

MOOT COURT
IN THE HON'BLE HIGH COURT OF ARYAVARTA
CRIMINAL APPEAL NO. ____ OF 2026

AARAV MEHTA
..... APPELLANT

VERSUS

STATE OF ARYAVARTA
..... RESPONDENT

MEMORIAL ON BEHALF OF THE APPELLANT

[STUDENT NAME]
[CLASS / ROLL NO.]
COUNSEL FOR THE APPELLANT

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LIST OF ABBREVIATIONS

BNS	— Bharatiya Nyaya Sanhita, 2023
BNSS	— Bharatiya Nagarik Suraksha Sanhita, 2023
BSA	— Bharatiya Sakshya Adhinyam, 2023
SCC	— Supreme Court Cases
AIR	— All India Reporter
INSC	— Indian Supreme Court (neutral citation)
Hon'ble	— Honourable
HC	— High Court
SC	— Supreme Court
v.	— Versus
Sec. / S.	— Section
Ors.	— Others
PW	— Prosecution Witness
para.	— Paragraph

STATEMENT OF JURISDICTION

The Appellant has approached this Hon'ble High Court of Aryavarta under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, which confers upon any person convicted on a trial held by a Court of Session the right to appeal to the High Court.¹

The present appeal challenges the judgment of conviction and the sentence of imprisonment for life passed by the learned Sessions Court, whereby the Appellant was convicted for the offence of murder under Section 103 of the Bharatiya Nyaya Sanhita, 2023.

The Appellant most respectfully submits that this Hon'ble Court is possessed of the requisite appellate jurisdiction to hear, try, and dispose of the present appeal.

¹Section 415(2), Bharatiya Nagarik Suraksha Sanhita, 2023.

STATEMENT OF FACTS

1. Mr. Aarav Mehta ("the Appellant") and Mr. Kunal Shah ("the deceased") were both final-year law students at Aryavarta National University and were candidates in the Students' Council elections.
2. Following the elections, disagreements arose between them over allegations of unfair campaigning.
3. On 10 March 2026, during the University's Annual Cultural Festival, the Appellant and the deceased encountered each other near the amphitheatre. A verbal argument between them escalated into a physical altercation. Witnesses differ as to who initiated the fight.
4. During the altercation, the Appellant struck the deceased on the head with a wooden sports bat lying nearby. The deceased collapsed and died the following day on account of the head injury.
5. The prosecution contends that the act amounts to murder under the Bharatiya Nyaya Sanhita, 2023. The Appellant contends that the deceased first assaulted him, that the incident occurred suddenly and without premeditation in the heat of passion, and that he struck a single blow only to repel the assault, without the intention or knowledge required to constitute murder.
6. The learned Sessions Court convicted the Appellant for murder and sentenced him to imprisonment for life.
7. Aggrieved by the judgment of conviction and order of sentence, the Appellant has preferred the present Criminal Appeal before the Hon'ble High Court of Aryavarta, which has admitted the appeal for final hearing. The State opposes the appeal.

ISSUES RAISED

1. Whether the act of the Appellant amounts to murder or culpable homicide not amounting to murder under the Bharatiya Nyaya Sanhita, 2023?
2. Whether the present case falls within the exception of sudden fight under the Bharatiya Nyaya Sanhita, 2023?
3. Whether the learned Sessions Court correctly interpreted the concepts of intention and knowledge under the Bharatiya Nyaya Sanhita, 2023?
4. Whether the conviction and sentence imposed upon the Appellant are sustainable in law?

SUMMARY OF ARGUMENTS

Issue I: It is submitted that the act of the Appellant does not amount to murder under Section 101 of the BNS, but at best constitutes culpable homicide not amounting to murder under Section 100, punishable under Section 105, since the essential element of intention or knowledge required for murder is wholly absent. The act was a single, reactive blow struck with a weapon of opportunity, not a calculated act designed to kill.

Issue II: It is further submitted that the present case squarely falls within Exception 4 to Section 101 of the BNS, inasmuch as the fatal blow was struck without premeditation, in the heat of passion, upon a sudden quarrel that escalated into a sudden fight, and without the Appellant having taken undue advantage or acted in a cruel or unusual manner.

