

CORRECTIONS AND CLARIFICATIONS ON THE MOOT PROBLEM

CORRECTION:

Paragraph 9 of the moot problem reads as follows:

*“Siddanth: I am one of the shareholders of Dhwani Real Property Ltd and all decisions of the company are taken by a learned independent management team. Interference by the shareholders is very limited. Yes, I am related to Anil and I am a good friend of Vikram as well”*

The same is to be read as follows:

*“Siddanth: I am one of the shareholders of Dhwani Real Estate Ltd and all decisions of the company are taken by a learned independent management team. Interference by the shareholders is very limited. Yes, I am related to Vikram and I am a good friend of Anil as well.”*

CLARIFICATIONS:

Q1. Whether the words '*practice in Mumbai through a chartered accountants firm run by name M/s Time Value Tax Consultant Services*' mean '*articled training as Asst CA after passing Group-I final exam*'?

A. No. It does not mean that.

Q2. Whether the shareholders of the company are too the promoters of the company? If then whether they alone held the shares of the company in the same proportion, as of now during the time of registration? If not, when the shares are acquired by them?

A. The charge sheet is silent on the same. This being a case for quash, the participants are expected to work on the basis of the facts available.

Q3. Whether the cheque for Rs.30 crores is given on the date of registration or is that a post-dated cheque?

A. The date on the cheque and the date of registration are one and the same.

Q4. Under what sections of IPC, FIR has been registered against Mr.Chandran?

A. The same has been left out on purpose. As such, these might not be relevant in arguing the application for quash.

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Q5. Whether the fingerprints of the five are found in all the six suitcases?

A. Yes.

Q6. In para 11, it has been said, '*during the course of search, it was found that Anil lived with his parents & has an unmarried brother..*' whether his wife does not live with him in his Chennai house?

A. His wife lives with him in Chennai.

Q7. Whether the company name is Dhvani Real Estate Ltd Or Dhvani Real Property Ltd?

A. The name is Dhvani Real Estate Ltd (DREL).

Q8. Whether the share certificates seized from the 3 cartons found in Anil's brother's room in Anil's house was also the one got from 2000 to 2016?

A. The question is unclear. 2000 to 2016 relates to the diaries and not to the share certificates. (Assuming that is the question)

Q9. Who is Mr.Suresh? Whether he is some agent of Mr.& Mrs.Raju? It has not been described in the moot proposition.

A. This is deliberately left this way in the moot problem.

Q10. By the words in 12th para '*..Chandran who sold his property at a lesser price according to registration papers, but received a far greater amount*', is it meant that he indeed receive more than 130crores?

A. The moot problem is adequately clear on this point.

Q11. Whether the terms, 'Ashok Malik's family' and 'Siddanth's family' also includes Ashok Malik and Siddanth? Are they too shareholders of DREL?

A. No.

Q12. What independent charges had been framed against Mr. & Mrs.Raju & Chandran. It has not been specified in moot proposition.

Ans. This is deliberately left this way in the moot problem.

Q13. What earlier decisions of Supreme Court has been relied upon by it in this instant case for selecting the convention of CrOP Petitioner's counsel? It has not been specified in para 18.

A. This is deliberately left this way in the moot problem. It can be assumed that all the cases on this point have been relied upon before the High Court.

Q14. Whether the appellant is seeking quashing of charges framed or charge sheet filed before High Court u/s 482?

A. The problem uses these terms interchangeably, which is herewith corrected.

As per the issues framed in the moot problem, it is against the framing of charges and the other paragraphs of the moot problem may be accordingly read.

Q15. Whether the appellant has earlier made any discharge petition before the Madras High Court?

A. No.

Q16. As on and before Nov 1, 2016 what proceedings have been completed?

A. Charges have been framed.

Q17. In issue no 4. uses the expression "such". But that expression is not followed by any subject. A word is probably missing. If it is so, kindly furnish the same.

A. It may be read as such "properties", which is the object in issue 3.

Q18. In Issue No.5 deals with admissibility of evidence. Is it any objection raised by the accused regarding admissibility of any document or material object produced by the prosecution or is it an issue relating to tendering of evidence and its inadmissibility on account of any technical or other reason. Ex. Lack of certificate and affidavit as required by S. 65(b) of the Evidence Act or Document produced by accused during interrogation by the police not produced as part of record by the prosecution but produced by the accused.

A. This is deliberately left this way in the moot problem. Questions of both kinds enumerated above arise in this moot problem.