

MOOT PROPOSITION

1. Ayesha Imran Sheikh (“Ayesha”), aged 26 in August 2024, lived in the village Chandanpuri Kalan, within the jurisdiction of Police Station (PS) Baheli, District Rattangarh, Dakshin Pradesh, Republic of Vindhya. She married Imran Sheikh (“Imran”) by Nikah on 14.02.2020. The marriage is registered, and its validity is not disputed. Ayesha lived in the joint family home with her mother-in-law, Zubeida Sheikh (“Zubeida”, aged 52). Her father-in-law, Farooq Sheikh, died in 2021. Imran's younger brother, Salman Sheikh (“Salman”), studied in the town of Rattangarh, stayed in a hostel there, and visited home on some weekends.
2. On 05.12.2022, Imran left for Zehran, a Gulf city, on a two-year contract as a private driver, recruited through Faisal Overseas Consultants, Rattangarh. His employer held his passport during the contract and released it only for ten days' leave from 24.11.2023 to 04.12.2023, when Imran returned to Vindhya once and attended a cousin's wedding at Rampora on 28.11.2023 (Annexure I). Video calls between Imran and Ayesha continued, with decreasing frequency, through 2023 and 2024.
3. Rehan Warsi (“Rehan”), aged 30, ran a mobile-phone repair shop about 400 metres from the Sheikh home. Ayesha visited the shop for recharges and repairs on behalf of the household.
4. On 12.01.2024, Ayesha visited the outpatient department of the District Women's Hospital, Rattangarh, with nausea. The outpatient slip, written by duty nurse Sister Fatima Rizvi, reads “suspected early pregnancy, advised follow-up”. No test result is recorded. Ayesha did not return and did not tell any family member about the visit.
5. Zubeida deposed that she did not know of any pregnancy and had put down Ayesha's tiredness and physical changes to frequent illness and loose clothing.
6. There was heavy monsoon rain on the night of 20.08.2024 - 21.08.2024. The only direct account of what followed is Ayesha's statement under Section 351 of Vindhya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “VNSS”), her first account of the events. She said that at about midnight she felt severe abdominal pain, went alone to the storeroom attached to the cattle shed, and delivered a child without help. She said the child “did not cry or move”, that she believed it was dead or dying, and that she panicked, placed the body at the edge of the drainage channel (nullah) behind the house, and returned indoors before dawn. She denied any intention to cause death of the child.
7. Zubeida deposed that she slept in the main house and heard nothing. At about 6:30 AM on 21.08.2024 she saw Ayesha making tea, “weak and pale but as usual”.
8. At about 7:00 AM on 21.08.2024, Ram Swaroop, a farmer, found the body of a full-term male infant lodged against a culvert in the nullah, about 80 metres downstream of the Sheikh home. The Village Pradhan telephoned PS Baheli at about 8:30 AM. Constables visited the site that day. Between 21st and 23rd August, 2024 the Pradhan and village elders held an informal inquiry. The body was taken into police custody on 22.08.2024 at 6:00 PM and kept in the District Hospital mortuary, whose refrigeration unit was out of order from 22.08.2024 to 25.08.2024.

9. FIR No. 214/2024 was registered at PS Baheli at 9:15 PM on 23.08.2024, about 62 hours after the discovery. The complainant was Salman, who said he had returned from Rattangarh that day and heard certain rumours concerning his family members. The FIR named Ayesha and Zubeida under Sections 103(1), 238 and 94 of Vindhya Nyaya Sanhita, 2023 (hereinafter referred to as “VNS”) read with Section 3(5) of VNS and referred to “unknown persons” (Annexure A).

10. Ayesha and Zubeida were arrested on 24.08.2024. Ayesha's handset was seized from her the same day (Annexure E). Dr. Anjali Mehrotra, a gynaecologist, examined Ayesha under Section 51 of VNSS on 24.08.2024 (Annexure B). Dr. Mehrotra found uterine involution and lochia consistent with delivery 72–96 hours earlier, and no injuries. These findings are not disputed. On 25.08.2024, a Magistrate remanded Ayesha to police custody until 28.08.2024. She has been in custody since.

11. Dr. Vikram Saxena, Associate Professor of Forensic Medicine, conducted the post-mortem on 25.08.2024, beginning at 11:00 AM (Annexure C). He recorded moderate to advanced decomposition, no definitive external marks of violence, and a positive hydrostatic (lung float) test. He gave the cause of death as asphyxia, mode undetermined, and said live birth was “probable but not conclusively established”. No lung histopathology or diatom test was done.

