



**CHRIST**  
(DEEMED TO BE UNIVERSITY)  
BANGALORE · INDIA

**SCHOOL OF LAW, CHRIST (DEEMED TO BE UNIVERSITY)**

**7TH NATIONAL TRIAL ADVOCACY & JUDGMENT WRITING  
COMPETITION, 2021-22**



**TRIAL PROPOSITION**



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### **DISCLAIMER**

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### **UNDISPUTED FACTS**

1. Franco Kutty, aged 32 was a famous bodybuilder from the district of Jhulu in the state of Frawns. He was the present national bodybuilder champion and has held the title for the last 4 years. His passion for bodybuilding arose around the age of 25 before which he led an unhealthy and carefree lifestyle. He indulged in numerous vices like habitually consuming alcohol and regularly overeating. Presently, he leads a very healthy lifestyle and is very focused on achieving his goals.
2. Kabir Khanna, aged 57 owned the largest gym chain in the state of Frawns called ZultFit. Under his tutelage were various bodybuilders from the state of Frawns who wished to participate in National and International Body Building Competitions. Franco, under the guidance of Kabir Khanna, established himself as the best bodybuilder in Lindia.
3. Among his star bodybuilders, Kabir also trained his son Ryan Khanna. Ryan and Franco were about the same age and were close friends. The potential seen in Ryan and Franco was far superior to their peers. However, Franco had always been more successful than Ryan. Their main aim was to make it to the “Mr Olympia Competition” held in the United States of Africa every year. In order to qualify for the same, National Qualifiers were held.
4. Despite his best efforts, Ryan ended up being upstaged by Franco, losing by a marginal difference of 7 points. Franco soon gained worldwide acclaim and was labelled as “India’s



great hope” as he turned into a household name overnight. This loss greatly affected Ryan as he was unable to handle the heartbreak of missing out on representing his country. The relationship between the two friends started to deteriorate. While Mr Kabir was disappointed by his son’s failure, he never let the same compromise his work ethic or professionalism and continued training Franco with greater determination along with his team of expert trainers for Mr Olympia.

5. In order to aid Franco’s preparation, Kabir hired a team of expert trainers and a personal nutritionist, Ms Sheela Numbstead. Previously, Ms Numbstead was involved with a number of champion bodybuilders. Sheela met Franco every week and suggested amends in his diet and provided him with excess supplements. While assisting Franco, she became close friends with Ryan. Over the course of the training period, the two became close to one another. She felt that Ryan deserved to represent India at Mr Olympia Competition.

6. As the competition neared, Kabir pressured Franco to work out more than usual. He programmed several high intensity workouts and the same exhausted Franco. The quality of Franco’s performances started to decline, which led him to begin stressing about his overall fitness. Kabir advised Franco to undergo regular body check-ups to keep a check on Franco’s health and wellbeing. During the latest routine check-up on the 14<sup>th</sup> of January, 2022, a minor anomaly was detected which resulted in him needing a short rest period from his rigorous training. Considering this, Kabir instructed Franco to take a break from preparation for a week.

7. Ryan was celebrating his birthday on 17th January 2022 and decided upon throwing a party at the Royale Blue Hotel on the outskirts of Jhulu. Despite their deteriorating friendship, Kabir insisted that Franco attend the party to sort out their differences. Franco, Sheela, Ryan and their mutual friends Sangeev, Kiara and Histesh went to the party on 17th January 2022. Upon Kabir’s insistence, Franco decided to go for the same.

8. On 17th January 2022, the outdoor party commenced at 12.30 PM. There was loud music and the guests were served a variety of alcohol. At 3.30 PM Franco, Ryan, Sheela, Sangeev, Kiara and Histesh reconvened in the private luxury suite. At 4.30 PM, a fight



broke out between Ryan and Franco which developed into a physical altercation. During this altercation, Ryan injured Franco with a steel flask in his abdomen and Franco was seen falling on the ground in pain.

9. In a state of panic, Kiara immediately informed the Hotel Manager Appukuttan Lingam Shastri who reached the room at 4.43 PM and called for an ambulance. An ambulance was dispatched by Baba Shreeb Medical Institute which arrived at the Royale Blue at 5.15 PM. The paramedics stretched Franco, who was still conscious into the ambulance and rushed him to the hospital.

10. Franco was declared brought dead on arrival. Mr Appukuttan Lingam Shastri contacted the police and informed them about the incident that had occurred in the lucuty suite. ACP Shanti James was appointed as the investigating officer.

11. After conducting a thorough investigation and collection of evidence, Mr Ryan Khanna, Kabir Khanna and Sheela Numbstead were arrested under sections 302, 304, 201 r/w 120B and 34 of the Lindian Penal Code, 1860.



**SUMMONS TO ACCUSED PERSONS**

**IN THE COURT OF THE 4TH ADDITIONAL  
METROPOLITAN MAGISTRATE,  
PUSHPALKESHNAGAR CITY**

**S.C. No.520/2022**

**SUMMONS TO ACCUSED PERSONS**

(No. 1, Schedule V, Act, V, 1898) (Section 68 of the Code of Criminal Procedure)

**The State of Frawns**

**-----Prosecution**

**Mr.Ryan Khanna and Ors.**

**.....Defence**

To,

**(1) Ryan Khanna**

**(2) Sheela Numbstead and**

**(3) Kabir Khanna**

Whereas your attendance is necessary to answer to a charge under Sections 302, 304, 201 r/w 120B, and 34 of Indian Penal Code, 1860, you are hereby required to appear in person by 17th, 18th and 19th February 2022 before the Principal Session Judge, Pushpakeshnagar City, on the 17th, 18th and 19th February 2022 at ten o'clock in the forenoon. Herein fail not.

Given under my hand and the seal of the Court, this day of 15.01.2022.

**Seal:** Deemed to be affixed

**Signature of the Judge: Sd**

**Date:** 15.01.2022

**Kamala Biden**



**SUMMONS TO WITNESSES**

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE,**

**PUSHKESHNAGAR CITY**

S.C. No.520/2022

In the matter between:

C. C. No. 520/2022

**The state of Frawns**

*.....Prosecution*

**Mr.Ryan Khanna and Ors.**

*.....Defence*



To,

**1)KIARA**

**2) APPUKUTTAN SHASTRI**

**3)SANGEEV**

**4) Dr. PAHOL RAMAKRISHNAN**

**5) SHER SINGH**

**6)SHANTI JAMES**





- 7) **B. PREMLATHA**
- 8) **SABU CHAUDHRY**
- 9) **HITESH**
- 10) **DR. AYYAMMA FUNDIT**
- 11) **ASHRA F. KUTTY**
- 12) **DR. DUMINIK POLLY**
- 13) **NIKHIL CHINNAPPA**

### **ORDER**

*(Deemed to be proved and taken on record)*

In pursuance of the information that has been laid before me that the three accused: (1) Ryan Khanna 2) Sheela Numbstead and (3) Kabir Khanna in the present matter, herein

referred to as A1, A2 and A3, have been arrested and taken into custody by the Pushkeshnagar city Police on the 2<sup>nd</sup> February 2022 for conspiring and committing the offence of Murder and are punishable under Sections 302, 304, 201 r/w 120B, and 34 of Indian Penal Code, 1860, and it appears to me that you are likely to give material evidence or to produce any document or other thing for the prosecution;

I, Rajashekar Shivappa, Principal Sessions Judge, Pushkeshnagar City, do hereby order that the re-examination of the concerned witnesses in the present matter be conducted on the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> February 2022, at 10 A.M. before this Court and hereby summon the concerned witnesses to appear for the same and produce such document or thing or testify on the matter of the complaint before me. A warrant shall be issued to compel your attendance if you neglect or refuse to appear without just excuse.





