



NATIONAL LAW UNIVERSITY ODISHA



COMPETITIVE EXAMINATIONS GUIDANCE COMMITTEE

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NYĀYA UDGHOSH

*National Judgment Writing
Competition & Conclave*

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NATIONAL JUDGMENT WRITING COMPETITION AND CONCLAVE



Nyaya Udghosh Proposition 2026

**IN THE COURT OF THE SESSIONS JUDGE
CHANDRAPUR**

Union of Bhagat.....Prosecution

Versus

Champak Kumar.....Accused



Facts of the Case

1. **Champak Kumar is a 22 year old resident of Chandrapur and is a marksman of repute, who has represented his State 'Bhagat' and has earned many laurels for it. On a personal level, he is known to be a private person who used to live with his aged mother and a younger brother. He seldom used to attend social gatherings and had only a couple of good friends whom he sometimes used to hangout with.**
2. **In January 2024, Champak decided to join Chandrapur Shooting Academy to prepare full time for an upcoming competition. For this, he had to stay inside the Academy with the other sportspersons. In the Academy, he was paired up with Smarak who was two years younger than him. They were basically roommates who had the same training schedule. Both of them were well-known in the Academy for being good shooters and were reputed for their dedication towards their training. Over a period of time, both of them became very good friends and were often spotted doing their daily chores together. Both of them seemed quite comfortable in each other's company.**
3. **On 12 March 2024, during the afternoon hours when everyone was either resting or cleaning their rifles, Champak and Smarak were playfully fighting with each other. During this time, their instructor Mr Zulu was doing rounds in the hostel and heard some sounds from their room. When he looked through the open window, he saw that, both Champak and Smarak were pointing their rifles at each other and laughing. Mr Zulu immediately burst into the room and ordered them both to lower their rifles. Since it was a well-known rule amongst all shooters, that a weapon, irrespective of whether it is loaded or not, must not be pointed at another human being or any living creature,**

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Mr Zulu took cognisance of this incident and punished them both by ordering them to go for a 10km run and then to clean up the Academy's main block. By the time Champak and Zulu completed the punishment, it was around 5pm and they had missed their evening training session. They then decided to go to a shop right outside the gate of the Academy and purchase a packet of potato crisps to eat together. This was supposed to be a one-time thing, but they started doing this every other day and eventually eating potato crisps in the evening became almost like a ritual for them.

4. Days went by and both Champak and Smarak applied for leave from the Academy for a few days, to visit their families. Both of their leave applications were coincidentally approved for the same duration for a period of 15 days in the month of April. On their return from leave, the hostel policy was changed and all the athletes were shifted into bigger rooms consisting of four bunk beds each. These rooms were built in such a way that one building complex had two rooms, which were interconnected by a small passageway with a joint washroom in the middle, and just one main exit door. The building complex had one small extra room facing the outside, which was generally used by the security guards. This room had two doors. One door opened into the outdoors and another door opened into the passageway of the building, to access the common washroom that was inside.

5. During this reshuffling, Champak and Smarak were separated and they were both allotted separate building complexes. Champak was allotted Romeo building complex and Smarak was allotted Sierra building complex. Nonetheless, their friendship stood strong and they used to visit each other during their free time.

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6. On 30 June 2024 at around 5:30pm, an athlete Zubair was sitting with a few others near the common dining area and was having Tea with them. Suddenly, they heard a loud sound from Romeo complex. Fearing that something bad had happened, Zubair and the others rushed towards the building while alerting others. On reaching the entrance, they saw Smarak lying across the hallway in a pool of blood with an injury in the centre of his forehead. Zubair immediately rushed to him and tried to administer First Aid. He could not find a pulse, but saw that Smarak was moving his lips and gasping for air. By this time, the others brought a stretcher, shifted Smarak into a car and rushed him to the nearby clinic, which was 10 minutes away. On reaching the clinic, the attending doctor tried his best to save Smarak, but he was declared dead on arrival (DOA). The doctor then initiated a 'medico legal' case sheet and asked to take the body of Smarak to the nearby Government Hospital for conducting a Post Mortem analysis since the death had occurred under mysterious circumstances, with what seemed like a gunshot wound on the centre of the forehead. The body was then moved to the Government Hospital and after handing over the body, the athlete and other Academy staff returned to the Academy campus.

7. During this time, Zubair wanted to figure out how or what led to such an incident and hence, he looked around the room for anything that might help him understand the situation. Though Smarak was found with a gunshot injury on his forehead, there was no person or weapon near his body. However, he saw that the room adjoining the hallway where Smarak was found, had three mattresses on separate bunk beds. Out of these three mattresses, two of them had rifles on them. In order to check if any of these rifles was the weapon that was fired, he went to each rifle and held the barrel to check for heat. He realised that both seemed normal to him. However, he

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noticed that one rifle with a marking 'Zayne' had a magazine, loaded on it, and the other one marked 'Champak', did not. To prevent negligent discharge of the weapon, he lifted it up with his hands, removed the magazine and the bullet in the rifle chamber, and kept them all back on the mattress next to each other. At this time, he also noticed one empty shell casing on the floor, next to the bunk bed with the rifle that was loaded.