12. The defence expert, Dr. S.K. Bhargava, formerly of a State Forensic Science Laboratory, deposed that a positive hydrostatic test is unreliable on a decomposed body because putrefactive gases can make lungs float. He said the findings are equally consistent with a stillbirth followed by immersion, or a non-violent death after a live birth, and that the time of death cannot be fixed as narrowly as Dr. Saxena did. His engagement and fee were arranged through defence counsel.

13. Dr. Saxena drew tissue and umbilical cord from the infant at the post-mortem on 25.08.2024 and sealed them. On 27.08.2024, the Investigating Officer (IO) had Ayesha's blood collected at the District Hospital. On 29.08.2024, Rehan, who was not then under arrest, gave a blood sample there on written consent, which he later said was given under pressure. The Regional Forensic Science Laboratory (RFSL), Agara, reported on 06.09.2024 that Rehan “cannot be excluded” as the biological father, with a combined paternity index of 4,210 on 11 of 15 loci; four loci failed because the infant sample had degraded. Imran's DNA was not collected or compared. The samples were kept in the Police Station Malkhana without refrigeration, and the custody log has an unaccounted interval (Annexure D).

14. Ayesha's handset reached the Cyber Cell, Rattangarh, on 26.08.2024. Rehan's handset was seized on 29.08.2024. Sub-Inspector Rohit Anand examined both; Rehan's handset had been factory-reset and yielded no data. His report dated 24.10.2024 records messages between Ayesha and Rehan from October, 2023 to 02.08.2024, including recovered deleted entries, that discuss a pregnancy from January 2024 and ask that it be kept secret (Annexure E). There are no messages after 02.08.2024.

15. The certificate under Section 63(4) of Vindhya Sakshya Adhiniyam, 2023 (hereinafter referred to as “VSA”) that accompanied the report was signed only by SI Anand, and his notes record no hash value for the extraction. The defence objected when he deposed on 05.06.2025. The prosecution closed its evidence on 12.07.2025. On 06.08.2025, the Sessions Court allowed it to file a supplementary certificate by Mr. Pranav Khanna, Assistant Director (Cyber), State Forensic Science Laboratory, who relied on the examiner's forensic image and notes and did not examine the handset.

Call detail records and tower data from the telecom operators, with certificates whose validity is not disputed, show frequent contact between Ayesha and Rehan and place Rehan's handset within 1.5 km of the Sheikh home on the night of 20.08.2024 - 21.08.2024. That radius also covers Rehan's shop and home.

16. Gulshan Lal (PW-11), who runs a tea stall near the culvert road, deposed that rain flooded his stall and kept him awake, and that at about 1:00–1:30 AM on 21.08.2024 he saw a man on a scooter going towards the nullah road. His police statement of 04.09.2024 describes “a man of medium build”. No test identification parade was held and he first identified Rehan in court. Rehan owns a scooter of the same make and denies being there. Bilal Ahmad (PW-17), who works at Rehan's shop, deposed that on 22.08.2024 Rehan had him factory-reset Rehan's own handset, and that the shop stayed shut on 22.08.2024 and 23.08.2024. In his Section 351 statement, Rehan said that resetting phones is his daily trade and that the lane outside the shop was flooded.

17. On 26.08.2024, while Ayesha was in police custody, the police vehicle taking her to the District Women's Hospital for a follow-up examination stopped at Chandanpuri Kalan because the road was flooded. Ayesha rested for about 40 minutes in the house of Nasreen Bi, a traditional birth attendant (dai) and a distant relative of Salman. Woman Constable Sunita Devi stood outside the door. Nasreen Bi (PW-9) deposed that Ayesha told her the child had “cried once”, that she was frightened and left it by the nullah, and that she did not want it to die. Her statement to the police was recorded on 28.08.2024 (Annexure F). WC Sunita Devi deposed that she did not hear the conversation.

18. Rehan was formally arrested at 11:30 PM on 04.09.2024 and produced before a Judicial Magistrate on 05.09.2024, when he made a statement under Section 183 of VNSS acknowledging a relationship with Ayesha and knowing of the pregnancy, without saying anything about the death (Annexure G). At trial he retracted it, saying he was taken from his shop on the evening of 03.09.2024, held at the police station for about 36 hours, not medically examined before the recording, and told what to say. The Magistrate certified that the statement was voluntary.

19. Dr. Meenal Kapoor, a consultant psychiatrist, examined Ayesha in jail on 12.11.2024 and gave a retrospective opinion with stated limits (Annexure H).

