



SVKM'S PRAVIN GANDHI COLLEGE OF LAW

NYAYAVALOKAN NATIONAL TRIAL ADVOCACY



Bootcamp on Trial Advocacy, 2021

TRIAL ADVOCACY PROBLEM:

State of Maharashtra vs. Rana Jaisalmer

In the Court of the Principal Sessions Judge, Greater Bombay.

Trial Advocacy Proposition released on 27th June, 2021

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EXHIBIT 1

FIRST INFORMATION REPORT
(under Section 154 Cr.P.C)

1. District: West Mumbai P.S: Marine Drive Year: 2013
FIR No: 367 of 2013
Date of occurrence: 10.June.2013
2. Act: Indian Penal Code, 1860 Sections: 326(B),
3. Occurrence of Offence, Day: Monday 10.June.2013 Time: 10.05 pm
4. Information recorded at PS: Date: 11.June.2013 Time: 12.45am
General Diary Reference Entry No: 1378/2013
Information recorded by: Snr Police Inspector Suresh Dutt
5. Type of information: Personal * Written / Oral: written
6. Place of Occurrence: Direction / Distance from PS: On Homi Modi Marg, in front of Bombay House building, on the footpath. 2 kms from Marine Drive PS
7. Informant Name: Mr. Ranjit Mehta Father's name: Bikram
Date of birth: 20.April.1978 Nationality: Indian
Occupation: Software engineer
Address: Flat # 1201 Marathon Next Gen, Tower B, Lower Parel, Mumbai 400013
8. Basis on which FIR is lodged: Information provided by Mr. Ranjit Mehta
9. Details of Known / Unknown / Suspected accused with particulars:
Known person – Mr. Rana Jaisalmer
9. Reasons for delay in reporting by informant: - no delay, informed immediately

10. Particulars of injuries sustained: Burn injuries to upper body, neck and face

11. Particulars of the post mortem report: Not applicable

12. Inquest report / Unnatural death case no. if any:

FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant free of cost.

13. Signature/thumb impression of complainant/informant: Signed Ranjit Mehta

14. Signature of Office-in-charge, Police station: Signed Snr PI Suresh Dutt

15. Date and time of despatch to the Court: 11.June.2013 at 11.40 am

EXHIBIT 2

SCENE OF OFFENCE PANCHNAMA

Pancha No 1.

Date: 10.June.2013

Mr. Mukesh Chaddha, age 44 years

Residing at: Flat # 12, Ivy Terraces, M.G. Road, Fort,
Mumbai 400001

Pancha No 2

Mr. Gurdeep Singh, age 29 years

Residing at: Flat # 44, Ivy Terraces, M.G. Road, Fort,
Mumbai 400001

We the above-named panchas were called by API Gaitonde to the main entrance of Bombay House building on Homi Mody Street at 11.15 pm on 10th June 2013. When we reached there, Senior PI Dutt was present along with PI Karbhare and WSI Smt. More and one person who was introduced to us as Mr. Ranjit Mehta. He informed us that one Ms. Kiran Subharao has been seriously injured in one acid attack, and further requested us to act as panchas in the above said case We agreed to act as panchas.

The said road, Homi Mody Street, was approximately 12 feet in width. The road connects Flora Fountain to the Horniman Circle. Bombay House was located approximately 100 metres down the road, on the left hand side of Homi Mody Street. It was a building with its own awning at the entrance. The footpath was located towards the left of the road. Width of the footpath was 6 feet, at an elevation of 6 inches from the road. The location was lit by street lamps. The road was completely deserted, except for one white Hyundai I 20 car parked on the opposite side of Homi Mody Street, about 50 metres further up the road, beyond the Bombay House entrance. There were no traffic lights on this street. There was a light drizzle at the time of us having assembled there. The entire footpath and road had huge puddles of water.

API Gaitonde informed us that a lady by name Ms. Kiran Subharao was attacked on the footpath outside Bombay house by throwing some chemical/acid on her. Her face and torso seemed to be badly damaged. The police had called an ambulance and shifted her to hospital. On the footpath there were three bags - along with a blackberry mobile phone. There were several pieces of brown coloured broken glass pieces lying on the foot path.

The police seized and sealed the ladies mobile phone in a plastic bag. They also took charge of the handbag, a laptop bag and cloth carry bag lying there. The pieces of brown glass were collected in a separate plastic bag which was then placed in a brown envelope and the signatures of both of us panchas were taken on it..

The panchnama was conducted in a peaceful manner and it was concluded at about 12.10 a.m. on 11.June.2013. Panchnama was written by API Gaitonde.

We both panchas have read the contents of the panchnama. The same is correctly recorded.

Signed API Gaitonde

Signed Panch No 1

Signed Panch No 2

EXHIBIT 3:

STATEMENTS UNDER S. 161 Cr.P.C.

