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# 3<sup>rd</sup> GURJEET SINGH MEMORIAL NATIONAL MOOT COURT COMPETITION ( *Virtual* )

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## MOOT PROPOSITION

Knowledge Partners



**3<sup>rd</sup> GURJEET SINGH MEMORIAL NATIONAL MOOT COURT  
COMPETITION, 2022 (VIRTUAL)**

**MOOT PROPOSITION**

**BRIEF FACTS**

Ramta Jogi and Ali Baksh are two young engineers who graduated from the University of Boston, United Kingdom of America (“UKA”). Ramta and Ali were one of the brightest students in their respective schools. They had been awarded the highest scholarship namely - **Roses** which the Government of India (“GoI”) offers to the best minds of the country. They had moved together to UKA to pursue their graduation in Computer Science from University of Boston. After graduation, Ramta bagged a job in **Ameron** (an ecommerce multi-national corporation) whereas, Ali got placed in **Flirtbook** (a social networking platform). Both these corporates were ranked as the highest revenue generating entities in their respective business verticals.

Surprisingly, both Ramta and Ali left their jobs and came back to India. In India, both of them started living together in a small chawl located in the city of Faizabad, Ughra Pradesh. They never interacted with any of the neighbours living in the vicinity. This behaviour of Ramta and Ali made the neighbours suspicious.

On 20.02.2022 at around 11:00 P.M., a 15-year-old boy living in the vicinity, witnessed a truck park outside the premises where Ramta and Ali lived. As this boy was about to leave, he saw Ramta and Ali loading huge trunks in the truck. Accidentally, the lock of one of the trunks, broke open and big machine guns fell from it. The boy got anxious and quietly left the scene. Upon reaching his home, he confronted his father of what he saw concerning Ramta and Ali. The father of the boy namely Toofan Singh was an ex-cop with the police of Ughra Pradesh. Toofan Singh who personally knew the town inspector of Faizabad, immediately informed him about what his son had just witnessed. Within minutes, a huge battery of police surrounded the premises of Ramta and Ali. Seeing this, Ramta and Ali attempted to flee from there, however, they could not escape from the clutches of the cops deployed there.

Upon thorough search of the premises occupied by Ramta and Ali, the police found a secret basement like structure beneath the said premises. The basement was filled with tons of arms and ammunition along with huge liquid cash. All the materials including the liquid cash was seized by the police and sent for forensic examination. Subsequently, a team of forensic experts was also called to thoroughly examine the scene of crime.

Further investigation by the police revealed that both Ramta and Ali had links with left wing and right-wing extremist groups and for the past 5 years were supplying illegal weapons to these groups to carry out unlawful activities within the territory of India.

### **FIR REGISTERED AGAINST RAMTA JOGI AND ALI BAKSH**

Accordingly, a First Information Report (“**FIR**”) under Sections 13, 16, 17, 18, 21 of the Unlawful Activities (Prevention) Act, 1967 (“**UAPA**”); Section 25 of the Arms Act, 1959 read with Section 120B of the Indian Penal Code, 1860 (“**IPC**”) was registered against Ramta and Ali.

Next day, Ramta and Ali were produced before the jurisdictional magistrate and considering the gravity of charges levelled against them, they were remanded to 15 days of police custody.

With huge chunk of liquid cash found from the premises of Ramta and Ali, the local police started scrutinizing the bank accounts held by them. The police found that Ramta and Ali had been receiving crores of rupees from various shell entities. It was also found that both held crores of crypto currency.

The seized phone and laptop of Ramta and Ali revealed that they had been operating their business of illegal trade of weapons through the platform of **Dark Web**.

The police during the interrogation of Ramta and Ali, confronted these incriminating evidences against them. However, no concrete explanation was given by them.

The local police shared the financials of Ramta and Ali with the Directorate of Enforcement (“**ED**”), considering the angle of money laundering involved in the case.