20. After Manzil Foundation complained that the original IO, Sub-Inspector Devendra Rawat, had briefed the media, the Senior Superintendent of Police, Rattangarh, on the direction of the Director General of Police, constituted a Special Investigation Team (SIT) under Inspector Kavita Chauhan in October, 2024. The SIT completed the investigation. The Dakshin Pradesh State Commission for Protection of Child Rights took suo motu cognisance of the matter in September, 2024. On 27.08.2024, a regional channel had broadcast Ayesha's name, photograph and address and called her a “kalyugi maa”. The News Broadcasting & Digital Standards Authority later censured the channel.

21. The chargesheet was filed on 18.11.2024. It charged Ayesha under Sections 103(1) and 94 VNS read with Section 3(5) VNS, Rehan under Section 103(1) read with Section 3(5), and Zubeida under Section 238 read with Section 3(5). Charges were framed in March, 2025 by the Sessions Judge, Rattangarh, and all three pleaded not guilty. The prosecution examined 22 witnesses, including Imran (PW-14), and the defence examined four, including Dr. Bhargava and Dr. Kapoor.

22. Imran deposed that he stayed at the family home on most nights of his November 2023 visit, learned of the delivery only from the police, has not disowned the child and has begun no proceedings. Asked whether he and Ayesha had marital relations during the visit, he answered that this was private. The Court did not press the question.

23. By judgment dated 20.12.2025, the Sessions Court convicted Ayesha under Sections 103(1) and 94 VNS read with Section 3(5), awarding life imprisonment and two years' rigorous imprisonment to run concurrently, and convicted Rehan under Section 103(1) read with Section 3(5), awarding life imprisonment. It held that the presumption under Section 116 VSA stood displaced by the DNA report. It acquitted Zubeida under Section 238, giving her the benefit of doubt. The State did not appeal.

24. By common judgment dated 15.05.2026 the Division Bench of the High Court of Dakshin Pradesh at Rattangarh:

(a) Ayesha: Partly allowed her appeal. It held, from the post-mortem, her own Section 351 account and her conduct afterwards, that she caused the death of a child born alive. It did not rely on the messages or on Nasreen Bi's evidence. It held that intention to kill was not proved beyond reasonable doubt, and that the act was done with knowledge that death was likely, so Section 105 VNS applied, not Section 103. It held that her psychiatric condition did not meet the threshold of Section 22 VNS but treated it, with her isolation, as mitigating. It awarded eight years' rigorous imprisonment, with about 21 months already undergone set off, and upheld the Section 94 conviction.

(b) Rehan: Allowed his appeal and acquitted him. It held that the supplementary certificate came too late and rested on notes, so the messages were inadmissible; that Nasreen Bi's account was a statement made in police custody, barred by Section 23(2) VSA and in any case unreliable; that the retracted Section 183 statement was uncorroborated; that the dock identification was unsafe; that the tower data placed Rehan only within a 1.5 km radius; and that the DNA report was unreliable given the unexplained custody gap and degraded sample; that the handset reset and the shop closure were equally consistent with his trade and the flooding; and that, having found no premeditation in Ayesha's act, it saw no prior meeting of minds to support common intention. It added that even if paternity were established, it would not prove participation in the death. Rehan was released on 20.05.2026.

25. The State challenges the reduction of Ayesha's conviction to Section 105 and the acquittal of Rehan. Ayesha challenges her conviction and seeks acquittal or, at most, a conviction under Section 94 alone. Special leave was granted on 17.08.2026, and the appeals have been clubbed. Ayesha remains in custody.

26. The following issues arise for final hearing before the Hon'ble Supreme Court of Vindhya:

(i) Whether the prosecution has proved, beyond reasonable doubt and by a complete chain of circumstances, that the infant was born alive and that its death was caused by an act of Ayesha.

(ii) Whether the High Court rightly reduced Ayesha's conviction from murder (Section 103 VNS) to culpable homicide not amounting to murder (Section 105), and what weight her postpartum condition and isolation carry on the offence and, together with constitutional values (Articles 21, 39(f) and 51A(e)), on sentence.

(iii) Whether the WhatsApp records recovered from Ayesha's handset are admissible under Section 63 VSA, and in particular whether a supplementary expert certificate filed after objection and after the prosecution closed its evidence can cure a defective certificate.

(iv) Whether the High Court was justified in acquitting Rehan, having regard to the admissibility and weight of the statements to Nasreen Bi and the retracted Section 183 VNSS statement; the operation of Section 116 VSA; the reliability of the DNA report; and the principles governing interference with an acquittal in appeal.