Issue III: It is submitted that the learned Sessions Court erred in inferring a settled intention to kill merely from the fact and location of the injury, without adequately weighing the complete absence of premeditation, the spontaneity of the encounter, and the Appellant's consistent case that he acted only to repel an ongoing assault.

Issue IV: It is finally submitted that, the ingredients of murder not being established and the case falling within Exception 4 to Section 101, the conviction under Section 103 and the sentence of life imprisonment are unsustainable in law and are liable to be set aside or altered to one under Section 105 of the BNS.

BODY OF PLEADINGS

ISSUE I: WHETHER THE ACT OF THE APPELLANT AMOUNTS TO MURDER OR CULPABLE HOMICIDE NOT AMOUNTING TO MURDER UNDER THE BHARATIYA NYAYA SANHITA, 2023?

A. The essential ingredient of murder — intention or knowledge as defined under Section 101 — is absent

Section 100 of the BNS defines culpable homicide as the causing of death by an act done with the intention of causing death, with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that the act is likely to cause death.²

Section 101 elevates culpable homicide to murder only where one of four specific mental states, set out in clauses (a) to (d), is established, subject always to the five exceptions contained in the same section.³

This Hon'ble Supreme Court, in *Virsa Singh v. State of Punjab*, laid down that before an act can be classified as murder, it must be affirmatively shown that the accused intended to inflict the particular injury found to be present, and that such injury was, objectively, sufficient in the ordinary course of nature to cause death; the offender's own estimate of the seriousness of the injury is irrelevant.⁴

Applying this test, while the injury sadly proved fatal, there is nothing on record to show that the Appellant intended anything beyond repelling the deceased's assault with the nearest object at hand. The encounter was neither planned nor anticipated; the Appellant did not carry the bat with him, and struck but a single blow.

B. The number and nature of the blow negate a settled intention to kill

This Hon'ble Supreme Court in *State of A.P. v. Rayavarapu Punnayya* held that the intention to cause death may be gathered from a combination of circumstances, including whether the offender took undue advantage, whether he acted cruelly, and, significantly, whether a single blow or several blows were inflicted.⁵

²Section 100, Bharatiya Nyaya Sanhita, 2023.

³Section 101, Bharatiya Nyaya Sanhita, 2023.

⁴*Virsa Singh v. State of Punjab*, AIR 1958 SC 465.

⁵*State of A.P. v. Rayavarapu Punnayya*, (1976) 4 SCC 382 : AIR 1977 SC 45.

In *State of Rajasthan v. Leela Ram*, this Hon'ble Court reiterated that single-blow cases occupy a distinct evidentiary category, and courts must be circumspect before attributing a settled intention to kill to an act that was, on the evidence, isolated and unrepeatable.⁶

In the present case, it is an admitted fact that only one blow was struck, with an implement that was lying nearby, not one that the Appellant brought to the scene in anticipation of a confrontation. This absence of preparation, combined with the singularity of the blow, is inconsistent with the settled, calculated intention to kill that Section 101 demands.

C. At the highest, the act falls under Section 100 and is punishable only under Section 105

Even assuming the Appellant intended to cause the bodily injury that in fact resulted, and even assuming that injury was sufficient in the ordinary course of nature to cause death, the applicability of Exception 4 (dealt with under Issue II below) removes the act from the ambit of Section 101 altogether, relegating it to culpable homicide not amounting to murder, punishable under Section 105 of the BNS.⁷

It is accordingly submitted that the act of the Appellant, at its very highest, amounts to culpable homicide not amounting to murder, and not murder.

ISSUE II: WHETHER THE PRESENT CASE FALLS WITHIN THE EXCEPTION OF SUDDEN FIGHT UNDER THE BHARATIYA NYAYA SANHITA, 2023?

A. The statutory test under Exception 4 to Section 101

Exception 4 to Section 101 of the BNS provides that culpable homicide is not murder if it is committed without premeditation, in a sudden fight, in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.⁸

This Hon'ble Supreme Court in *Surinder Kumar v. Union Territory, Chandigarh* distilled four cumulative requirements for the exception to apply: a sudden fight; absence of premeditation;

⁶*State of Rajasthan v. Leela Ram*, (2019) 13 SCC 131.