**Seal:** Deemed to be affixed  
of the Judge

Signature

S/d

**Date:** 15.01.2022  
Shivappa

Rajashekar

## **ORDER**

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUSHPAKESHNAGAR  
CITY**

S.C. No.519/2022

In the matter between:

C. C. No. 520/2022

**The State of Frawns**

**...Prosecution**

**Mr. Ryan Khanna and Others**

**...Defence**

## **ORDER**

*(Deemed to be proved and taken on record)*

In pursuance to the Committal Order issued by the learned 4<sup>th</sup> Additional Metropolitan Magistrate dated 5th February 2022, and wherefore information has been laid before me and on the consideration thereof, I have reasons to believe that the accused: (1) Ryan Khanna (2) Kabir Khanna and (3) Sheela Numbstead who are Accused 1 (A1), Accused 2 (A2) and



Accused 3 (A3) respectively are alleged for having conspired to and committed the offence of Murder of/on Mr. Franco Kutty by injuring Franco with a steel flask in his abdomen in a private luxury suite of the Royale Blue Hotel, Pushpakeshnagar City on 17.01.22 between, 04:30 P.M. – 5.30 P.M.

I, Alexander Pillai, Principal Sessions Judge, Pushpakeshnagar City do hereby charge the above mentioned accused for the offences committed which are punishable under section(s) 302, 304, 201 r/w 120B and 34 of the Indian Penal Code, 1860 and do hereby direct that you all be tried by this Court for the above said offence from the date as specified.

The contents of the Charge have been read over and explained to all the three accused and the following questions were asked:

**Accused No. 1: Mr. Ryan Khanna**

**Q.** Mr. Ryan Khanna, have you heard and understood the contents of Charges framed against you?

**Ans.** Yes

**Q.** Do you plead guilty for the same or claim Trial?

**Ans.** I plead not guilty and wish to contest in the Trial proceedings.

**Accused No. 2: Mr. Kabir Khanna**

**Q.** Mr. Kabir Khanna, have you heard and understood the contents of Charges framed against you?

**Ans.** Yes

**Q.** Do you plead guilty for the same or claim Trial?

**Ans.** I plead not guilty and wish to contest in the Trial proceedings.

**Accused No. 3: Ms. Sheela Numbstead**

**Q.** Ms. Sheela Numbstead, have you heard and understood the contents of Charges framed against you?

**Ans.** Yes



**Q.** Do you plead guilty for the same or claim Trial?

**Ans.** I plead not guilty and wish to contest in the Trial proceedings.

The Summons is issued to all the concerned Witnesses and the Trial is scheduled to commence on 29th, 30th and 31st December, 2022 at 11:00 A.M. before this Court.

**Seal:** Deemed to be affixed

Signature of the Judge: **Sd/-**

**Date:** 5.02.2022

Alexander Pillai





## COMMITAL ORDER

**IN THE COURT OF THE 4TH ADDITIONAL METROPOLITAN MAGISTRATE,  
PUSHPAKESHNAGAR CITY**

In the matter between:

C. C. No. 520/2022

**The State of Frawns**

*...Prosecution*

v/s

**Mr. Ryan Khanna and Others**

*...Defence*

## COMMITAL ORDER

*(Deemed to be proved and taken on record)*

Whereas information has been laid before me and on the consideration thereof, I have reasons to believe that all the accused: (1) Ryan Khanna (2) Kabir Khanna and (3) Sheela Numbstead who are Accused 1 (A1), Accused 2 (A2) and Accused 3 (A3) respectively are alleged for having conspired to and committed the offence of Murder of one Mr. Franco Kutty by injuring Franco with a steel flask in his abdomen in a private luxury suite of the Royale Blue Hotel, Pushpakeshnagar City on 17.01.22 between, 04:30 P.M. – 5.30 P.M.

Since the offences are under Section(s) 302, 304, 201 r/w 120B and 34 of the Indian Penal Code, 1860, it is exclusively triable by the Court of Sessions at Pushpakeshnagar City. Notice of the Committal Order has been given to the Public Prosecutor. Copies of the Final Report of the Investigating Officer have been given to the accused.

**Seal:** Deemed to be affixed

Signature of the Judge: **Sd/-**

**Date:** 05.02.2020

Kamala Biden



## ANNEXURE NUMBER – 1 – FIRST INFORMATION REPORT

### FIRST INFORMATION REPORT

1. District: Jhulu P.S.: Jhulu Police Station
2. FIR NO.: 351/2021 DATE: 20 January 2022
3. (i) Act: Indian Penal Code, 1860(I.P.C) Section(s): Sections 302, 304, 201 r/w 120B and 34 of the Indian Penal Code, 1860.
4. Occurrence of offence: between 4.30 pm and 5 pm of 17<sup>th</sup> January 2022.
5. Information received at P.S.: 6 pm on 17<sup>th</sup> January 2022.
6. Type of information: Oral
7. Place of Occurrence: Royale Blue Hotel, outskirts of Jhulu
  - a) Direction and distance from P.S.: 5 km North-East
  - b) Address: Royale Blue Hotel, Jhulu, Frawns-63.
  - c) In case, outside the limit of this Police Station, then  
Name of P.S.: NA District: NA
8. Details of known/suspected/unknown accused with full particulars: Not given.
9. Reasons for delay in reporting by the complainant/ informant: No delay
10. Inquest Report/ U.D. case No., if any: 121/2022
11. First Information contents: I am Appukuttan Lingam Shastri, Hotel Manager of Royale Blue Hotel. I am 44 years old. I got a call from Ms. Kiara at around 6 pm who required an ambulance for taking her friend Mr. Franco Kutty to the hospital as he was knocked down with a bottle by another friend Mr. Ryan Khan. I saw that the man had a torn sweatshirt and was lying on the ground. Later, the ambulance came and took him. He still seemed to be in a conscious state. On reaching the hospital he was pronounced dead and hence I called the police station to inform the incident and the police took my statements.
12. Action taken: A case of murder is registered. The investigation has been handed over to ACP Shanti James, Jhulu Police Station, Jhulu, Frawns.