The statements of PW1, PW2, PW3, PW4 and PW5 are the statements that have been recorded under s. 161 Cr PC 1973

1. PW1 - IO (Senior PI Suresh Dutt)

Marine Drive Police Station

Statement: On 10th June 2013, I received a call at 10.15 pm from the Police Control Room asking me to report at Bombay House, Homi Mody Street, Flora Fountain to investigate an attack on a woman. I alongwith the API Gaitonde, WSI Mane and some Police Constables reached the scene at about 10.35 pm to find a woman lying unconscious on the footpath outside Bombay House, with her face and neck having burn marks. She was being held in the lap of another woman, who identified herself as Mrs. Sarla Ranjit Mehta. I cleared the crowd. I called the Marine Drive Police Station and asked them to send an ambulance for the unconscious woman to be taken to the hospital. I then began questioning those present about what happened. Mrs. Mehta stated that she along with her husband had come to Bombay House to pick up their daughter who was working late at Bombay House, and who had requested them to pick her up as it was raining heavily. Mrs. Mehta said she had been sitting in her car, a white Hyundai I

20, with her husband, Mr. Ranjit Mehta chatting, waiting for their daughter, when they noticed a man of medium height and build walking down Homi Mody Street from Flora Fountain. He then stopped near a woman who was standing outside Bombay House. They spoke for a very short while, and then seemed to get into an altercation. She said Ranjit, her husband, pulled the door open to go and ask if everything was alright, when they both saw the man throwing something at the

woman and the woman collapsed to the ground screaming. Ranjit ran out of the car towards the couple, and when the man saw Ranjit coming, he started to run further up Homi Mody Street and turned left onto a side gulley behind the Bombay House building. Her husband chased after the attacker. Meanwhile, Mrs. Sarla Mehta also ran out of the car and went to help the woman. The woman was trying to talk to her when she lost consciousness. Her clothes were completely wet from the front, bore burn holes and were smelling of some chemicals. From what I was told by Mrs. Sarla Mehta, seeing the victim, and from the foul chemical smell emanating I gathered that this is a case of acid attack. She informed that she then called the police control room from her mobile phone.

I asked Mrs. Sarla Ranjit Mehta to call her husband on his mobile to ask him where he was, which she did and was informed by him that he was standing guard outside a building called Shiv Manzil, located directly behind Bombay House, where the attacker seemed to be hiding.

I had the area cordoned off and then sent my sub-ordinate to the hospital with the victim and Mrs. Sarla Ranjit Mehta. I asked one of my officers, API Gaitonde, to draw up a panchnama in the presence of witnesses.

I took another officer with me, and we walked to the back of Bombay House, to the building called Shiv Manzil. A man was standing outside the building, with a watchman. He identified himself as Mr. Ranjit Mehta. Mr. Ranjit Mehta told me he had chased the attacker, and followed him from Bombay House to Shiv Manzil building where the attacker entered, and disappeared somewhere in the building. Mr Ranjit Mehta told me he was standing guard at the entrance to the building to ensure that the attacker did not leave the building until the police came. I

alongwith the other officer accompanying me went upstairs in search of the attacker, I asked Mr. Ranjit Mehta to accompany us so as to identify the attacker.

At about 11.00 pm, we entered the office of Probe Investigations on the third floor and saw a man sitting in the office. The said man identified himself as Mr. Rana Jaisalmer. Mr. Ranjit identified him as the attacker. I asked Mr. Rana some preliminary questions as to his whereabouts, and the reason for his being in the Office at that hour. I found him giving very evasive and unconvincing answers and so I asked him to accompany me to the Police Station. Accordingly, we i.e. myself, my officer, Mr. Ranjit Mehta and Mr. Rana Jaisalmer exited the building. I confirmed with Mr. Ranjit Mehta that this was the 'attacker' he chased into the building. He confirmed it was. I then took Mr. Rana Jaisalmer and Mr. Ranjit Mehta to Marine Drive Police Station to lodge the FIR and to conduct further investigation.

The FIR was written on say of Mr. Ranjit Mehta who after reading the same, signed the FIR which was registered under Sec. 326 B of the Indian Penal Code vide C.R.No 1378/2013. Thereafter, I went to G.T. Hospital and recorded the statement of the victim and other witnesses. Based upon the statement of the victim Ms Kiran Subharao, I arrested the accused and produced him before the Court of the Metropolitan Magistrate at Esplanade, Mumbai on 11th June 2013.

I conducted the investigation , collected medical papers and filed the chargesheet against the accused u/s 294, 354 (A), 354 (C) & 326 (B) Indian Penal Code 1860 on 5th July 2013.

2. PW2 – Mr. Ranjit Mehta

Sex: Male Age: 35yrs Occupation: Software Engineer, Muggle Inc.