⁷Section 105, Bharatiya Nyaya Sanhita, 2023.

⁸Exception 4 to Section 101, Bharatiya Nyaya Sanhita, 2023.

the act being done in the heat of passion upon a sudden quarrel; and the offender not having taken undue advantage or acted cruelly or unusually.⁹

B. A sudden fight, arising from a sudden quarrel

It is submitted that the encounter of 10 March 2026 was a chance meeting near the amphitheatre during the Annual Cultural Festival, not a planned confrontation. The verbal argument that arose escalated into a physical altercation, which is itself indicative of a quarrel that grew suddenly out of a heated exchange of words rather than a fight either party came prepared for.

The Explanation to Exception 4 expressly provides that it is immaterial which party offered the provocation or struck first.¹⁰ The fact that witnesses differ as to who initiated the fight is, therefore, of no consequence to the applicability of the exception, and the Prosecution cannot rely on this ambiguity to defeat the plea.

C. Absence of premeditation

No premeditation can be attributed to the Appellant. The bat used was lying nearby at the scene; it was not carried to the encounter, procured in advance, or otherwise indicative of prior design. The confrontation arose out of a chance meeting at a public festival attended by the entire student body, a circumstance incompatible with a planned assault.

While it is true that differences had existed between the Appellant and the deceased since the Students' Council elections, mere prior friction between two individuals does not, without more, establish that the specific encounter on 10 March 2026 was planned or that the fatal blow was premeditated. This Hon'ble Court in *Dhirajbhai Gorakhbhai Nayak v. State of Gujarat* has recognised that Exception 4 may properly apply even where the parties had a prior history of ill-will, so long as the fatal encounter itself was sudden and unplanned.¹¹

D. No undue advantage taken, nor cruel or unusual conduct

The Appellant struck a single blow, in the course of an ongoing physical struggle in which, on his own consistent case, the deceased had first assaulted him. There is no evidence of repeated blows, of the Appellant continuing to strike the deceased after he had fallen, or of any conduct exceeding what the heat of the moment provoked.

⁹Surinder Kumar v. Union Territory, Chandigarh, (1989) 2 SCC 217.

¹⁰Explanation to Exception 4, Section 101, Bharatiya Nyaya Sanhita, 2023.

¹¹*Dhirajbhai Gorakhbhai Nayak v. State of Gujarat*, (2003) 9 SCC 322.

This stands in contrast to cases where courts have declined to extend the benefit of Exception 4 owing to an accused inflicting multiple wounds upon an unarmed victim at vital parts of the body, which conduct was held indicative of cruelty.¹² No comparable conduct is attributable to the Appellant, who neither pursued the deceased thereafter nor inflicted more than the one blow necessitated by the sudden struggle.

E. Conclusion on Issue II

All four requirements of Exception 4 to Section 101 being satisfied on the facts of the present case, the Appellant is entitled to the benefit of the exception, and the act, though resulting in death, does not amount to murder.

ISSUE III: WHETHER THE LEARNED SESSIONS COURT CORRECTLY INTERPRETED THE CONCEPTS OF INTENTION AND KNOWLEDGE UNDER THE BHARATIYA NYAYA SANHITA, 2023?

A. Intention cannot be presumed from the fact and situs of injury alone

This Hon'ble Court in Rampal Singh v. State of U.P. has held that the classification of an offence as murder or culpable homicide not amounting to murder is essentially a question of fact, to be determined upon a holistic appreciation of the evidence relating to intention, knowledge, and the surrounding circumstances, and not upon any single circumstance viewed in isolation.¹³

It is submitted that the learned Sessions Court fell into error in treating the location of the injury as, by itself, conclusive of a settled intention to kill, without giving due weight to the admitted absence of premeditation, the singularity of the blow, and the Appellant's consistent case of having acted to repel an ongoing assault.

B. Prior friction does not equate to premeditation for the specific occasion

The learned Sessions Court appears to have treated the pre-existing differences arising from the Students' Council election as evidence of a design to kill. It is submitted that this conflates general animosity with the specific, contemporaneous intention required to sustain a murder conviction. Strained relations between two students, without more, cannot substitute for proof that the fatal encounter itself was planned.