**F.I.R. read over to the informant, admitted to be correctly recorded and a copy given to the informant, free of cost.**

**R.O.A.C.**



**Signature/ thumb impression of the complainant/ informant: Sd/-**

**Signature of officer in charge-**

**P.S.: Sd/-**

**Name: Shanti James**

**Rank: ACP**

**Date and time of dispatch to the Court: 18 January 2022, 10 pm.**





## **ANNEXURE NUMBER – 2 – INQUEST REPORT**

### **INQUEST REPORT (u/s 174 CrPC)**

**1. District:** Jhulu City

**2. Police Station:** Jhulu P.S.

**3. Date and Time of receiving information about the death:** 5.40P.M., 17/01/2022

**4. Details of the Witnesses:**

(i)Name:

Age: 26 years

Residing at: #123 Rose Villas, GFG Layout, Jhulu City – 000 060

(ii) Name:

Age: 29 years

Residing at: No.2/25, Greenfield\_Apartments, Cross Ring Road, Jhulu City – 000 060

**5. Details of the Deceased:**

(i) Name: Mr. Franco Kutty

Age: 29 years

Sex: Male

Address: No. 5/25, Lalpur Colony, Seeta Nagar, Jhulu City – 000 500

**6. By whom first found dead:** Dr. Rhea Mirza, Emergency Physician, Baba Shreeb Medical Institute.

**7. Time and place where body was found:** NA

**8. Last person to see the deceased alive:** Paramedics

**9. Time and place where person was last seen alive:** Baba Shree Medical Institute Ambulance, 5.40 pm.





- 10. Dead body identified by:** Appukkuttan Lingam Shastri, Hotel Manager, confirmed by the police through Jaadhar card.
- 11. Marks of Identification, if any:** A mole on left cheek.
- 12. Height and weight of the deceased:** (i) 6.1 ft, 74 kgs
- 13. Acquaintances present at the inquest:** Kiara, Hitesh, Sangeev, Sheela, Ryan.
- 14. Spot where deceased was found:** Private Luxury Suite, Royale Blue Hotel
- 15. Status of deceased when found:** The deceased was lying on the floor.
- 16. Injuries and marks on the body:** Red bruise in abdomen.
- 17. Nature of wounds:** No external wound.
- 18. Condition of clothes/ ornaments:** Deceased was wearing cargo pants and a sweatshirt which had a minor tear on the collar.
- 19. Marks of violence or struggle:** Bruise on abdomen, tear on sweatshirt.
- 20. Apparent cause of death:** Internal organ damage caused by a hit by metallic flask.
- 21. If any person suspected, who and why:** Ryan Khanna since he hit Franco with the flask. Hitesh, Kiara, Sheela Numbstead, Sangeev and are also suspects as they were in close proximity to the deceased during the occurrence of the incident.
- 22. Present status of body:** Body is at Baba Shreeb Medical Institute for autopsy.

**Witness 1 –:** Sd/-

**Witness 2 –:** Sd/-

**Name of the I.O.:** Shanti James

**Rank:** ACP, Jhulu\_P.S.

**Sign of the I.O.:** Sd/-



## **ANNEXURE NUMBER – 3 - PANCHNAMA**

### **SCENE OF OFFENCE -PANCHANAMA**

**Date:**17/03/2020

Pancha No. 1:

**Name:**

**Age: 35 years**

**Residing at:** No. 5/25, Jhulu - 123 963, Frawns, Lindia

Pancha No. 2:

**Name:**

**Age: 33 years**

**Residing at:** No. 6/25, Jhulu - 123 963, Frawns, Lindia

We, the above mentioned Panchas were called by ACP Shanti James, the Investigating Officer to act as Panchas in the present case on 17th January, 2022 at about 7:30 PM.

We live near the resort as neighbours since last 5 years.

The investigating team with gloved hands and masked mouth entered the room. With all the precautions they collected the steel flask which was on the ground and marked it as 1A/351/2022. In addition to that they found the wallet and phone of the deceased and sealed it in a transparent package with I.O marking of the wallet as 1B/351/2022 and of the phone as 1C/351/2022. They even found a bag of the deceased on the table next to the bed and the same was marked as 1E/351/2022.

Except for the above-mentioned items, no other item/property was seized by the police in our presence. The Panchanama concluded at about 8:30P.M. on the same day and it was conducted in an orderly manner. The contents of the Panchanama were read over to us and are correctly recorded.

**Pancha No. 1 - \_\_\_\_\_: Sd/-**

James

**Name of the I.O.:** Ms.Shanti



Pancha No. 2 - \_\_\_\_\_: Sd/-

**Rank:** ACP, Jhulu Police Station

**Sign of the I.O.:**Sd/-

**ANNEXURE NUMBER – 4 – PROPERTY SEIZURE MEMO**

**PROPERTY SEIZURE MEMO**

1. **District:** Jhulu **P.S:** Frawns
2. **FIR No.:** 351/2022 **Date:** 17 January 2022
3. **Acts and section(s):** (a) **Act:** Indian Penal Code, 1860  
(b) **Section(s):** 302, 304, 201 r/w 120B and 34
4. **Property seized/ recovered/ discovered at:** Home of deceased
  - (a) **Date:** 17 January 2022
  - (b) **Time:** 8:30 PM
  - (c) **Address of the place from where seized/ recovered/ discovered:** Royale Blue Hotel, Jhulu - 123 963, Frawns, India
5. **Witness:**
  - (i) **Name:**  
**Age:** 23 years  
**Residence:** No. 5/25, Jhulu - 123 963, Frawns, India
  - (ii) **Name:**  
**Age:** 36 years  
**Residence:** No. 6/25, Jhulu - 123 963, Frawns, India
6. **Action taken/ recommended for disposal of perishable property:** Evidence given for further investigation.
7. **Action taken/ recommended for keeping of valuable property:** Packed, sealed and sent to safe custody for further investigation.
8. **Identification required:** Yes

**9. Details of properties seized/ recovered:**

Sl. No.	Property Description	I.O. Marking
1.	Steel Flask	1A/351/2022
2.	Wallet of Deceased	1B/351/2022
3.	Mobile Phone of Deceased	1C/351/2022
4.	Alcohol Bottles	1D/351/2022
5.	Backpack of deceased with a towel and a pair of clothes	1E/351/2022