Statement: I have been working at Muggle Inc for the past 7 years. I am a software engineer. On 10th June 2013, my wife Sarla called me at office and informed me that our daughter Priya, who works for Tata Sons at Bombay House had requested us to pick her up as she would be working late and would not get a taxi at 10.30 pm as it was raining very heavily. So both my wife and I had dinner at Fountain Restaurant Opp. HSBC Bank, Fountain. We finished our meal at about 9.55 pm and walked back to our car a bit hurriedly as we expected it to start raining. We parked our car on the opposite side of Homi Mody Street, diagonal to the Bombay House entrance, turned on the radio and waited for our daughter to come. There were no other people or vehicles on the road, as it was long past office hours. At about 10.00 pm we noticed a woman, carrying many bags walking down the road from behind us on the opposite footpath, and she stopped under the awning of Bombay House. The main entrance to Bombay House was shut and she appeared to be waiting. We saw her talking on her mobile phone.

After sometime I saw a man coming up the road from Flora Fountain on the Bombay House footpath. He reached the woman and stopped in front of her and started talking to her. A few minutes later he tried to grab her and she seemed to resist, and started yelling at him. They appeared to be in a scuffle so I started to get out of my car to go across and check on her, when I saw the man suddenly throw something at the woman's face. I heard her screams, and ran across the road to try and help her. She collapsed on the road. My wife, Sarla, also jumped out of the car to go across the road. She went to help the woman. I saw the man noticing me crossing the road, and then he ran. I gave chase, so that I could catch him, since I had seen him 'attack' the woman. He ran fast, and turned left

after Bombay House, and ran into a small gully. I chased him into a building called Shiv Manzil, but then lost sight of him as he ran upstairs. I thought it would be safest for me to then stay at the entrance of the building to prevent him running back out of the building and escaping.

I called my wife Sarla to let her know where I was, and asked about the injured woman. I told my wife to call the police control room and ask them to send help. I told her where I was standing and asked her to inform the police once they showed up.

At about 11.00 pm two police officers came to Shiv Manzil. Senior Inspector Dutt introduced himself and asked me what happened. I explained to him how I had chased the 'attacker' into the building, but had then lost him.

I alongwith Inspector Dutt and his assistants and the watchman of the building, entered the building and started searching for the attacker. . The watchman led us from floor to floor, and we searched all the offices on the 1st and 2nd floors, but all the doors were locked. Finally, on the 3rd floor we found lights on in the Office of Probe Investigations Pvt. Ltd, but the main door was locked from inside. The Inspector banged on the door, and after some time passed, the door was opened slightly and a man appeared. The watchman informed him that we were looking for an 'attacker' and that we had to come in. I recognized him as the same man I had given chase to and confirmed this to the officer who then entered the office and Mr. Ranjit asked some preliminary questions to the said attacker. The attacker disclosed his name as Mr. Rana. I noticed that his shirt was stained below his left side pocket and his clothes were wet. Upon I.O. Dutt questioning him, I noticed that the said Mr. Rana was looking very nervous and fidgety and kept asking the Officer why he was being questioned. After a few minutes I.O.

Dutt asked me and the said Mr. Rana to accompany him to the Police Station, which we did.

. From Marine Drive Police Station I called my wife and, she informed me that she has gone to G.T. Hospital with the victim and the police in the ambulance . Police recorded my statement; the same was read to me and I found the same to be correctly recorded. I can identify my signature on my statement and FIR. After FIR was recorded I left the Police Station, picked up my wife from GT Hospital and then picked up our daughter from her office at Bombay House and then headed back home in our car at around 1 a.m..

Subsequently I learnt that the Police had arrested the accused. I was informed by the Police that the victim's name was Ms.Kiran Subharao and she was working in the same office from where the accused Rana Jaisalmer was arrested.

3. PW3 – Mr. Dhondu Pandey

Sex: Male Age: 44 yrs Occupation: Liftman, Shiv Manzil building

Statement: I have been working as a liftman in Shiv Manzil for the past 20 years.. My duty hours are usually 8.00 am to 3.00 pm, and I work a six day week, with Sundays off because our building is an office building, with no residents. Sometimes I am required to do a double shift because the second shift liftman Maniratnam does not come, which of late is quite frequent, due to his advancing age. On these days, I work from 8.00 am to 10.00 pm. Our building only has only two liftmen.

Since I have been working in the building for so many years, I know all the employees, and even some of the regular visitors to the offices. Probe Investigations is located on the 3rd floor of this building. The office has a lot of people working so I do not know everybody, but I know Mr. Rana Jaisalmer – he

works in Probe Investigations. He sometimes works late into the night, leaving office after 9.00 pm – I know this because a few times I have been on a double shift and have been on duty when he has left the Office. . He never speaks to me.

I also know Ms. Kiran Subharao – she joined Probe Investigations recently, about 2 years ago. She is a very polite lady and always greets me, and thanks me when she exits the elevator. In fact on days she finds me doing double shift, she has also sympathised with me and my long working hours. Once in a while she also tips me.