ANNEXURES

Annexure A – Extract of FIR No. 214/2024, PS Baheli

Item	Record
Registered	23.08.2024, 9:15 PM
Complainant	Salman Sheikh, son of Late Farooq Sheikh
Offences	Sections 103(1), 238 and 94 read with Section 3(5) VNS
Persons named	Ayesha and Zubeida; “unknown persons” referred to
Extract	“...on returning from Rattangarh on the evening of 23.08.2024, I learnt from villagers that the body of a newborn child had been found near the drain behind our house on 21.08.2024 morning, and that no report had yet been made to police. On inquiry, I have reason to suspect that my sister-in-law Ayesha and my mother Zubeida have concealed the birth and caused/allowed the death of the child, possibly with the involvement of an outsider...”

Annexure B – Medical examination of Ayesha (24.08.2024)

Item	Record
Examiner	Dr. Anjali Mehrotra, Obstetrics and Gynaecology, District Women's Hospital, Rattangarh
Authority	Section 51 VNSS, on police request
Consent	Memo signed about two hours after the examination began, per the hospital register
Findings	Uterine involution consistent with delivery 72 –96 hours earlier; lochial discharge present; no other injuries
Samples	None taken that day; her blood was collected on 27.08.2024 (Annexure D)



Annexure C – Post-mortem and expert opinions on the infant

Item	Dr. Vikram Saxena (post mortem, 25.08.2024)	- Dr. S.K. Bhargava (defence expert)
Subject	Male infant, full-term (38–40 weeks), about 2.9 kg	Does not dispute
Condition of body	Moderate to advanced decomposition; recovered from water; mortuary refrigeration out of order 22.08.2024–25.08.2024	Notes the exposure and lack of refrigeration
External findings	No definitive marks of violence; ligature or manual pressure not conclusively excluded	Marks, if any, cannot be assessed on this body
Lungs	Hydrostatic test positive	Test unreliable on a decomposed body
Tests not done	Lung histopathology; diatom test	Notes that neither was done
Cause of death	Asphyxia, mode undetermined; smothering, strangulation and accidental causes not excluded	Findings do not point to any one cause
Live birth	Probable but not conclusively established	Not established; stillbirth followed by immersion is equally consistent
Time since death	About 100 –110 hours before the examination, which began at 11:00 AM on 25.08.2024	Cannot be fixed more narrowly than 100–140 hours; the upper end does not exclude death in utero shortly before labour

Annexure D – DNA report (RFSL, Agara, 06.09.2024) and custody log

Item	Record
Examiner	Dr. Ramesh Iyer, RFSL Agara
Samples	Infant's tissue and umbilical cord (drawn at the post-mortem, 25.08.2024); Ayesha's blood (27.08.2024); Rehan's blood (29.08.2024, on written consent; not then under arrest)
Not compared	Imran's DNA was not collected; the IO recorded that it was "not considered necessary"
Sample condition	Partial degradation of the infant sample; profile obtained on 11 of 15 loci, four failed
Result	Rehan "cannot be excluded as the biological father"; combined paternity index 4,210 (probability of paternity about 99.97%)
Custody: Infant sample	Sealed at the post-mortem on 25.08.2024; entered in the PSMalkhana register 25.08.2024, 7:40 PM ; mortuary refrigeration out of order that day
Custody: Ayesha's blood	Drawn and sealed 27.08.2024; entered in the register 27.08.2024 8:30 PM
Custody: Both samples	Register page for 28.08.2024 illegible; no cold -storage record for either; both withdrawn 29.08.2024, 6:00 AM and carried by road; received at RFSL 29.08.2024, 3:10 PM, seals reported to tally with the forwarding memo
Custody: Rehan's sample	Collected 29.08.2024; received 02.09.2024; the record does not show where it was kept in between

