately, the other two friends, Sumit Pandey and Abhishek Anand, became bankrupt in their respective businesses and were in a lot of debt. Eventually, they met each other and decided to seek financial help from Rajiv Mehta, their old friend. Rajiv Mehta not only helped them financially but also got them jobs in his subsidiary companies.



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6. On gaining knowledge of the turnovers and profits of Rajiv Mehta, Sumit Pandey and Abhishek Anand envied his rise and success. Since Sumit Pandey and Abhishek Anand knew the manner in which Rajiv Mehta initially accumulated the money for the business, they decided to blackmail Rajiv Mehta by revealing his secrets.
7. With a view to extort money from Rajiv Mehta, Sumit Pandey and Abhishek Anand started threatening Rajiv Mehta of reporting the forgeries committed by him to SEBI and the police. Initially, Rajiv Mehta accepted their illegal demands and gave them money. However, with the passage of time, the greed of Sumit Pandey and Abhishek Anand kept accelerating to a point where Rajiv Mehta clearly told them that he will not be able to fulfil their unfair demands.
8. On June 15, 2020, Sumit Pandey and Abhishek Anand, threatened Rajiv Mehta that they will report the incidents to SEBI and the police if their demands were not fulfilled by June 20, 2020. After receiving such a deadline and with fear of getting exposed in front of the concerned authorities, Rajiv Mehta went into depression.
9. On June 18, 2020, Rajiv Mehta was found dead in his bungalow at Mumbai. Rajiv Mehta committed suicide by hanging, leaving behind a suicide note. In the note, he specifically admitted to his earlier deeds of floating forged companies to get money. He also mentioned his friendship with Sumit Pandey and Abhishek Anand and how they blackmailed him in order to extort money. The note also mentioned that the demands which were made by Sumit Pandey and Abhishek Anand started going out of his reach and therefore he had no choice left but to commit suicide since he never wanted his past misdeeds be exposed and that he would get subjected to court cases and defamation, as his image in public now was of a noble man.
10. During the investigation, the police took Upasana's statement whereby she disclosed that Rajiv Mehta, though looked happy and calm, there was something wrong as he met various police officers between 15.06.2020 to 18.06.2020. It was also informed by Upasana that Rajiv Mehta met his Chartered Accountant in the last two days.



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11. On the basis of the suicide note, the Mumbai Police registered an FIR under section 306 of Indian Penal Code, 1860 against Sumit Pandey and Abhishek Anand. After the registration of the FIR, Sumit Pandey and Abhishek Anand were arrested and later released on bail by the Hon'ble High Court of Bombay.
12. Sumit Pandey and Abhishek Anand after getting released on bail, decided to file a Petition under section 482 of the Code of Criminal Procedure, 1973, seeking quashing of the FIR at the preliminary stage before completion of the investigation, in the Hon'ble High Court of Bombay.
13. The case was admitted by the Hon'ble Court and is now listed for final hearing.
14. All laws of Republic of India and the state of Maharashtra are *pari materia* to the present case.

**Note – Teams are required to frame their own issues on the above-mentioned facts.**



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