A couple of times that I can recall, Mr. Rana Jaisalmer and Ms. Kiran Subharao have been in the lift together. They do not speak much to each other even though they work in the same office. One time earlier this year, maybe 1-2 months ago, I recall Ms. Kiran was in the lift and the doors were closing, when I heard Mr. Rana call out to hold the lift. I re-opened the doors and he entered. He then started talking to Ms. Kiran, and told her that she looks “bahut sexy” in a sari and should wear it often. Ms. Kiran stepped all the way forward, near the door of the lift, next to me as if she was trying to avoid him, and I saw her frowning and looking very angry. , He then started humming the Hindi movie song... “Bheege honth tere....” I observed she was very uncomfortable and kept trying to ignore him and turned and gave him a very dirty look also, but he did not stop. Our building is old, and the lift moves very slowly, so he was humming for quite a while. When the lift approached the ground floor he came real close to Ms. Kiran and tried to put his arm around her. It was none of my business, and I was extremely embarrassed, so I pretended I could not see or hear anything, and kept looking down and at the lift button panel.

At that point she lost her patience and told him very angrily that she has often told him to behave himself and not get friendly with her. By then we had reached the ground floor landing and Ms. Kiran was so upset and angry that she just walked out of the lift without her usual “thank you” to me. I waited for Mr. Rana to exit also but he with a smile in fact told me to take him back up to the 3rd floor. I thought this was strange but did as I was asked. I did not think anything further about this day, but I do remember the details because it was out of the ordinary.

PW4 – Mr. Ajay Patil

Sex: Male Age: 48 yrs

Occupation: Head – HR Dept, Probe Investigations Pvt. Ltd.

Statement: I have been working at Probe Investigations Pvt. Ltd for the past 15 years, since its expansion. The Director, Mr. Ghai, hired me as their Human Resource Dept Manager, and I have been with the Company ever since. I am now on the Board of Directors, and work closely with Mr. Ghai on manpower strategies.

Recently, about 2 years ago, the Company was facing an unexplained decline in business growth, due to stronger Government policies on privacy. As a result of this, management decided to create a special ‘marketing division’ that would assist us in increasing business opportunity. I headed the hiring initiative, and we interviewed a number of people. Ms. Kiran Subharao was the one candidate that unanimously scored maximum points, since she was outstanding both in her interview and the group discussions. We hired her immediately and she has rapidly moved up to the position of Manager of the Marketing Division within the two years she has been with us. Ms Kiran Subharao has always been a polite, well - respected employee of Probe Investigations and we have never had any personnel situation involving her or her marketing team.

However, about one month ago, on March 07, Ms Kiran Subharao's boss, Mr. Sudeep Parande, gave me a call. He said he had received a complaint from Ms. Kiran Subharao that a Mr. Rana Jaisalmer, from the 'pre-marital screening division' of Probe Investigations, had been leaving suggestive notes on her pin board, sending her roses, and had even followed her to her bus stop after work recently, trying to befriend her. She had told him explicitly that she was not interested in his friendship, but he refused to stop his actions. Since she was no longer confident of handling the situation, she has requested that Mr. Parande make a complaint to HR on her behalf, and request HR to intervene.

I spoke with Ms. Kiran Subharao immediately regarding the matter. The date was 07th March 2013. Once I heard her complaints and myself saw some of the suggestive notes left on her pin-board and which she had brought alongwith her, I conducted an in-house enquiry and believing her complaint to be genuine, I issued a 'preliminary warning' to Mr. Rana Jaisalmer.

This year the office staff went to Lonavla on June 7, 2013 where they stayed at the Fariyas Hotel for the weekend. Ms. Kiran was sharing a room with her team member, Mayuri, on the 2nd floor of the Hotel. All through Friday evening and Saturday during the day, Rana Jaisalmer avoided Ms. Kiran. Thereafter, on Sunday afternoon at about 1.00 pm, whilst Ms. Kiran was in her room alone, Mr. Rana Jaisalmer allegedly came banging on her room door in a drunken state demanding to come in as he had an urgent matter to discuss with her, which he could not put off any longer. Ms. Kiran screamed at him to go away and leave her alone, or she would call the hotel security. Upon hearing this, he went away.

On June 10, 2013, Ms. Kiran came to me and narrated the entire incident that had occurred at Lonavla and demanded that the company take some strong action. I assured her that he would be suspended after issuing, a 'show cause'

notice as per the Company procedure. However, when I came to office on the next day, I heard that Ms. Kiran had acid thrown on her and Mr. Rana Jaisalmer had been arrested for the crime.

PW5 – Ms. Kiran Subharao

Sex: Female Age: 24 yrs

Occupation: Manager, Marketing Division - Probe Investigations Pvt. Ltd.

Statement: I have been working at Probe Investigations Pvt. Ltd for the past 2 years in the Marketing Division of the Company. My responsibilities include interacting with each of the investigation division heads to understand exactly what they do, and how their services can be of use to the public at large. I and my team of 4 people then strategize a business development plan for the division to follow, and together we all work towards generating more business for the Company. My job requires me to interact a lot with each of the division managers, one of whom is Mr. Rana Jaisalmer (the 'Pre-Marital & Pre-Employment Screening' Division head). I am also required to travel extensively and meet potential clients, both private and in the corporate sector.