Annexure E – Electronic evidence

Item	Record
Handset seizure	One Samsung handset (IMEI redacted), taken from Ayesha at PS Baheli on 24.08.2024; witness signatures dated 25.08.2024; sealed and sent to the Cyber Cell on 26.08.2024
Examiner and report	SI Rohit Anand, Cyber Cell, Rattangarh; report dated 24.10.2024; Rehan's handset, seized 29.08.2024, also examined
Rehan's handset	Examined; factory-reset and no data recovered. The date of the reset (22.08.2024) comes from the oral evidence of Bilal Ahmad (PW-17), not from the device
Extraction	Text and voice notes recovered from the handset's WhatsApp database, including deleted entries, for October 2023 to 02.08.2024; no hash value recorded in the working notes; completeness of the extraction is not established
Message extracts	14.01.2024, Ayesha: "The nurse thinks I may be pregnant. Do not speak of this to anyone." 02.08.2024, Ayesha: "It is due this month. I am scared. Nobody must know." 02.08.2024, Rehan: "Don't tell anyone. I will take care of it. Don't worry." No messages after 02.08.2024
Certificate filed with the report	Signed only by SI Anand; no separate signature by an expert
Supplementary certificate	By Mr. Pranav Khanna, Assistant Director (Cyber), State Forensic Science Laboratory, based on the forensic image and notes; he did not examine the handset; allowed on 06.08.2025 over objection, after the prosecution closed its evidence on 12.07.2025
Call detail records and tower data	From the operators, with nodal -officer certificates (validity not disputed); frequent contact; Rehan's handset within 1.5 km of the Sheikh home on 20 .08.2024 - 21.08.2024, a radius that includes his shop and home

Annexure F – Statement attributed to Nasreen Bi

Item	Record
Setting	26.08.2024; Ayesha in police custody (remanded 25.08.2024 – 28.08.2024); halt at Chandanpuri Kalan on the way to hospital because the road was flooded; about 40 minutes
Persons present	Ayesha and Nasreen Bi inside; WC Sunita Devi outside the door; no Magistrate present
Statement (recorded 28.08.2024) and deposition (PW-9)	Ayesha said the child “cried once”, that she was frightened and left it by the nullah, and that she did not want it to die
Witness’s connection	Distant relative of Salman; admitted in crossexamination that Ayesha looked very distressed
WC Sunita Devi	Did not hear the conversation

Annexure G – Rehan's Section 183 VNSS statement and retraction

Item	Record
Recorded	05.09.2024, before a Judicial Magistrate
Content	Acknowledges a relationship with Ayesha since late 2023 and knowledge of the pregnancy; says nothing about the death
Magistrate's certificate	Statement made voluntarily; required questions asked; no complaint noted
Custody	Formally arrested 04.09.2024, 11:30 PM; he says he was held from the evening of 03.09.2024
Medical examination before recording	Not done
Retraction	At trial, in full: alleges detention of about 36 hours and that he was told what to say

Annexure H – Psychiatric opinion (Dr. Meenal Kapoor, defence witness)

Item	Record
Examination	12.11.2024, in jail, about 12 weeks after the delivery
Opinion	“Consistent with a major depressive episode with certain psychotic features, likely having arisen in the immediate postpartum period”
Background	No prior psychiatric history recorded; no antenatal care; no family support during labour
Limits stated by the witness	Retrospective assessment; no contemporaneous observation; in cross examination she conceded it cannot establish the presence or degree of the condition at the time; the opinion does not purport to meet the threshold under Section 22 VNS
Cross-examination	Asked whether Ayesha’s composure at 6:30 AM on 21.08.2024 (para 7) fits the opinion, she said presentations vary

Annexure I – Imran: Travel records and deposition (PW-14)

Item	Record
Employer's leave letter	Ten days' leave, 24.11.2023 to 04.12.2023
Immigration records	Arrival Dehlee Airport 24.11.2023, 06:10 AM; departure 04.12.2023, 11:40 PM
Whereabouts	Deposed that he stayed at the Chandanpuri Kalan home on most nights and at Rampora on 28.11.2023 - 29.11.2023
Marital relations during the visit	Answered that this was private; not pressed
Paternity	Learned of the delivery from the police; has not disowned the child; no proceedings begun
Conception window (Dr. Saxena's estimate)	15.11.2023 to 15.12.2023

DISCLAIMER

- a) The Constitution and laws of the Republic of Vindhya are identical to those of the Republic of India. The VNS, VNSS and VSA correspond section for section to the Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita and the Bharatiya Sakshya Adhiniyam, 2023. Judgments of the Supreme Court of India and the High Courts apply in Vindhya as they do in India.
- b) This proposition is a work of fiction. All persons, places, villages, towns, districts, police stations, hospitals, laboratories, courts, commissions, authorities, police personnel, doctors, witnesses, case numbers, dates, documents and annexures are fictional. Any reference to a real statute or judgment is to the real law applied under clause (a). Any resemblance to a real person, case or proceeding is coincidental.
- c) The parties must argue only the four issues. They may frame sub-issues within those issues but may not add new issues.
- d) Queries on the proposition must be sent only to mootcourt@mietjammu.in or to the coordinators named in the Rule Book. Any other attempt to contact the Organising Committee or the judges about the proposition may be treated as misconduct.