8. At this time, Zubair heard a small murmuring sound from the passageway between the rooms. He then called out to his friend Lima, to come into the building and help him find out who was inside. They both then went inside slowly and kept calling out to whoever was inside, so that the person would respond, but there was no response. Suddenly, they heard Mr Zulu calling out to all the athletes, to assemble in front of Romeo complex. Hearing this, they also went outside and stood with the others. Zayne was also standing there with the others. A head count was taken and they realised that Champak was missing.

9. Then, just as everyone was wondering where Champak was, he slowly walked out of Romeo Complex through the security guard's room door and joined the group standing outside and began chatting with them. Mr Zulu saw him come out and so he walked up to him and asked him what he was doing inside the building. Champak told him that he heard a loud firing sound in the building, got scared and hence went and hid inside the bathroom. Hearing this, Zubair then asked him why he didn't respond when he and Lima were trying to speak to whoever was inside, to which he said that he could not hear anything.

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10. Mr Zulu then called up the senior instructor Mrs Juliet, and told her this entire incident, requesting her immediate presence in the Academy, since he had already called the Police as well. Mrs Juliet felt that something about Champak's story was not adding up. Hence, she asked Mr Zulu to gather the security personnel and put Champak in a guarded room, without access to any dangerous objects. By this time, it was already 6:15pm and the Police had also arrived at the scene of the incident. They sealed Romeo Complex and did not allow anyone to go inside, apart from the Forensic Team and the Investigating Officer (IO). At around 7pm, Mrs Juliet also reached the location and took stock of the situation. Asst Sub-Inspector (ASI) Singham was the IO for this case, and he decided to make a sketch of the area and also take down a few statements of witnesses. As he proceeded to examine the witnesses, Mrs Juliet asked him to speak to Champak, who was placed under guard in a separate room. When ASI Singham asked Champak about the incident, he simply repeated whatever he had told Mr Zulu earlier. The ASI recorded this statement and left the room to go and examine other witnesses. A total of five witnesses were examined, before he called it a day and returned to the Police Station to prepare his report. The Police had also seized the weapons and ammunition present on site, along with other samples as deemed necessary.

11. The next day, training sessions were called off as everyone's morale was down. All affected individuals were asked to meet the counsellor for help. After a long day of handling multiple phone calls and replying to news reporters, Mrs Juliet finally went to meet Champak in the guarded room at around 5pm. She again asked him if he knew anything about the incident. Champak gave the same response as before. She was dejected. After waiting for a few minutes in silence, she asked the guards to get Champak some Tea and then got up to leave. Just as she was leaving the room, Champak called

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out to her and started crying. He told her that it all happened as a mistake and he did not intend for such a thing to happen. Mrs Juliet then asked him to sit down and tell her everything in detail.

12. Champak told Mrs Juliet that in the evening of 30 June 2024, Smarak had come to Romeo Complex to meet Champak. He asked him if he could connect his phone to a charger and also if Champak was interested in going out to get potato crisps. To this, Champak said that he directed Smarak to an electric socket and also told him that he

was not interested in eating the potato crisps that day and hence, he won't accompany him. Smarak tried to persuade him, but he couldn't and so he started walking away into the hallway to the main exit. Champak reconsidered his decision and decided to go with Smarak so that he wouldn't end up disappointing him, or putting a dent in their friendship. He then called out to Smarak to come back and he responded. At this time, Champak apparently saw a rifle on the bunk bed opposite to where he was sleeping and picked it up. Within a few seconds, he based the rifle against his hip, pointed it aimlessly, cocked it and pulled the trigger, assuming that it was not loaded and that it would only produce a sound. He claimed that he thought that the sound of the hammer striking the inside of the barrel, would scare Smarak and they would have a laugh about the prank. However, after pulling the trigger, he saw that Champak was around 10 feet away from him at the entrance of the room, and he slumped to the floor with blood gushing out of his head. Champak held his head in despair, not knowing what to do, thinking about what would happen to his mother and also all the hard work that he had put into his career, in order to reach this stage in his life. In a few seconds, he got up, put the rifle back from where he had picked it up and went into the

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bathroom. He then leaned against the door from inside the bathroom and sat down, holding his head in despair. Later, when he heard a lot of voices outside the building, he came out through the guardroom and joined the others.