After more than a year in the Company, I started receiving friendly anonymous notes on my desk pin - board. I enquired around the office, but nobody admitted to leaving the notes. I assumed it was an office prank and ignored it.

After a few months, in early January 2013, I came back from a long trip into the interiors of Maharashtra, and when I got to my desk, not only was there another note, welcoming me back and making a suggestive comment that I was badly missed and that life was not the same when I was away, but there was also one single red rose. I once again enquired about the note and flower, and once again nobody claimed responsibility. I chose to ignore this incident, but it did unsettle me and I discussed it with one of my team members, whom I am close to – Ms. Mayuri Shah and she suggested that I wait a while before reporting these incidents to our boss. In fact she jokingly told me that I seem to have a silent

ardent admirer in the Office, which made me. even more uncomfortable as I did not wish to have any such problems at my place of work.

A month later, on 05th February 2013, another note was pinned to my pin board which read 'I thought you looked very sexy in your red blouse last evening! Please come out with me – give me a chance'. I then decided to take the matter to my boss, Mr. Sudeep Parande. He listened to me and was very sympathetic. He said I should keep him informed of each new development, and that if it got out of hand he would intervene. Neither of us had any inclination of whom the notes and flower were from. Mr. Parande said he would have his secretary Maria keep a watch out, since she usually worked long hours.

I started noticing that Mr. Rana Jaisalmer, whom I had interacted with in November 2012 while creating our marketing strategies, was always lurking around the marketing division of the office. Since the Investigations teams all sat at the other end of the 3rd floor, I wondered why he was at our end of the floor, but dismissed the thought. I thought of informing my boss, but decided to wait a while. Sometime around the end of Feb, 2013, Maria called me to her desk one morning and told me "just be careful of this Rana Jaisalmer fellow." I asked her why she said this, when she simply told me that she had seen him 4-5 times in the past near my desk in the early hours of the morning when the Office is quite empty, and when Maria asked him what he was doing near my desk he rudely told her to mind her own business.

In the month of February and March, my travel decreased as financial year endings usually resulted in decreased new business opportunities. I was working more regular hours then, and travelled by A/C bus # 333 from Flora Fountain to my residence in Borivli every morning and evening.

A couple of times, Mr. Rana Jaisalmer stopped his bike at the bus stop on seeing me, and asked me if he could drop me home. I asked him where he lived and he said he lived in Lower Parel. I refused his lifts. He does not travel by bus, nor

does he live anywhere near Borivli, so when he became more and more persistent in his requests to let him drop me home, I had to shout at him in public.

On March 5, 2013 when I was leaving office at about 6.30 pm he jumped into the elevator with me last minute, and put his arm around my shoulders, trying to whisper in my ear. Since we were the only two people in the lift, besides the liftman, I moved away and stayed completely forward at the edge of the lift, near the doors, in view of the liftman. He then started to sing the song "Bheege Honth Tere....." When the lift reached the ground floor I ran out of the building as fast as I could and took a taxi home. He was not following me.

I spoke to my boss about the incident on March 7, 2013 as soon as I came into the office. He spoke with Mr. Ajay Patil, the head of the HR department, who then called me in for a meeting, and promised to issue Mr. Rana Jaisalmer a warning. The notes stopped for a while and Rana did not follow me to the bus stop anymore. However, he once met me in the cafeteria, and purposely shoved me so that I spilt the hot tea I was carrying all over my hand. When I looked back, he was laughing at me. I ignored him.

In May every year, the entire office goes on an 'off-site' which is like an office picnic-cum-work trip. It allows all the employees at Probe Investigations a chance to get to know each other better, share ideas, and enjoy themselves.

This year we left on June 7, 2013 and went to Lonavla, where we stayed at the Fariyas Hotel. I was sharing a room with my team member, Mayuri, on the 2nd floor of the Hotel. All through Friday evening and Saturday during the day, although I saw Rana Jaisalmer around I was able to avoid him. On Sunday afternoon at about 1.00 pm, while I was in my room alone, Mr. Rana Jaisalmer came banging on my room door demanding to come in as he had an urgent matter to discuss with me, which he could not put off any longer. I screamed at him to go away and leave me alone, or I would call the hotel security. When I looked at him through the peephole, he seemed to be drunk. Since he refused to

go, I finally called my roommate Mayuri and asked her to come back to the room, however, before she could arrive he suddenly disappeared. The entire day Sunday he was absent, and I did not see him again.

On June 10, 2013, I once again spoke to my boss about the incident and demanded that the company take some strong action. I was told to meet the HR head once again. Mr. Ajay Pillai this time assured me he would suspend him with a 'show cause' notice.

