

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 RESPONDENT

[STUDENT NAME]

[CLASS / ROLL NO.]

COUNSEL FOR THE RESPONDENT

TABLE OF CONTENTS

List of Abbreviations.....	3
Statement of Jurisdiction.....	4
Statement of Facts.....	5
Issues Raised.....	6
Summary of Arguments.....	7
Body of Pleadings.....	8
Issue I.....	8
Issue II.....	9
Issue III.....	10
Issue IV.....	11
Prayer.....	12
References.....	13

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 Respondent does not dispute that this Hon'ble High Court of Aryavarta is vested with appellate jurisdiction under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to hear an appeal against a judgment of conviction passed by a Court of Session.¹

The Respondent submits, however, that the said jurisdiction, while available to entertain the appeal, ought to be exercised to affirm the judgment of conviction and sentence passed by the learned Sessions Court, there being no infirmity therein warranting interference.

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 amounts to murder under Section 101(c) of the BNS, inasmuch as he intentionally inflicted a bodily injury, by striking the head, a vital part of the body, with a hard and blunt object, with such force as was sufficient in the ordinary course of nature to cause death.

Issue II: It is further submitted that the Appellant cannot claim the benefit of Exception 4 to Section 101, as the manner and force of the blow, directed at a vital part of the body of an unarmed person, demonstrates that the Appellant took undue advantage and acted in a cruel and unusual manner, which independently disentitles him from the exception.

Issue III: It is submitted that the learned Sessions Court correctly appreciated the evidence in holding that the Appellant possessed the intention, or at the least the knowledge, necessary to constitute murder, having regard to the weapon used, the force employed, and the vital location of the injury.

Issue IV: It is finally submitted that the conviction under Section 103 of the BNS and the sentence of life imprisonment are wholly sustainable in law and warrant no interference by this Hon'ble Court, and the present appeal is liable to be dismissed.

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 ingredients of Section 101(c) are squarely established

Section 101 of the BNS provides that culpable homicide amounts to murder where the act by which death is caused is done with the intention of causing bodily injury, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death.²

This Hon'ble Supreme Court in *Virsa Singh v. State of Punjab* held that once it is shown that the accused intended to inflict the injury that was in fact found, and that injury is objectively sufficient in the ordinary course of nature to cause death, the offence is murder; it is irrelevant whether the accused intended death itself, or merely the injury that caused it.³

In the present case, the Appellant deliberately took up a wooden sports bat and struck the deceased on the head, indisputably a vital part of the human body, with considerable force. A head injury inflicted with such force by a hard, blunt object is, in the ordinary course of nature, sufficient to cause death, as is borne out by the fact that the deceased did, in fact, succumb to the injury.

B. The weapon, target, and force employed evidence the requisite intention

This Hon'ble Court in *State of A.P. v. Rayavarapu Punnayya* held that intention to cause death, or knowledge of its likelihood, may be inferred from a combination of circumstances including the nature of the weapon used, the vital or non-vital nature of the part of the body targeted, and the amount of force employed.⁴

The deliberate choice to strike the head, as opposed to a limb or any non-vital part of the body, with considerable force, using a solid wooden implement, is conduct from which the requisite intention, or at the very least knowledge that death was the likely consequence, may safely be inferred.

²Section 101(c), Bharatiya Nyaya Sanhita, 2023.

³*Virsa Singh v. State of Punjab*, AIR 1958 SC 465.

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

C. In the alternative, the act falls squarely within Section 101(d)

In the further alternative, even if this Hon'ble Court were to find that the Appellant did not intend the specific injury that resulted, the act was, at the least, done with the knowledge that it was so imminently dangerous that it must, in all probability, cause death, without any excuse for incurring such risk, bringing the case within clause (d) of Section 101.⁵ Striking a fellow human being on the head with a bat, with considerable force, is manifestly an act of such imminent danger.

D. Conclusion on Issue I

It is accordingly submitted that the act of the Appellant satisfies the ingredients of murder under Section 101 of the BNS, and the offence made out is murder, punishable under Section 103 thereof, and not culpable homicide simpliciter.

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

A. Exception 4 is available only where none of its cumulative conditions is violated

It is submitted that Exception 4 to Section 101 requires the simultaneous satisfaction of four conditions, as recognised by this Hon'ble Court in *Surinder Kumar v. Union Territory, Chandigarh*: a sudden fight, absence of premeditation, heat of passion upon a sudden quarrel, and the absence of undue advantage or cruel or unusual conduct.⁶ The failure of even one condition is fatal to the plea.