### **ECIR REGISTERED AGAINST RAMTA JOGI AND ALI BAKSH**

ED being one of the most sophisticated investigating agencies, particularly when it comes to cases involving financial frauds, after its preliminary inquiry registered an Enforcement Case Information Report (“**ECIR**”) under Sections 3 and 4 of the Prevention of Money Laundering Act, 2002 (“**PMLA**”) against Ramta Jogi and Ali Baksh.

On the very next day, Ramta Jogi and Ali Baksh were slapped with a notice under Section 50 of the PMLA issued by ED, directing them to appear before the ED and

testify. ED sought issuance of production warrants by the Special Court trying the case of Ramta Jogi and Ali Baksh and for their custody. The Special Court granted 6 days custody of Ramta Jogi and Ali Baksh. This was extended by another spell of 9 days. During interrogation, Ramta Jogi and Ali Baksh were subjected various incriminating evidences in their nature of irregular bank account statements, fraudulent entries, etc. After 15 days of gruelling interrogation, Ramta Jogi and Ali Baksh returned to the judicial custody.

### **MEDIA ATTENTION**

Lot of media attention was gathered by this case, considering the background story of two boys who made it big but now were languishing in jail for the past several months. The media frenzy followed whenever Ramta and Ali were produced before the court for extension of their judicial custody.

### **BAIL APPLICATIONS FILED BY RAMTA AND ALI**

Ramta and Ali separately applied for grant of bail in *qua* the FIR registered by the police of Faizabad and the ECIR registered by ED.

However, the two Special Courts constituted under the provisions of UAPA and PMLA rejected the Bail Applications filed Ramta and Ali citing the special twin conditions provided under the said statutes.

Ramta and Ali challenged the orders of the two Special Courts before the jurisdictional High Court *i.e.*, High Court of Judicature at Illhadbad. Ramta and Ali had also sought for interim bail till the high court finally decides the fate of Ramta and Ali. However, no interim relief as sought by Ramta and Ali was granted by the Court.

The hearing before the High Court lasted for an entire month. One of country's finest lawyer, Mr. Nakul Chohatgi represented Ramta and Ali. He argued nuances of the bail jurisprudence to seek bail for his clients. However, the High Court similar to the decision of Special Court(s), citing the twin conditions under the provisions of PMLA and UAPA rejected the bail applications filed by Ramta and Ali.

It has been 80 days since Ramta and Ali have been languishing in jail and they are yet to be liberated from the confines of prison. This is nothing short of pre-trial conviction.

Ramta and Ali are convinced that until the special twin conditions are existent on the statute book, they cannot get out of the prison.

## CONSTITUTIONALITY AND VIRES OF THE PROVISIONS OF THE PMLA AND UAPA CHALLENGED BEFORE THE SUPREME COURT

After round of legal advisory sessions, Ramta and Ali decided to file a Writ Petition under Article 32 of the Constitution of Indra before the Supreme Court of Indra, challenging the vires of various provisions of the PMLA and UAPA which includes:

- a. Special twin conditions as provided under the provisions of PMLA and UAPA *insofar* as the grant of bail is concerned.
- b. Section 50 of the PMLA as it violates the very basic tenets of the provisions of the Indian Evidence Act, 1872.
- c. Reverse burden of proof on the accused under the provisions of the UAPA.

Apart from this, the Supreme Court has also directed the counsel of the Petitioner to address the court on the maintainability of the Writ Petition.

The Supreme Court is about to begin hearing arguments in the aforesaid Writ Petition filed by Ramta Jogi and Ali Baksh.

### NOTE

Laws and the Constitution of Indri are *pari materia* to the laws and Constitution of India.

The Supreme Court of Indri considers the precedents of the Supreme Court of India as binding.

Participants may frame any other issue(s) and/or sub issue(s) in addition to the one's listed above.

\*This Proposition has been drafted by Lavkesh Bhambani and Tushar Behl, Associates at L&L Partners. Any attempt to contact the authors of the proposition will lead to immediate disqualification.