That same day, yesterday, I was asked to stay back for a Division head meeting at 6.00 pm, so that we could begin planning our marketing strategies for the new financial year. We finished the meeting at about 9.40 pm and I asked Mayuri to wait for me so we could leave together. I went to the restroom and when I returned to my desk she was gone. I collected my bags and left the office at about 9.50 pm. There was no liftman as it was late, and the watchman who normally stands at the building entrance was not there. I let myself out of the building gate, and closed it behind me. I walked around the corner onto Homi Mody Street, as usual, to head to my bus stop at Flora Fountain. It started to rain very heavily, so I decided to wait under the awning of Bombay House. I called my brother to ask him for a ride back home but he did not answer my call. I decided to take the bus but wait till the rain subsided.

While I was standing outside Bombay House, and the road seemed deserted, I saw a figure walking up the road from Flora Fountain, on the footpath of Bombay House. When the figure got closer I realized it was Rana Jaisalmer, in a raincoat. I was scared and decided to ignore him. He came up to me and started yelling at me and asked me who I thought myself to be, complaining every now and then about him, when he cared so much for me. He tried to pull me and yanked at my arm. I was terrified and screamed at him asking him not to touch me and started calling for help. He slapped me and then threw something at my face. I heard the sound of breaking glass and felt a wet burning sensation all over my face. I was

blinded and screaming with pain. I know I fell to the ground and then I do not remember anything further.

I woke up in GT Hospital with a female police officer by my bed-side and I was told I had been attacked on the Bombay House footpath, and had been brought to hospital by the police.

Police recorded my statement in the presence of the Executive Magistrate and the Doctor. I say that the person who attacked me was Mr. Rana Jaisalmer who works in my office and I can identify him as the person who had thrown acid on me on the 10th June 2013 at about 10 pm when I was standing at Bombay House footpath.

EXHIBIT NO. 4

MEDICOLEGAL INJURY CERTIFICATE

EPR No: 233

Date: 10.June.2013

Time: 11.15pm

Brought by P.C. No WPC 445, Marine Drive Police station

C.M.O. on Duty: Dr Ashwini Lad

NAME: Kiran Rajesh Subharao

AGE: 24 years

SEX: Female

ON GENERAL PHYSICAL EXAMINATION (GPE):

Gait –patient unconscious

Speech – patient unconscious

Pupils – dilated and reactive

Pulse – 86 / minute

B.P. 100/60 mm Hg

IDENTIFICATION MARKS: nose piercing in left nostril

TYPE OF INJURIES: Inflamed redness of skin on face, neck and upper chest region with ulcerated patches and discolouration of skin (whitish and soggy).

Head hair partially soaked, soapy to touch.

OPINION: In my opinion, patient is suffering from corrosive chemical burns, presumably strongly alkaline in nature.

REMARKS: Patient admitted to Burn ward for observation and dressing.

Signed: Dr. Ashwini Lad

C.M.O.

G.T. Hospital, Mumbai

EXHIBIT NO. 5

EXAMINATION REPORT

ML case No: S-171/13

Date: 11.June.2013

Total no. of pages: One

To: The Senior Police Inspector
Marine Drive Police Station
Mumbai

1. Ref No: 1453/13
2. No. of exhibits received: One
3. C.R. No: 1378/2013
4. Mode of Receipt: by P.C. No 03003
5. Condition of parcel(s) / seal(s): One sealed parcel, seals intact as per copy sent
6. Description of article(s) contained in the parcel(s): Stained female pink colour shirt, EPR 233, OPD F/1453 of Ms. Kiran Subharao
7. Results of Analysis: Exhibit contains corrosive alkaline chemical identified as liquor ammonia.
8. Analysis started on: 12.June.2013
9. Analysis completed on: 12.June.2013
10. Analysed by: Sd./ (B.B. Bhulewager)
Assistant Chemical Analyser in Government
Forensic Science Laboratories, Mumbai

EXHIBIT NO. 6

EXAMINATION REPORT

ML case No: S-171/13

Date: 11.June.2013

Total no. of pages: One

To: The Senior Police Inspector
Marine Drive Police Station
Mumbai

1. Ref No: 1453/13
2. No. of exhibits received: One
3. C.R. No: 1378/2013
4. Mode of Receipt: by P.C. No 03003
5. Condition of parcel(s) / seal(s): One sealed parcel, seals intact as per copy sent
6. Description of article(s) contained in the parcel(s): Broken glass pieces (3 nos) brown glass, collected from footpath at Bombay House, Homi Mody marg, Mumbai 400001, labelled 1453/13-Exhibit (7)
7. Results of Analysis: Exhibit contains chemical residues of liquor ammonia.
8. Analysis started on: 12.June.2013
9. Analysis completed on: 12.June.2013
10. Analysed by: Sd./ (B.B. Bhulewager)
Assistant Chemical Analyser in Government
Forensic Science Laboratories, Mumbai

EXHIBIT 7:

FINAL REPORT FORM

I, Senior PI Suresh Dutt, attached to Marine Drive Police Station was contacted via the control room at 10.35pm on 10.June.2013 regarding an attack on a woman outside Bombay House building on Homi Mody Street, Flora Fountain. I reached the spot, and after examination of the attack site and interview of eye witness the attacker was identified as one Mr. Rana Jaisalmer, hiding in building Shiv Manzil. I arrested Mr. Rana Jaisalmer. I registered an FIR under C.R. No 1378 of 2013 for offences under section 294, 326 (B), 354(A) and 354(D) against Mr. Rana Jaisalmer. The Investigation was completed on August 3, 2013 and the completed Charge sheet was filed in the Magistrates Court. The case being triable in the Sessions Court of Greater Bombay the present case was committed to the Court of Sessions, Greater Bombay.

