

CLARIFICATIONS

3rd Justice Gopalji Mehrotra National Moot Court Competition, 2025

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1. As it is given in paragraph number 16 that the individuals are seeking quashing of criminal proceedings under section 530 of BNSS. But section 530 of BNSS talks about trial and proceedings to be held in electronic mode. "All trials, inquiries and proceedings under this Sanhita, including-(i) issuance, service and execution of summons and warrant;(ii) examination of complainant and witnesses;(iii) recording of evidence in inquiries and trials; and (iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means." So we seek clarification that whether it is section 530 or 528 of BNSS. Because section 528 inherent power of High Courts that is "Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.
The reference to Section 530 in para 16 shall be read as Section 528 of the BNSS
2. Who created and first uploaded the deepfake of Mr. A. was it traced to any specific individual or group member? **No clarification is required in this regard**
3. What role did Mr. B, the freelance video editor, play in producing or editing the content? **No clarification is required in this regard**
4. What exactly was CD Enterprises' involvement—did they merely own the "Techies" group page or actively circulate the material? **No clarification is required in this regard**
5. Were the two fake "ED officials" linked in any way to the Techies group or CD Enterprises, or are they entirely separate actors? **No clarification is required in this regard**
6. What is meant by "digital arrest" in the context of the police investigation—is it a recognized procedure under Techasia's laws? **No clarification is required in this regard**
7. On what evidence did the police base their arrests of Mr. E, Ms. F, Ms. G, and Mr. B? **No clarification is required in this regard**

8. Was there a clear chain of custody in the confiscation of devices from the Techies group members? **No clarification is required in this regard.**
9. Are mere recipients of forwarded content in a WhatsApp or social media group criminally liable if they did not further circulate the content? **No clarification is required in this regard.**
10. Which state of India is in pari materia with that of Techasia's concerned state? **No clarification is required in this regard.**
11. In para 16 should the section be 528 of BNSS instead of 530 of BNSS? **The reference to Section 530 in para 16 shall be read as Section 528 of the BNSS**
12. In para 16 appellants are seeking quashing of criminal proceedings while in para 17 (v) they are seeking halting of proceedings. The clarification needed is whether the relief sought is quashing or temporary stay of proceedings? **No clarification is required in this regard.**
13. Did the techies group make the videos, or only circulated it? **No clarification is required in this regard.**
14. Does the intermediary have any system to filter the information? **No clarification is required in this regard.**
15. Does the intermediary have any system to filter the information? **No clarification is required in this regard.**
16. What are those 6 Fundamental Rights that are mentioned in para 2 of the prop? **Please refer to footnote 1.**
17. In paragraph 16 of the moot proposition, Section 530 has been mentioned. Could you kindly clarify whether this is correct or if it is a misprint intended to refer to Section 528 of the BNSS? **The reference to Section 530 in para 16 shall be read as Section 528 of the BNSS**
18. As statements of facts and summary arguments have not been explicitly mentioned in the rule book, would adding these in our memorial lead to any deduction of marks? **Adding statement of facts and summary will not lead to any deduction of marks, provided they are within the overall structure and page limit outlined in the guidelines.**
19. Could you please clear if the high court rules of the high court referred in the moot proposition, pari materia to any high court of India? **Please refer to footnote 1.**
20. Does Innovate resemble the State of Maharashtra? In fact and Laws ? On the basis of Geographical location and feature of Financial Capital of the Country. **No clarification is required in this regard.**