¹²Surender Kumar v. State of Himachal Pradesh, 2025 INSC 1412.

¹³Rampal Singh v. State of U.P., (2012) 8 SCC 289.

C. The burden under Exception 4 stood discharged

Where an accused sets up a general exception such as Exception 4 to Section 101, the burden lies upon him to establish the exception, though only on a preponderance of probability and not beyond reasonable doubt, under Section 105 of the Bharatiya Sakshya Adhiniyam, 2023.¹⁴

It is submitted that the Appellant's consistent, unwavering account of a sudden altercation, corroborated by the admitted fact of a verbal argument that escalated suddenly and by the presence of the weapon lying nearby, suffices to discharge this lighter burden, and the learned Sessions Court erred in failing to extend the benefit of the exception once this standard was met.

**ISSUE IV: WHETHER THE CONVICTION AND SENTENCE IMPOSED
UPON THE APPELLANT ARE SUSTAINABLE IN LAW?**

A. The conviction under Section 103 cannot stand

It having been submitted above that the ingredients of murder under Section 101 are not established, and that the case squarely falls within Exception 4 thereto, it follows that the conviction of the Appellant under Section 103 of the BNS is unsustainable in law.

B. The sentence of life imprisonment is disproportionate

Even were this Hon'ble Court to find some culpability attaching to the Appellant, the appropriate provision would be Section 105 of the BNS, which prescribes a considerably more calibrated range of sentence depending on whether the act was done with intention or with mere knowledge, and life imprisonment under Section 103 is, in the circumstances, wholly disproportionate.¹⁵

C. Conclusion

It is accordingly submitted that the conviction and sentence recorded by the learned Sessions Court are unsustainable and are liable to be set aside, and the Appellant's conviction, if any, be altered to one under Section 105 of the BNS.

¹⁴Section 105, Bharatiya Sakshya Adhiniyam, 2023.

¹⁵Section 105, Bharatiya Nyaya Sanhita, 2023.

PRAYER

WHEREFORE, in light of the facts stated, issues raised, arguments advanced, and authorities cited, it is most respectfully prayed that this Hon'ble High Court of Aryavarta may be pleased to:

1. Allow the present Criminal Appeal and set aside the judgment of conviction and order of sentence passed by the learned Sessions Court;
2. Hold that the act of the Appellant does not amount to murder under Section 101 of the Bharatiya Nyaya Sanhita, 2023, and instead falls within Exception 4 thereto;
3. In the alternative, alter the conviction of the Appellant from one under Section 103 to one under Section 105 of the Bharatiya Nyaya Sanhita, 2023, and pass a sentence commensurate therewith;

AND/OR pass any other order that this Hon'ble Court may deem fit and proper in the interests of justice, equity, and good conscience.

ALL OF WHICH IS MOST RESPECTFULLY SUBMITTED.

COUNSEL FOR THE APPELLANT

REFERENCES

Table of Cases

1. Dhirajbhai Gorakhbhai Nayak v. State of Gujarat, (2003) 9 SCC 322.
2. Rampal Singh v. State of U.P., (2012) 8 SCC 289.
3. State of A.P. v. Rayavarapu Punnayya, (1976) 4 SCC 382 : AIR 1977 SC 45.
4. State of Rajasthan v. Leela Ram, (2019) 13 SCC 131.
5. Surender Kumar v. State of Himachal Pradesh, 2025 INSC 1412.
6. Surinder Kumar v. Union Territory, Chandigarh, (1989) 2 SCC 217.
7. Virsa Singh v. State of Punjab, AIR 1958 SC 465.

Statutes Referred

1. The Bharatiya Nyaya Sanhita, 2023.
2. The Bharatiya Nagarik Suraksha Sanhita, 2023.
3. The Bharatiya Sakshya Adhiniyam, 2023.

Books Referred

1. Ratanlal & Dhirajlal, The Bharatiya Nyaya Sanhita, 2023 (36th edn., 2024).
2. K.D. Gaur, Textbook on the Bharatiya Nyaya Sanhita, 2023 (9th edn., 2024).
3. Justice V.V. Raghavan, Law of Crimes (Vol. II).

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Citation style (footnotes and bibliography): Indian Law Institute (ILI) style.