1B/351/2022



1C/351/2022



ID/351/2022



IE/351/2022

**Witness 1:** \_\_\_: Sd/-

**Witness 2:** \_\_\_: Sd/-

**Name of the I.O.:** Shanti James

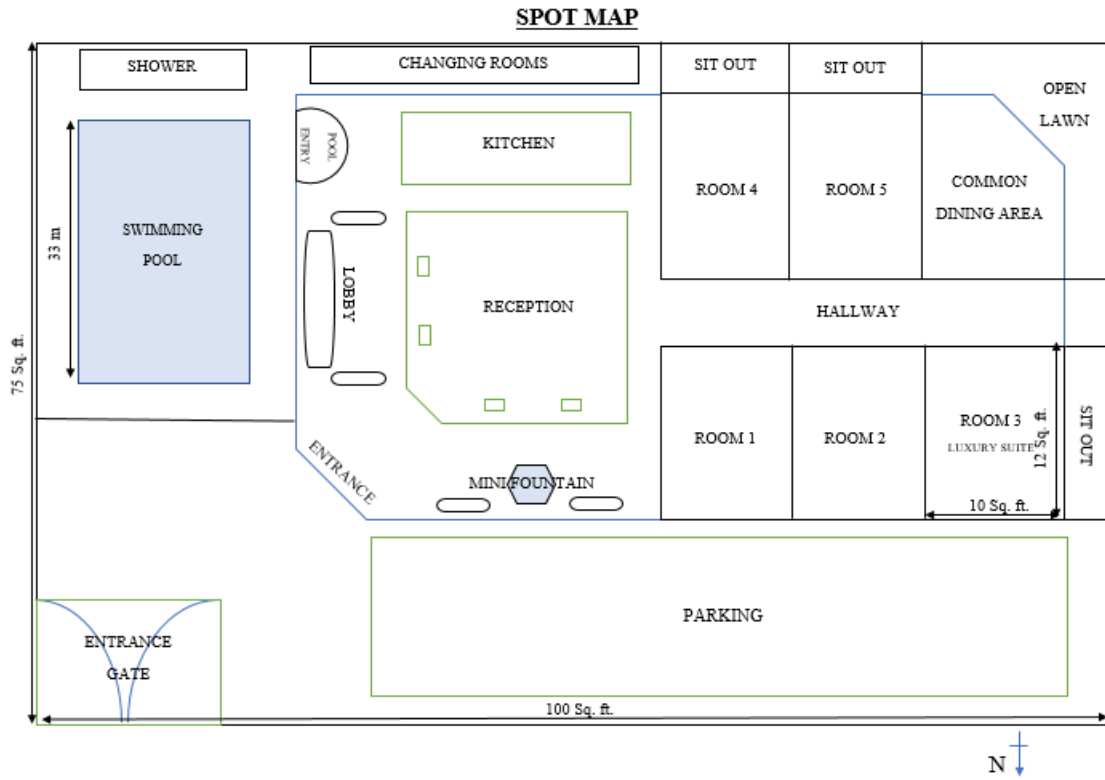
**Rank:** ACP, Jhulu P.S.

**Signature:** Sd/-



## ANNEXURE NUMBER – 5 – SPOTMAP

### SPOTMAP







**ANNEXURE NUMBER – 6 – POSTMORTEM REPORT**

**POSTMORTEM REPORT:**

Name of the Institution: Baba Shreeb Medical Institute

Name of Doctor conducting Autopsy: Dr. Pahol Ramakrishnan

Postmortem Report No: 717/2022

Date and Time of Receipt of Body: 17.01.2022, 5:45 P.M

Date and hour of starting autopsy: 16th November 2022, 6:00 P.M

Date and hour of concluding autopsy: 17th November 2021, 8:50 P.M

Time of Death: 17:37 hours

**CASE PARTICULARS:**

Name of the deceased: Mr. Franco Kutty

Age: 29 years      Sex: Male      Blood Group: AB+ve

Address: Hiranya Nagar, Sandra West, Jhulu

Body identified by: Manjula Kutty, mother of deceased, Mr. Franco Kutty

**OBSERVATIONS:**

Height: 6.1ft

Weight: 74 kgs

Rigor Mortis: Present. Body relatively stiff and cold.

**External Examination:**

1. Physical trauma on mid-range of left abdomen



2. Lacerations in upper right eyelid

**Internal Injuries:**

1. Ruptured Spleen.
2. Internal Bleeding within abdominal cavity
3. Splenic hematoma
4. Ruptured spleen capsule and parenchyma

**OPINION:**

The death has occurred due to the rupturing of enlarged spleen caused by blunt force trauma created as a result of the deceased being inflicted by external wound through metallic flask. The application of force inflicted by metallic flask resulted in the transcapular spleen rupture, causing acute blood loss and eventual death.

Sd/-

**Dr. Pahol Ramakrishnan,**

**Baba Shreeb Institute of Medical Sciences**



## **ANNEXURE NUMBER –7- CASUALTY CERTIFICATE**

### **CASUALTY CERTIFICATE**

1. Serial No: 726/2022
2. Name of Doctor: Anirudh Deshpande
3. Designation: M.B.B.S.
4. Date and time of examination: 17/ 01/ 2022, 6:07 P.M.
5. Name: Franco Kutty Age: 32 years. Sex : male
6. Address:
7. Identification marks: Scar on lower left thigh
8. Brought by (Name & address): Henna Singh, Paramedic
9. History and alleged cause of injury:  
Injury caused due to infliction of external force through metallic flask on a discovered internal condition (owing to an enlarged spleen) causing internal bleeding
10. Details of injuries: External bruising on left abdominal region of deceased. Discoloration on left region due to subsequent mass internal bleeding due to rupturing of spleen as a result of the external damage inflicted.
11. Number of additional sheets (if any): None
12. Whether admitted or not: Not Admitted (was dead before being admitted in the hospital)
13. Opinion: Could be / could not be as alleged.
14. Injuries appeared: Fresh

Signature of Issuing Officer:

Signature of Doctor: Sd/-



**ANNEXURE NUMBER –8 – M.L. CERTIFICATE**

**MEDICO-LEGAL INJURY CERTIFICATE**

Serial No.: CC17/ 2022

Date:

17.01.2022

1. **Name of the person:** RYAN KHANNA

2. **Age:** 29

3. **Sex:** Male

4. **Address:** 3rd Main, 4th Cross, Fresheteria Central, Jhulu

5. **Height and Weight:** 5 ft. 11 inches, 69 kgs.

6. **Ref. Crime No.** 986/2022 of \_\_\_\_\_ Jhulu \_\_\_\_\_ Police Station

7. **Alleged Time of Offence:** about 4:30 PM

8. **Consent for Examination:** Received from patient

9. **Name and Designation of Medical Officer who conducted the Examination:** Dr. Abdul Kamath, Assistant Medical Officer

10. **Date and Time of Examination:** 17/01/2022 at about 5:47 pm

11. **Marks of Identification:** Birthmark on right elbow

12. **Type of Injury:** Multiple minor cuts on the back and shoulder region. Minor bruises on arms

and chest also present.

13. **Alleged cause of injury:** Injury caused due to force inflicted during physical altercation.

14. **Details of Injuries:** Multiple wounds caused due to physical altercation during the evening of 17<sup>th</sup> January on skin of the patient. Linear cuts are around 1cm deep in the skin. Minor bruises present on legs due to patient falling during altercation.

15. **Whether admitted or not:** No. Discharged immediately after cleaning.

**Sd/-** Sunithi Nagappa (Medical Officer, Shree Bab Hospital)



**ANNEXURE NUMBER – 9 - B.A. REPORT**

**BLOOD ANALYSIS REPORT**

**BIOLOGIC/ BLOOD ANALYSIS LABORATORY**

**Submitter:** SABU CHAUDHRY  
4290

**Tel:** 0824 678

**LAB.REF.NO.** B 345/2022

**RECIEVED**

**Address:**

**Owner:**

**Date:** 18 January 2022

**Species:** Homo Sapien

**Sex:** Male

**Time:** 6:45 PM

**Case:**

**Age:** 32

**Patient ID:** Kutty, Franco

**PCR**

**Procedure RESULT**

**Result Date & Time:**

**Complete Blood Count**

Parameter	Value	Units	Reference Range
WBC Count (TC)	7890	/cu.mm	4400-11000
RBC Count	5.50	Million/cu.mm	4.50-6.50
Haemoglobin	14.7	g/dl	13.0-17.0
Haematocrit (PCV)	41	%	42.0-54.0
MCV	83.8	fl	80.0-96.0



MCH	27.3	pg	27.0-31.0
Lithium	2.1	mmo/L	0.5 – 1.2
Platelet Count	380000	/cu.mm	1500000-400000

**Blood Alcohol Level**

Test	Result	Units	Biological Reference Interval
BLOOD ALCOHOL (Enzymatic)	250	mg/dl	<30: Negative 50-200: Therapy for intoxication >200: Potentially Toxic >300: Critical

**Comments: Lithium content found to be in excess amounts in bloodstream.**

**Date: 18/01/2022**

**Sd/-**

**Hematologist: Sabu Chaudhary**



## **ANNEXURE NUMBER- 10- PROSECUTION WITNESS STATEMENTS**

### **WITNESS STATEMENT OF PROSECUTION WITNESS NO.1 – Ms. Kiara Malhotra** **under Section 161 of the CrPC**

My name is Kiara Malhotra and I am 27 years old. I am very good friends with Fanco and Ryan. We all hang out together. On 17<sup>th</sup> January, it was Ryan’s birthday party, his father was arranging it for him, so I went to attend the same. I met Franco at the party and was surprised to see him there. All our group members were present and we were all having a good time. We were eating and drinking, after a long time of all us were together and it was great.