Signed: Snr PI Suresh Dutt

Date: 03.Aug.2013

Police Station: Marine Drive, Mumbai

APPENDIX- A1:

STATEMENTS OF DEFENCE WITNESSES

DW1 – Mr. Subhash Phadke

Sex: Male Age: 33yrs

Occupation: Watchman, Shiv Manzil building at Flora Fountain

Statement: I am the watchman of Shiv Manzil Building. I am employed by the building society. I have been working as a watchman here for the last 5 years. Mostly I do day duties (8.00 am to 8.00 pm), unless someone is ill and I have to do double shift or night shift also. The night shift starts at 8.00 pm and ends at 8.00 am.

Shiv Manzil Building is a complete office building so usually there is a lot of movement in and out of the building between 8.00 am and 6.00 pm. I have been given a register in which I maintain a record of the names and timings of all the people who enter and exit Shiv Manzil Building. . Visitors coming to the Building are given a Visitor's Pass by me. All the regular office goers in all the offices of Shiv Manzil, are known to me. They do not require a pass.

I know Ms. Kiran Subharao who works with Probe Investigations on the 3rd floor of the building. She is a polite lady and always wishes me when she enters the building in the morning. I also know Mr. Rana Jaisalmer, he is also working for Probe Investigations. He is a very cheerful man.

Mr. Rana Jaisalmer has the habit of working late into the night. Once sometime ago, I asked him why he was always working late and the last to leave the office, and he said that he liked the peace and quiet with no interruptions, and this allowed him to work more efficiently.

On 10th June 2013 at 3.00 pm I was told by my security agency that the night watchman was not coming, so I had to do a double shift. I informed my wife by cell phone. Most of the office people left the building as usual at about 6.15 pm. Again, I noticed that Probe Investigation Agency was still working. When it got dark, sometime after 8.00 pm, I went up to the Probe Investigations office to ask if they were expecting any visitors, Mr. Rana Jaisalmer opened the door and told me that they would be working late, and would see themselves out. I returned to my security desk at the front of the building, and closed the building security gate. A large number of people left the building at about 9.30 pm. I let them out.

I asked Ms. Mayuri, who left last in the group, who all were still left in the building and she answered that Ms. Kiran Subharao was on her way down soon, but I should not worry because she had the gate key.

At about 10.15 pm when I returned to the gate after having tea and relieving myself, I found a man waiting agitatedly at the gate. He started asking me lots of questions about who was in the building and what they were doing. I told him the building was closed, and that only one office was still open to the best of my knowledge, ie Probe Investigations on the 3rd floor. He started yelling at me about some 'attacker' and asked me to take him to the Probe Investigations office to find the 'attacker'. I refused, since I did not know this man. I asked him to leave as he was creating a nuisance. He refused to move and said he was waiting for the police.

At about 11.00 pm the police arrived, one Senior Inspector Dutt started asking me lots of questions about the building. He also spoke with the other man waiting at the gate. Then the Inspector asked me to take him and his Sub-Inspector to the floor where the offices were still running. I took him to the 3rd floor, to Probe

Investigations. When we got there, the Police Inspector banged on the door. It was locked from inside. I called out to show I was with the police. Mr. Rana Jaisalmer opened the door. I explained the situation to him and asked him if the police could come in. He told me he was in a meeting and could not be disturbed. Since I know he works late I did not push the matter further.

Next thing, the man and the Police Inspector pushed open the door and barged inside Mr. Rana Jaisalmer's office and accused him of 'attacking' some lady on the road. I could not understand how this could happen since Mr. Rana was in the office and I had not seen him leave the building. However they asked him to accompany them to the police station and thereafter all of them left the building after Mr. Rana Jaisalmer closed and locked the office with his key.

DW2- Mr. Zubin Irani

Sex: Male

Age: 25 yrs

Occupation: Senior Security Officer, Fariyas Hotel, Lonavla

Statement: I have been employed at the Fariyas Hotel for the past 6 years, since I graduated from Learner's College in Pune. I am in charge of the floor security in the hotel, and so most of my shift I spend monitoring the hotel room floors.

On June 7, 2013, we had a large group booking by Probe Investigations from Mumbai. They had made a reservation for 50 rooms, and since it was season time for us the room allotment had been made on the entire 2nd, 5th and 10th floors of the Hotel.

