



## ILS MOOT COURT SOCIETY

### ANNUAL INTRA-COLLEGE NOVICE MOOT COURT COMPETITION, 2021

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#### LAW OF CRIMES

*Sidharth Kapoor*

v.

*State of Maharashtra*

1. Rishika Banerjee was a 22-year-old girl from Dehradun, Uttarakhand. Post her graduation in Engineering, she decided to move to Bombay to pursue her dream of acting. Rishika was alone in the new city and had no friends or financial support from her family, who stiffly opposed her move to Bombay. She auditioned for a number of projects but faced rejections in all. Frustrated by her failures, she tried to commit suicide twice but was unsuccessful in her attempts.
2. In September 2018, she decided to attend a party graced by a number of Bollywood stars and industry bigwigs, in the hope of meeting a few directors. There she met Sidharth Kapoor, one of the most renowned film directors of contemporary times. At the age of 40, Sidharth had already directed numerous super hit movies and was known as the 'messiah' for young actresses. Rishika and Sidharth got talking at the bar and eventually exchanged numbers. They talked and met frequently for a few months post which Rishika confessed her love for Sidharth and moved into his house. Sidharth was in a relationship with Rishika after three failed marriages.
3. The paparazzi went into frenzy and posted the latest updates about 'the newest couple in tinsel town'. Blind items also began circulating on social media about Rishika being a gold digger and using Sidharth to get into the film industry. The constant media scrutiny



and trolling on social media made Rishika vulnerable. Her parents and friends too boycotted her, citing embarrassment over her actions. All this took a toll on Rishika and she pleaded with Sidharth to cast her in a movie soon so that she could showcase her talent. Sidharth too became frustrated with Rishika's constant pleas and the negative publicity that he had received, forcing him to stall his next dream project. The fights between the two increased by the day.

4. Three months later, Sidharth demanded that Rishika leave his house. He claimed that girls like her come begging to him every day and he can get anyone he wishes. Rishika begged him not to force her to leave the house and promised that she would stop nudging him. She told Sidharth that she was not in a fit state of mind and would like to seek medical help for the same. Sidharth immediately dismissed her idea, telling her that if the paparazzi found out about her psychiatrist visits, they would label her crazy and she could effectively bid goodbye to her career then. He advised her to rest at home and meditate instead. The relationship between the two continued to worsen and Rishika had socially withdrawn, confining herself to the house, whereas Sidharth was still socially active and was seen cosying up to young women at parties. In November 2019, a picture of him and a young debutante actress, holidaying at a secluded island in the Maldives, went viral on social media and got the rumour mills churning about his separation with Rishika. A week later, he released a statement, clarifying that 'all is well' between them and that they were one in their heart and soul.
  
5. On 5<sup>th</sup> February 2020, at around 2 am, a call was received at Shivajinagar Police station stating that a woman with 75% burn injuries was brought to their hospital. The police rushed to the hospital where the victim was identified as Rishika. Post regaining consciousness after a week, she gave a statement to the Police. According to her, on that fateful night, Sidharth returned home from a party, visibly inebriated. Upon unlocking the door, he saw Rishika standing near the stove, holding a can of a blue coloured liquid. He immediately realized that the liquid was kerosene and he rushed towards her, fuming with rage. He called her crazy and said that she had ruined all the fun in his life. He attempted to kill her by pouring kerosene on her exclaiming that if she was so firm on ending her life, he would make things easier for her. Immediately after Sidharth threw kerosene on



her, she was soon engulfed in flames as her dress caught fire from the stove right behind her.

6. She said that over the past year, he denied her psychiatric help and mentally manipulated her while cheating on her with several other girls. Rishika went on to state that the both of them had gotten married at a small temple near Mumbai in October 2019 and Sidharth had also gifted her a flat in Bandra as her 'wedding gift'. However, Sidharth was adamant that they do not reveal the factum of their marriage to anyone as it would affect their careers. It was only last month when she found out that Sidharth's divorce proceedings with his previous wife were still pending before the court. Based on her statement, the Police filed charges under Section 307 and Section 498A of the Indian Penal Code, 1860 against Sidharth.
7. During the course of the trial at Sessions Court, Mumbai, Sidharth denied all charges of cruelty and claimed that he could not be held liable under Section 498A as he was not the victim's 'husband' as contemplated under the section. He stated that there was no valid marriage between him and Rishika. The fact that his previous divorce proceedings were sub judice was never hidden and was reported in a number of newspapers as well. His act of merely putting sindoor and mangalsutra on Rishika at the temple, upon her persistence, could not be construed as 'marriage' as it was only done for Rishika's happiness. With respect to the charge of attempt to murder, Sidharth claimed that when he entered the room on that fateful night and saw Rishika ending her life yet again, he was in a state of utter shock. He admitted that in a fit of uncontrollable rage, he did pour the kerosene on her but never intended to kill her. He was unaware that the stove behind was lit which actually led to Rishika's clothes accidentally catching fire and before he could react, she was completely engulfed in flames.
8. The Sessions Court rejected Sidharth's plea that the incident was a mere unfortunate accident and convicted him under Section 307 of the IPC for attempting to murder Rishika. The court also held that a person who enters into a relationship in the nature of marriage cannot be allowed to take the plea that he cannot be held liable under Section 498A as there was no valid marriage; thereby convicting him under Section 498A for



subjecting her to cruelty over the course of their relationship. He was sentenced to 10 years rigorous imprisonment. Aggrieved by the conviction, Sidharth appealed against the order of the Sessions Court before the Hon'ble High Court of Bombay. The appeal has two substantial issues:

- a) Whether Sidharth can be held liable under Section 498 A of the IPC?
- b) Whether Sidharth can be held liable under Section 307 of the IPC?

**Drafters' Note:** The participants are not expected to argue upon the validity of the marriage ceremony between the Accused and the Victim. During the course of the Sessions Trial, it was accepted by both the Parties that only Mangalsutra and Sindoor were applied at the temple and no other ceremonies were performed.

*The moot proposition has been drafted by **Sarab Lamba** (V B.A.L.L.B) and **Ramkrishna Panigrahi** (V B.A.L.L.B), ILS Law College, Pune for Novice Moot Court Competition, 2021.*