13. Mrs Juliet heard all this and asked if he was willing to tell all this to the Police. Champak replied, saying that he is ready to give this statement to anyone who asks. The Police were then called again and ASI Singham came to record Champak's statement. Champak's statement was recorded by the Police under Section 161 of Bhagat Criminal Procedure Code (BCPC) wherein he said that he pulled the trigger without knowing that the weapon was loaded. On realising that Champak was making a confessional statement, the Police took him to the Executive Magistrate, where he made the same statement which was recorded and subsequently, to the Judicial Magistrate of Chandrapur, who recorded Champak's statement under Section 164 of BCPC. Before the Judicial Magistrate, Champak tweaked his statement to say that he was not aware that the weapon was loaded and was just pointing the weapon to play a prank, and that he does not know how the weapon got fired.

14. When all of this was going on, concurrently Mr Zulu got a call asking him to come to the Government Hospital, to takeover Smarak's dead body. Mr Zulu immediately took off and reached the hospital, where the doctor informed him that the cause of death was clearly a gunshot wound to the forehead. In the absence of any doubt about the cause of death, no post mortem was conducted by them. He then handed over the dead body along with the death certificate, a certificate informing the cause of death and another certificate stating that post mortem examination was not conducted.

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Mr Zulu then took custody and handed over everything to Smarak's wife, as she was his Next of Kin (NOK) and she had already reached the location to take the body back to Smarak's village for the last rites.

15. On the same day, ASI Singham informed Mrs Juliet that based on the initial investigation, the evidences collected and the statements made by all the witnesses, an FIR has been registered against Champak under Section 302 of the Bhagat Penal Code (BPC) and that Champak will be arrested in a few minutes. It was also intimated that he will be produced before the Court of the Hon'ble Sessions Judge, Chandrapur at the earliest possible.

16. The case is now listed for hearing.

Note: The laws of the State of Bhagat are pari materia with those of the laws of the Republic of India, with necessary changes mutatis mutandis.

THE CASE OF THE PROSECUTION

17. The accused being a trained shooter, had knowledge of the dangerous consequences of his actions which led to the death of Smarak. Though all shooters are allowed to bring their rifles into their rooms for cleaning, as a rule, nobody brings a loaded weapon inside. The personal ammunition is always kept separately. The accused being properly trained and well versed with such rules and also at firing rifles, cannot claim that the rifle was preloaded and he did not even figure that out. The sequence of events that unfurled at the time of the incident, easily prove that he knew that the weapon was loaded and also the seriousness of pointing a weapon towards a person. Therefore, an offence under the fourth clause of Section 300 of the BPC is

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made out. Moreover, the way in which the bullet struck Smarak on the center of his forehead, is enough proof to show that it was an aimed shot and not a stray bullet which was fired by mistake. Therefore, the accused is liable to be found guilty of the charge of murder.

THE CASE OF THE DEFENCE

18. The defence case is that the accused and the deceased were good friends. The accused had neither any reason/motive nor had any intention to harm Smarak. The accused just played a prank on him and wanted to scare him. In that process the accused picked up the rifle lying on the bunk bed opposite him at that time, and pointed randomly from his hip position. However, the accused does not know how a bullet got fired leading to the death of Smarak. It was an accident and the accused himself is repentant for having lost his good friend. He is a victim of the circumstances and has also confessed that it was a prank and the incident happened by accident.

19. At the time of the incident only two persons i.e. the accused and deceased, were present in that room. The deceased is no longer alive and cannot give his version of the incident. In these circumstances only the version of the accused is available due to lack of any other eye witnesses, and he has courageously and wilfully given his confession.

20. The entire case of the Prosecution is based on circumstantial evidence, is riddled with procedural issues and also evidence collected from a forensically contaminated crime scene.

Issues before the Court

- 1. What is the evidentiary value of a confession when the accused changes his statement before different authorities?*
- 2. Can a person be convicted solely based on circumstantial evidence?*
- 3. Will the lack of a post mortem report render this investigation procedurally incorrect and/or null and void?*
- 4. Since the crime scene was forensically contaminated, can the forensic evidence being produced by the Prosecution be accepted by the Court?*
- 5. Did the accused on 30 June 2024, by his acts, cause the death of Smarak? Are the acts committed by the accused, covered by the clause fourthly of Section 300 of BPC, that is to say the accused committed these acts knowing that "it is so imminently dangerous that it must, in all probability, cause death, or such bodily injury as is likely to cause death and committed such acts without any excuse for incurring the risk of causing death or such injury as aforesaid." ?*

Issues before the Court

6. Are the acts of the accused not covered by any of the exceptions of Section 300 of BPC?

7. If an offence under Section 302 is not being made out, then is there a need to change/alter the charge?

XXXXX





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Contact us!

SHOULD YOU HAVE ANY QUERIES, REACH OUT TO US

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