Our General Manager had warned us that this group was a regular annual customer, and that they should be well taken care of, with no reason for complaints.

I was on day duty all throughout their stay, ie. from June 7 to June 9, 2013. There were no untoward incidents that I can recall, except for one instance on Saturday afternoon, when a gentleman from the Probe Investigations party was observed wandering on the 2nd floor of the Hotel. He appeared to be inebriated and lost. This is not unusual in the hotel business, so I left the security room and went up to the 2nd floor to assist the gentleman. He identified himself as Mr. Rana Jaisalmer, and said he was with Probe Investigations. I asked him which room he was looking for and he said that he was staying in room # 1002, on the 10th floor. I informed him that he was on the wrong floor, that this was the 2nd floor, and asked him if I could escort him to his room. He mumbled something about waiting for his friend and then allowed me to assist him into the elevator.

I dropped him up to his room at about 1.15 pm and returned to my office on the ground floor.

DW3 – Mr. Rajesh Khote

Sex: Male

Age: 42 yrs

Occupation: Senior Investigator, Pre-Employment Screening division, Probe Investigations Pvt. Ltd.

Statement: I have been employed in Probe Investigations Pvt Ltd for the past 4 years. During this time I have worked as a senior investigator with Mr. Rana Jaisalmer. We have done a lot of projects together over the years, and I know him very well.

Rana has always been a very hard working colleague, completely honest, and straight forward. After working with him for a couple of years, besides being colleagues, we became good friends. He used to come over in the evenings, since we both lived at Lower Parel, and he was always very respectful of my wife, and played with my kids.

A while ago he confided in me that he had been trying to befriend a lady in the marketing division of our company, Ms. Kiran Subharao. He said a few times some colleagues had gone out for a drink after work, and she had been in the group. He had chatted with her, and told her how much he enjoyed her company. He tried to build their friendship, and sometimes during lunch I would be with Rana when they met. They would exchange pleasantries and then go on their way. Rana was always very polite and courteous when meeting or talking about Ms. Kiran.

In early June we went for our annual office off-site where we all get a chance to meet and relax in a space away from the office. Rana and I had both been working very hard and were looking forward to the break.

We shared a room in Lonavla, at the Fariyas Hotel. Rana, however, was not in his element, and seemed a bit depressed. He once again tried to connect with Ms. Kiran, but she ignored him. For most of Saturday evening and Sunday, Rana then kept to himself and spent most of his time at the hotel bar, either alone or with me.

On Monday morning, June 10, 2013, when I came to work there was a lot of buzz in the department. I heard Ms. Kiran had approached the HR department and told them that Rana had been bothering her at the weekend off-site, and she had asked the company to intervene. I could not understand what incident she had been referring to since most of the weekend Rana was with me. I was most upset when Rana came and told me that Ms. Kiran had complained to HR for indecent behaviour towards her at the off-site and he was likely to be

suspended. Rana is just not the kind of person to do something so foolish, and mess up his life and his career.

I know nothing about this supposed attack on Ms. Kiran Subharao on the night of June 10, 2013, outside Bombay House building.

DW4 – Ms. Ranjita Jaisalmer

Sex: Female

Age: 21yrs

Occupation: MBA student at SP Jain College, sister of accused

Statement: I am the sister of Rana Jaisalmer. We both live together, with our parents, in a flat in Borivli. My brother is supporting our family. He has a great job with Probe Investigations and seems to have been well liked since he has risen very fast in the company. I study at SP Jain College, and am out of the house a lot of the time.

My brother, Rana, being 4 years older than me, has always been very loving and protective of me. He always wants to meet all my friends and check them out. My parents are happy when Rana has given his stamp of approval because they know and trust Rana's judgement in men and women.

Lately my mother has been bothering us all about marriage, and has been obsessed with finding Rana a suitable wife. In May this year, Rana finally sat us down at the table and told us all that he was not interested in us finding him a suitable wife because he had already met someone at work whom he was very interested in. He said he hoped that the relationship would culminate into marriage one day, and so he wanted us to back off for a while. We asked him to tell us more about her, bring her home to meet us but he said it was too soon to do anything. He refused to give us her name.

I managed to get a name out of him after much teasing. He told me her name was Ms Kiran Subharao, and that she was 24 years old, very pretty, very intelligent, and part of the marketing team for Probe Investigations. He had a picture of her on his phone, he had taken it at a bar when the office crowd all went out drinking after work. He never gave me any more information about her.

I do not know anything further about Ms. Kiran, or Ranas' office life. He is a very private person and does not share much.

I know nothing about this supposed attack on Ms. Kiran and am confident my brother has nothing to do with it. He has the utmost respect for women and would never treat somebody he admired, and 'loved' in that manner.

This Trial Advocacy Proposition was also used in 4th Nyayavalokan National Trial Advocacy, 2013.