B. The Appellant took undue advantage and acted in a cruel and unusual manner

It is submitted that the Appellant's conduct fails the fourth requirement independently of all others. Striking a fellow student on the head, a vital and vulnerable part of the body, with a solid wooden bat, with considerable force, in the course of what is claimed to be a bare-handed scuffle, itself constitutes taking undue advantage within the meaning of Exception 4.

This Hon'ble Court has recently reaffirmed that the infliction of forceful injury upon the vital parts of an unarmed person is indicative of cruel conduct that independently forecloses the

⁵Section 101(d), Bharatiya Nyaya Sanhita, 2023.

⁶*Surinder Kumar v. Union Territory, Chandigarh*, (1989) 2 SCC 217.

benefit of Exception 4, regardless of whether the underlying fight was otherwise sudden.⁷ There is nothing on record to suggest that the deceased was armed with any weapon; the introduction of a wooden bat into an otherwise unarmed scuffle by the Appellant alone constitutes precisely such an escalation.

C. The pre-existing enmity undermines the claim of a wholly sudden quarrel

While the physical altercation may have erupted suddenly on the day in question, it did not arise in a vacuum. The Appellant and the deceased had nursed a live dispute since the Students' Council elections, arising from allegations of unfair campaigning. This antecedent friction is a relevant circumstance bearing on whether the Appellant's reaction was truly the product of sudden passion, or whether it was coloured by pre-existing resentment.

D. Conclusion on Issue II

It is submitted that, the Appellant having taken undue advantage and acted in a cruel and unusual manner by introducing a dangerous weapon against an unarmed party and striking a vital part of the body, the benefit of Exception 4 to Section 101 is not available to him, and the act remains murder.

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

A. The Sessions Court correctly applied the holistic test

This Hon'ble Court in Rampal Singh v. State of U.P. has held that the question of intention and knowledge is one of fact, to be gathered from a cumulative appreciation of the weapon used, the manner of the assault, the part of the body targeted, and the conduct of the accused before and after the incident.⁸

It is submitted that the learned Sessions Court did precisely this, taking into account the nature of the weapon, the vital location targeted, the considerable force employed, and the background of prior animosity between the parties, and correctly concluded that the Appellant possessed the intention, or at the least the knowledge, necessary to constitute murder.

B. The plea of sudden reaction is unsupported by the evidence

⁷Surender Kumar v. State of Himachal Pradesh, 2025 INSC 1412.

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

It is submitted that the Appellant's claim of having struck merely one blow to repel the assault is a self-serving account that does not detract from the objective severity of the injury inflicted or the vital part of the body targeted. Even accepting that the deceased may have offered the first provocation, the Explanation to Exception 4 makes this immaterial only where the remaining conditions of the exception, including absence of cruelty, are independently satisfied, which, as submitted under Issue II above, they are not.⁹

C. Conclusion on Issue III

It is accordingly submitted that the learned Sessions Court correctly interpreted and applied the concepts of intention and knowledge under the BNS, and no infirmity attaches to its findings warranting interference in appeal.

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

A. The conviction under Section 103 is fully sustainable

It having been submitted that the ingredients of murder under Section 101 stand established, and that the Appellant is disentitled from the benefit of Exception 4, the conviction recorded by the learned Sessions Court under Section 103 of the BNS calls for no interference.

B. The sentence of life imprisonment is warranted on the facts

Having regard to the deliberate use of a dangerous weapon against an unarmed victim, the targeting of a vital part of the body, and the background of sustained animosity between the parties, the sentence of imprisonment for life is neither excessive nor disproportionate, and is squarely within the range contemplated by Section 103 of the BNS.¹⁰

C. Conclusion

It is accordingly submitted that the conviction and sentence recorded by the learned Sessions Court are sustainable in law, and the present appeal is liable to be dismissed.

⁹Explanation to Exception 4, Section 101, Bharatiya Nyaya Sanhita, 2023.

¹⁰Section 103, 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. Dismiss the present Criminal Appeal in its entirety;
2. Affirm the judgment of conviction and order of sentence passed by the learned Sessions Court, convicting the Appellant for the offence of murder under Section 103 of the Bharatiya Nyaya Sanhita, 2023, and sentencing him to imprisonment for life;

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 RESPONDENT

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).

Websites Referred

1. www.scconline.com
2. www.manupatra.com
3. www.indiankanoon.org
4. www.livelaw.in

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