After lunch we were all going back to the suite to get some rest and while walking down the hallway, Fanco and Ryan started fighting. I don’t know what happened between them, they both started shouting and hitting each other. I tried so much to stop the fight but they wouldn’t listen. They were pushing each other and Ryan threw Franco inside the room, he became very aggressive. They continued fighting, Ryan attacked Fanco with a steel flask, hitting him on his stomach. I could see that Fanco was in immense pain and he fell to the ground, becoming unconscious. I was shocked to see this and began screaming for help. I ran to call the hotel manager and told him to come up to the room. I didn’t know what to do, my best friend was lying on the floor. I felt so helpless.

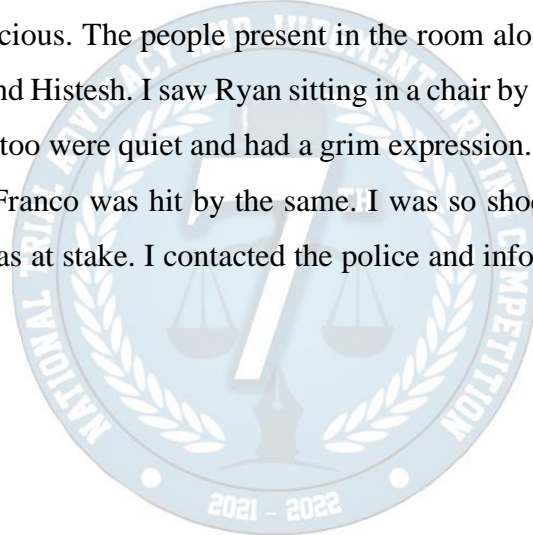
I was informed that Fanco was dead, I really hope they find out what actually happened to him.





**WITNESS STATEMENT OF PROSECUTION WITNESS NO.2 – Mr. Appukuttan Shastri under Section 161 of the CrPC**

My name is Appukuttan Shastri. I am 47 years old. I am currently the Hotel Manager at the Royale Blue Hotel which is on the outskirts of Juhu. I have a work experience of ten years at this hotel. I manage all the work at the hotel. On 17th January, 2021 there was a birthday party at my hotel for Mr. Ryan. His father, Kabir Sir had called me the previous day to make special arrangements for his son's party. The party went well and they all went to the suite to rest. Late afternoon, I got a call by Mr. Franco's friend, a girl, to one of the suites. She sounded panicked and was screaming for help. I entered the room at 4:43 PM and was shocked to see Mr. Franco lying down on the floor and he was in pain. Mr. Franco was holding his abdomen and soon became unconscious. The people present in the room along with Franco were Ryan, Sheela, Sangeev, Kiara and Histesh. I saw Ryan sitting in a chair by the window, with his hands over his face. The others too were quiet and had a grim expression. I saw a steel flask lying on the ground. I think that Franco was hit by the same. I was so shocked to see all this and the reputation of my hotel was at stake. I contacted the police and informed them about the entire incident.





**WITNESS STATEMENT OF PROSECUTION WITNESS NO.3 – Mr. Sangeev Asrani**  
**under Section 161 of the CrPC**

I am Sangeev Asrani; I am 29 years old. I know Franco since our college days. Over the years we became very close and now he is like family to me. We shared everything with each other, he really confided in me. Since the last few years, Franco underwent a complete transformation, he changed his entire lifestyle. He began to focus on his health and fitness, developing a keen interest in body building and excelled in this. He went onto become the best body builder; I was so proud of him. He was always so motivated and inspiring, looking at him even I started going to the gym and taking fitness seriously. He helped me so much with my training routines and encouraged me to do better. In spite of his busy schedules, he made time to train with me too. Whenever I needed help, he would always be there. Through Franco, I met Ryan too. They both were preparing for the “Mr Olympia Competition” but Franco won at the Nationals and I was so delighted, he was going to represent the country.

I felt like Ryan did not take his defeat well, he was very disappointed. This also affected his friendship with Franco, it seemed like he blamed him for his defeat. But Franco always encouraged Ryan, he never let any “competition” affect their friendship.

A few days ago, Ryan invited me to his birthday party and he said everyone from the group would be there. On 17<sup>th</sup> January we all were all at the party, but little did I know that this would be the worst day of my life. The party was in the outskirts of the city, so I left early. On reaching I met Franco, Ryan, Sheela, Kiara and Hitesh. It was a well-organised party, everyone was eating and drinking. We were all having fun. After lunch, we all wanted to rest so Ryan insisted that we head towards his luxury suite. On the hallway, I really don't know what happened there was an altercation between Ryan and Franco.

I was so shocked to see this, Ryan was screaming at Franco. They were out of control, I had never seen Franco react like this. They were pushing each other throughout the hallway and the next thing I knew was that Franco had fallen down on the bedroom floor. Ryan was still raging. Kiara began to scream and went to call for the manager, no one else did anything.



I got so scared and called for an ambulance. I could not see my friend in so much pain, it was devastating. I tried waking Fanco up but he lay unconscious. Soon the police reached the hotel and it was declared that Fanco was no more.



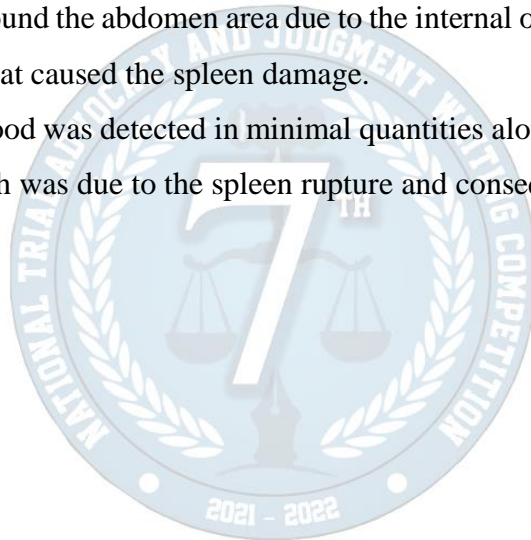


**WITNESS STATEMENT OF PROSECUTION WITNESS NO.4 – Dr. Pahol  
Ramakrishnan under Section 161 of the CrPC**

My name is Pahol Ramakrishnan. I am 54 years old. I currently work at the Baba Shree Medical Institute. I have done my MBBS from SIMS College and my M.D in Pathology from Baba Shree Medical College. I have been working in this field for 27 years and I have conducted around 575 autopsies as a lead doctor. My present designation is “Chief of Pathology” at Baba Shree Medical Institute. I specialize in Hematopathology.

In the present case, I received the body on 14<sup>th</sup> January, 2022 and the body was relatively stiff. It could be observed that the victim had suffered trauma around his right abdomen area. The angle and amount of force applied seemed to have caused direct injury to his spleen, rupturing it. There was swelling around the abdomen area due to the internal organ bleeding. The weapon used is a metallic flask that caused the spleen damage.

Presence of alcohol in blood was detected in minimal quantities along with anxiety pills. In my opinion the cause of death was due to the spleen rupture and consequent internal bleeding.



**WITNESS STATEMENT OF PROSECUTION WITNESS NO.5 – I.O. ACP Shanti****James under Section 161 of the CrPC**

I am Ms. Shanti James. I am an ACP and the investigating officer of the present case. I am posted at Puskeshnagar Police Station. On 17<sup>th</sup> January, 2020 at around 4.55 PM, I received a call from the manager of the Royal Blue Hotel, Mr. Appukuttan Shastri. He said that a murder had taken place at his hotel and Mr. Franco was found dead in one of the hotel rooms. On receiving this information, accompanied by 2 other constables we reached the crime scene around 5:35 PM.

We found the deceased lying on the floor and there was a flask in his hand. All his friends were present in the room. I conducted the Spot Panchanama at around 6:30 PM and concluded it around 7:15 PM. The entire hotel room was sealed and pictures of the crime scene were taken. The items that were seized were a red metallic flask, a bottle of pills and the deceased's bag. On the preliminary it looked like an incident of accident which turned out to be horrific. Nevertheless, after conducting a thorough investigation and referring to the Witness Statements, Post-Mortem and the Forensic Science Laboratory Reports, it looked like a planned conspiracy to murder Mr. Fanco Kutty. Mr. Ryan Khanna, the main accused was the one who carried out the act. Mr. Kabir Khanna and Ms. Sheela Numbstead were involved in aiding the same crime.



**WITNESS STATEMENT OF PROSECUTION WITNESS NO.6 –Mr. Sher Singh**  
**under Section 161 of the CrPC**

Sir, my name is Sher Singh and I am 36 years old. I am a certified fitness trainer and have been in this profession for the last 11 years. I am also a certified dietician. I have trained numerous people in the last 10 years. I was also Mr. Franco's trainer for many years. Franco was one of the most dedicated and disciplined body builders I have trained. He trained religiously and followed the diet plan which I made for him. He kept to his fitness regime and was very particular about his diet.

Franco's dedication to body building is evident from the numerous championships which he secured in the last 4 years. Recently, Ms. Sheela Numbstead was appointed as the dietician for Franco, as he was training for Mr Olympia. When Ms. Sheela started looking after Franco's diet plan, I found her recommendations fishy. The diet charts made by her did not fit well with the kind of body Franco was aiming for while preparing for Mr Olympia. I have been training Franco for many years and was concerned about the changes in his diet plan. His protein intake also had many variations. I decided to ask Ms. Sheela about the diet chart which she had made for him. Sheela told me not to worry and that she had made the diet chart keeping in mind Franco's goals. She humbly told me that she always did what was best for Franco but I found it to be fishy. I do not concur with the diet chart made by Ms. Sheela for Mr. Franco. It does not seem to suit his body requirements.



**WITNESS STATEMENT OF PROSECUTION WITNESS NO.7 –Mr. Sabu Chaudhry**  
**under Section 161 of the CrPC**

My name is Mr. Sabu Chaudhry. I am 56 years old. I have been working in the State of Frawns, Jhulu Division Laboratory for the past 17 years. I am the Chief Examiner for many divisions. I have done my MBBS from the PAMS Institute of Medical Sciences after which I pursued my MD in Pathology from the Railey Medical College.

In the present case, there were around five items collected from the scene of crime along with hair samples and fingerprints. All the samples were collected with due procedure and specific techniques being followed as already mentioned in the FSL report.

It was observed that the steel flask had fingerprints of both the deceased and the main accused. The mobile phone of the deceased that was recovered had fingerprints of Franco as well as Ms. Sheela Numbstead. The alcohol bottles recovered from the scene of crime had the fingerprints belonging to Franco, Ryan, Sheela, Sangeev, Kiara and Hunnah. The hair sampling analysis of the deceased revealed around 250 mg of Valium. The results were further positive for nandrolone, testosterone and stanozolol in specific quantities, clearly indicating that there was steroid abuse.

I suspect that there are no fallacies in the fingerprint recognition report and all the results are concluded to be accurate.



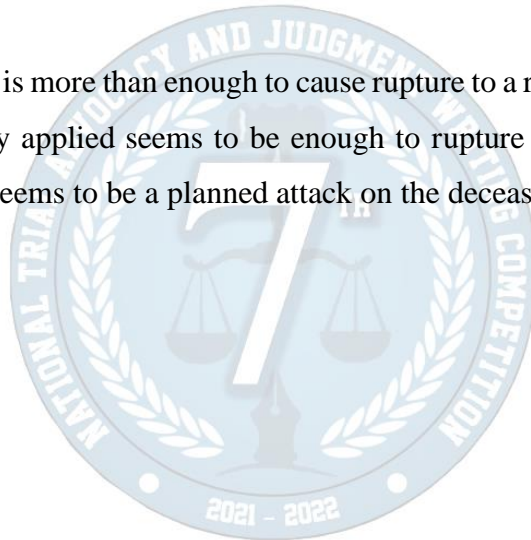


**WITNESS STATEMENT OF PROSECUTION WITNESS NO.8 –Dr. Virat Sharma**  
**under Section 161 of the CrPC**

My name is Dr. Virat Sharma. I am 52 years old. I currently work at the Sortis Hospital. I have done by MBBS from Dura Medical College and then went on to pursue my M.D in pathology from Sortis Medical College. I have about 25 years of experience in this field and I have conducted around 550 autopsies in my entire career.

After looking at the intricacies of the present case, the cause of death seems to be homicidal. The presence of alcohol found in the body of the deceased along with the mixing of Valium cannot be the cause of death. Mixing of the drug with alcohol enhances the sedation but cannot be the cause of death.

Low Blunt Force Trauma is more than enough to cause rupture to a recently diagnosed enlarged spleen. The force directly applied seems to be enough to rupture the spleen of the deceased causing instant death. It seems to be a planned attack on the deceased.





**WITNESS STATEMENT OF PROSECUTION WITNESS NO.9 –Ms. B.Premlatha**  
**under Section 161 of the CrPC**

Sir, my name is Premlatha and I am 37 years old. I work at the Royale Blue Hotel. I have been working at this hotel as the hotel supervisor for the last 5 years. On the 18th of January, one tall man called me to the scene of investigation. There I saw a dead body and there was a metal flask fallen next to the bed. They asked me to be present over there and watch them while they collected some items from the room. They collected one bag and one small bottle. After the police officer had finished putting all the items in sealed bags, I was asked to return back to my work.

All the contents of the Panchanama are true to the best of my knowledge. I hope that justice prevails in this case.





**ANNEXURE NUMBER – 11 – FORENSIC EXAMINATION REPORT**

**FORENSIC EXAMINATION REPORT**

**Examination Report Number:** BAL(128/351/2022)

**Date:** 17.01.2022

**From**

The Director and Chief Examiner, Jhulu Division

State Forensic Laboratory

Jhulu, State of Frawns

**To**

The Investigating Officer Shanti James

ACP Jhulu Police Station

Jhulu, State of Frawns

**Re:** Franco Kutty. Examination of the material objects and fingerprints (FIR No. 351/2022)

I have duly attached the forensic report of the scene hereby in connection with case FIR No. 351/2022 (Dated 17.01.2022)

**INTRODUCTION:**

The FIR was filed on 17.01.2022 and I examined the articles from the scene of crime.

**CERTIFICATE OF EXAMINATION:**

The samples collected from the articles were examined by the State Forensic Laboratory, Jhulu, on 18<sup>th</sup> day of January, 2022. The examination of the samples is summarized in this Forensic Laboratory Report.

**TABLE OF ARTICLES:**

Articles Examined	Markings
Steel Flask (I.O. Marking – 1A/351/2022)	A1
Wallet of Deceased (I.O. Marking – 1B/351/2022)	A2
Mobile Phone of Deceased (I.O. Marking – 1C/351/2022)	A3



Alcohol Bottles (I.O. Marking – 1D/351/2022)	A4
Backpack of Deceased (I.O. Marking – 1 E/351/2022)	A5
Hair Sample of Deceased	H1
Fingerprints of Deceased	F1
Fingerprints of Mr. Ryan Khanna	F2
Fingerprints of Ms. Sheela Numbstead	F3
Fingerprints of Mr. Sangeev	F4
Fingerprints of Ms. Kiara	F5
Fingerprints of Ms. Hitesh	F6

#### **PROCEDURAL ANALYSIS OF FINGERPRINTS:**

1. Latent Fingerprints were lifted by Cyanoacrylate vapour after which the fingerprints were moved from the surfaces to a notecard by the means of a lifting tape.
2. The State Forensics Laboratory used the standard methodology, i.e. to conduct friction ridge examinations, the ACE-V test.
3. The Fingerprint database was utilised by the State Laboratory to analyse the matter at hand.
4. Fingerprints were analysed by Automated Fingerprint Machine and were marked as F1, F2, F3, F4, F5 and F6 respectively.

#### **RESULT OF THE FINGER PRINT ANALYSIS:**

The observations and tests conducted were through methods of collecting samples found at the scene of offence

1. Fingerprints on A1 matches F1 & F2.
2. Fingerprints on A2 matches F1
3. Fingerprints on A3 matches F1 & F3
4. Fingerprints on A4 matches F1, F2, F3, F4, F5 & F6
5. Finger prints on A5 matched F1, F2 & F3



### **PROCEDURAL ANALYSIS OF HAIR SAMPLE:**

1. 100-miligram (90 to 120 strands) of hair sample was collected from the head of the deceased cut at the scalp and secured in a foil.
2. Screen tests were performed by enzyme-linked immunosorbent assay (ELISA) with confirmation of presumptive positive screens by gas chromatography/tandem mass spectrometry (GC/MS-MS).

### **RESULT OF THE HAIR SAMPLE ANALYSIS:**

The observations and tests conducted were through methods of collecting samples from the head of the deceased. The procedural analysis of the hair sample revealed 250mg of Valium. The result was positive for nandrolone (260 mg), testosterone (71 mg), and stanozolol (156 mg), clearly indicating steroid abuse.

**Sd/-**

Noharika Afreen

Assistant Director



**Sd/-**

Sabu Chaudhry

Chief Examiner



## **ANNEXURE NUMBER – 12 – STATEMENTS OF THE ACCUSED**

### **THE STATEMENT OF RYAN KHANNA, ACCUSED NO. 1 u/s 161 CrPC**

My Name is Ryan Khanna, I am Accused No. 1 in the instant case. I am 32 years old. I am a close friend of the deceased, Franco Kutty. I grew up training with him and we often took part in competitions together. He was my best friend and closest confidant. It was an absolute privilege to train with him. He was the biggest talent this country had ever seen. There was an extremely healthy rivalry between the two of us. He inspired me to train harder and be a better person. His story is an inspirational one.

There was nobody in the country more deserving than him to represent India at Mr. Olympia. I was extremely happy for him. I was not bitter at all. I also helped my Father and Sheela in helping him prepare for the competition. However, his performance had soon started falling in training. Father asked him to keep on going for medical check-ups. During one such check-up it was found that he had an enlarged spleen. We were also aware of his anxiety medication. Doctor ordered him to take rest.

My Birthday Party was in the days following the diagnosis. I threw a party and invited him for it. When he came I was shocked to see him consume alcohol. We were all having a good time so it took some time for me to realise what he was drinking. I was furious as it was reckless of him to consume alcohol while being on Valium. That's how the altercation began. I tried pushing him away from all the bottles but he got really aggressive. As I was holding him back he suddenly collapsed and passed out. I immediately got everybody's attention and an ambulance was called.

I was deeply saddened to hear the news of my brother's passing. I was not even given a chance to grieve, next thing I know I was arrested and charged with murder. I pray that Justice be delivered and that My Father, Sheela and I will be released immediately.



**THE STATEMENT OF KABIR KHANNA, ACCUSED NO. 2 u/s 161 CrPC**

My Name is Kabir Khanna. I am 57 years old. I am Accused No. 2 in the instant case. I am the owner of ZultFit the largest gym chain in Frawns. I coached a lot of talented bodybuilders for domestic and international competitions. In all my students, Franco was by far the most talented. Ryan and he would sweep up all the trophies and laurels in all competitions they went to. They were miles ahead of their peers. Ryan and I were delighted for Franco when he got selected with Mr. Olympia. I curated all his training programmes and regimes.

I always made sure that Franco's health was the main priority. I urged him to have regular check-ups. I was saddened that he kept consuming anxiety drugs in such large quantities. The news that he had an enlarged spleen was a setback in his training. Nevertheless it was good that they caught it early. He also needed some rest. With Franco being asked to rest I had time to focus on the other aspects of my business and other students. I was nowhere close to where my son was celebrating his party.

It is an utter shame that he passed like this. He was going to be a multiple world champion. I have not even seen the body of my dear student. I pray that I be allowed to pay my respects and justice be served to release all of us who have been arrested.



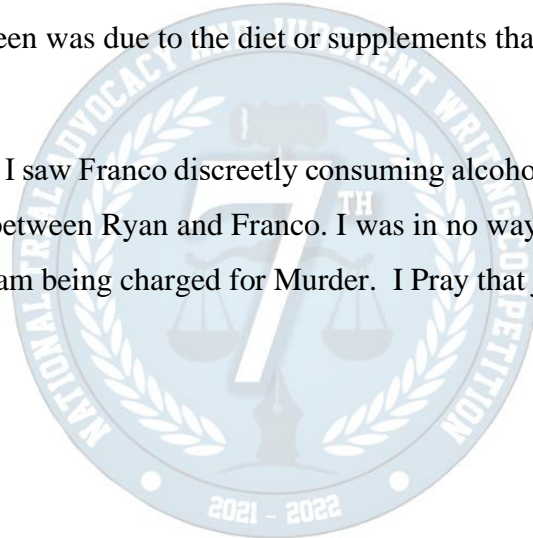


**THE STATEMENT OF SHEELA NUMBSTED, ACCUSED NO. 3 u/s 161 CrPC**

My Name is Sheela Numbstead. I am 30 Years old. I am a Sports Nutritionist and Dietician by profession. I specialise in helping competitive bodybuilders. I hold a Bachelor's degree in Sports Psychology and Nutrition from Indian Institute of Technology. I was approached by Mr. Kabir Khanna to specially curate a Diet and Supplement Schedule for Franco. I was also tasked with the job of making sure he abided by it.

In the first few weeks of the training camp I began to communicate with Kabir Sir, Franco and Ryan. I soon understood the close bond which existed between the three of them. Kabir Sir treated them with love but also pushed them to the limits. This perfect balance is the reason they hold a competitive edge over their rivals. I used to adjust the diet chart according to the prescribed medication Franco used to consume to deal with his anxiety. I do not believe the cause of the enlarged spleen was due to the diet or supplements that I recommended Franco to consume.

I was at the Ryan's Party. I saw Franco discreetly consuming alcohol. That was the main reason why the fight broke out between Ryan and Franco. I was in no way connected to the fight and do not understand why I am being charged for Murder. I Pray that justice be delivered and the innocent be freed.





## **ANNEXURE NUMBER – 13 – DEFENSE WITNESS STATEMENTS**

### **STATEMENT OF DR. AYYAMMA FUNDIT u/s 161**

My name is Dr. A Fundit. I am 52 years old. I am currently working in John Saint Hospital. I have done my MBBS from John Saint Medical College and my M.D. in Pathology from Muller Medical College. I have about 25 years of experience of working in pathology. My present designation is Head of Pathology Department, John Saint Hospital. I have conducted over 500 autopsies during my time as a medical practitioner.

The present autopsy report points out the level of alcohol present in the body of the deceased. The deceased was known to be on anti-anxiety medications and at the same time was voluntarily consuming alcohol in large quantities. Valium and Alcohol consumed together in large quantities can cause instant loss of consciousness, Multiple Organ Failure and eventual death. All of the above was found in the body of the deceased.

Low Blunt Force Trauma to a recently diagnosed enlarged spleen is not enough to rupture it. Negligence on behalf of the deceased by consuming copious amounts of Valium and Alcohol together lead to his own death.

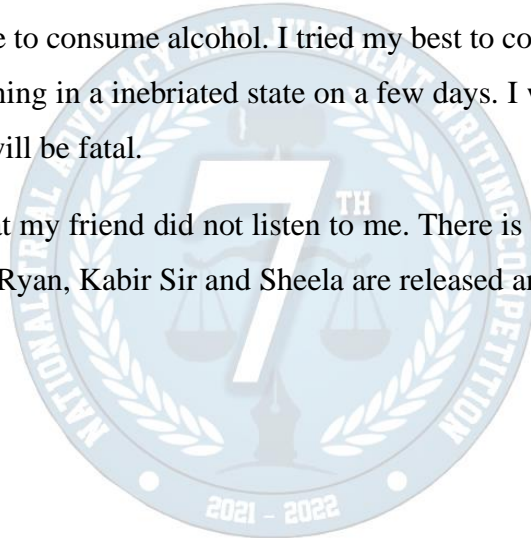


### **STATEMENT OF HITESH STEPHEN u/s 161**

My name is Hitesh Stephen. I am 35 years old. I hold a Master's Degree in Sports Nutrition from LIndian Institute of Science. I am currently employed as a personal trainer and nutritionist to many leading LIndian athletes and sportspersons. I am also a close acquaintance of Ryan and Franco. Franco was an excellent athlete. He used to be committed and Hardworking. However many vices entered his life.

He would often over consume his prescribed amount of Valium. His over dependence on the same made him more aggressive in nature. He would often get into physical confrontations with random individuals in the gym he trained with. I would have to separate him and calm him down. His addiction also led to his performance deteriorating. This in turn increased his anxiety especially as the competition was fast approaching. He spoke to me on multiple occasions about his desire to consume alcohol. I tried my best to convince him to not drink but he began coming for training in a inebriated state on a few days. I warned him that mixing his medication and alcohol will be fatal.

I am deeply saddened that my friend did not listen to me. There is nobody else to blame other than himself. I hope that Ryan, Kabir Sir and Sheela are released and justice is served.





### **STATEMENT OF ASHRA F KUTTY u/s 161**

My name is Ashra Kutty. I am 30 years old. I am the wife of the deceased Franco Kutty. I am currently employed as a Software Developer for Bookface.com .My husband was a loving and caring person. We had met in college and we got married 5 years ago. I was extremely proud of my husband's achievements. He was a role model for all children in the state. I would accompany him to his competitions whenever my schedule allowed it.

When I met my husband, he was not even close to the same person as he was today. He was lazy and lethargic. He was a habitual drinker and smoked a lot. He even often consumed narcotic substances like marijuana and other types of drugs. He was also on Anti – Depressants and Anxiety medication. I however helped him through those rough times and made him promise that he would have to give up all these habits if he wanted to stay with me. He promised and he then started bodybuilding. Then the success came.

My Husband's change in behaviour can be tracked to the day he was chosen to represent India at Mr. Olympia. He wasn't the same after that. He began consuming Valium again. I thought that this would just calm him down as Mr. Kabir had consulted me when he planned out Franco's training regime. Mr. Kabir had also kept me informed about his change in behaviour in the gym and all the fights. At home, he was not the same loving and caring person. He was cold and rude. He stopped talking to me and only focused on training and his pills. I put my foot down when I caught him consuming Alcohol. We had a huge fight which resulted in him storming out of the house. The next day he went for the party. I wasn't in the mood to accompany him so I stayed at home.

I regret doing so. I was distraught to hear the news of the death of my husband. I only wish I was there to stop him from killing himself. He was mentally ill. I also hope that Rohit, Kabir and Sheela are freed from these illogical proceedings and we be allowed to properly grieve the death of my husband as one family.



**STATEMENT OF DR. DUMNIK POLLY u/s 161**

I am Dr. Dumnik Polly. I am a General Physician. I work in in John Saint Hospital. I had been treating the deceased for a two years before his death. Franco was suffering from acute anxiety. He would often have attacks which would lead him to being sent to the Emergency room. He often had 2 to 3 attacks in a month. This is why I prescribed Valium for him. He soon seemed to get addicted to them. For his safety I took him off the Valium and prescribed other medication. His condition seemed to worsen and I thus had to re prescribe Valium for him. I warned him about addiction and all the possible implications of drug abuse. I also explicitly prohibited him from consuming certain substances. Alcohol in any quantity was one of them.

I was disheartened to hear the news about Franco. He was a national hero. He had a bright future and career ahead. I was shocked by the amount of alcohol present in his system. I was not aware that he was consuming alcohol along with his medication.