21. Was Innovate a Colonial territory, where Letters Patent Appeal applies ? or any Specific law applies for Appeals to the Division Bench of the Hon'ble High Court?
22. Is there any legislation related to abolition of the LPA in Innovate? **Please refer to footnote 1.**
23. What is the intention of the defendants behind the appeal against the order in civil suit? **No clarification is required in this regard.**
24. Are Mr. B, Mr. E, Ms. F and Ms. G facing any financial loss due to ex-parte injunction in civil suit? **No clarification is required in this regard.**
25. Was there any contract between Mr. B and CD Enterprises for the time being Mr. B is working with CD Enterprises as a freelancer working on editing photos and videos ? What is the contractual liability between them? **No clarification is required in this regard.**
26. What is the Revenue Model of the CD Enterprises? What is the intention of the CD Enterprises in sharing the Video of Mr. A on Techies Group? **No clarification is required in this regard.**
27. What is the place of arrest of individuals and place of seizure of electronic devices? **No clarification is required in this regard.**
28. What is the date of granting of ex-parte injunction and what is the date of filing of appeals before the division bench? **No clarification is required in this regard.**
29. On what merits did the high court granted ex-parte injunction to Mr. A in civil suit? **No clarification is required in this regard.**
30. Whether notice was issued to defendants while granting ex-parte injunction? **No clarification is required in this regard.**
31. Was the chargesheet filed by the police after arresting the individuals? **No clarification is required in this regard.**
32. Was Mr. A a member or a user of Techies group? **No clarification is required in this regard.**
33. Was the accumulation of 75 lakh rupees in the bank account of Mr. A suspicious? **No clarification is required in this regard.**
34. Is the transaction regarding the SUV related to Money laundering or Corruption? **No clarification is required in this regard.**
35. The expression given in Para 7 of the moot proposition regarding that the video is deep fake is an opinion or fact? **No clarification is required in this regard.**

36. With reference to the appeal in the criminal writ petition, is it correct to assume that Clause 15 of the Letters Patent is applicable despite its general bar on criminal matters, or should we read it only in the context of the given jurisdiction of the High Court of Innovate? **No clarification is required in this regard.**
37. While going through the moot proposition, we noticed that Section 530 has been mentioned in the context of quashing criminal proceedings. However, as per the Bhartiya Nagrik Suraksha Sanhita (BNSS), the relevant provision appears to be Section 528. We seek clarification on whether the proposition should be read with Section 530 as stated, or if it should be treated as Section 528 under BNSS. **The reference to Section 530 in para 16 shall be read as Section 528 of the BNSS**
38. In Para 16 of the moot problem, the petitioners are shown as seeking quashing of proceedings under Section 530 BNSS, 2023. As per the bare text, Section 530. All trials, inquires and proceedings under this Sanhita, including: (i) issuance, service and execution of summons and warrant; (ii) examination of complainant and witnesses; (iii) recording of evidence in inquiries and trials; and (iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic communication or use of audio-video electronic means. But in the facts, the issue concerns police confiscating devices and accessing data, which appears to fall outside the scope of Section 530 (BNSS). Is the reference to Section 530 correct as intended, or a typographical error for another provision? **The reference to Section 530 in para 16 shall be read as Section 528 of the BNSS**
39. Should participants proceed on the basis that Section 530 is to be argued in relation to the facts? **The reference to Section 530 in para 16 shall be read as Section 528 of the BNSS**
40. The High Court of Innovate is pari materia with which High Court of India? **No clarification is required in this regard.**
41. I wish to seek clarification regarding the moot proposition, which states that an appeal has been filed in the same High Court from its order. Since the rules governing appeals differ across various High Courts in India, it is crucial for the accurate application of law to know with which High Court in India the moot proposition is intended to be perimateria. **No clarification is required in this regard. A appeal can be filed before the Division Bench**
42. Also, in paragraph 10 of the moot proposition is it a civil suit or a writ petition filed before the high court? **No clarification is required in this regard.**

43. What is the nature of the “Techies” group — i.e., whether it functions as a private messaging group (similar to WhatsApp/Telegram) or otherwise? **No clarification is required in this regard.**
44. What was the date of filing of the Interlocutory Application? Additionally, was the order directing removal of the relevant videos and images within 15 days complied with? **No clarification is required in this regard.**
45. Whether the confiscation of the devices by the police, carried out under general search and seizure powers, required prior judicial approval, and if not, under what specific legal authority was it undertaken? **Please refer to footnote 1.**
46. Whether the civil appeal (against the injunction) and the criminal appeal (against continuation of investigation) are to be treated as consolidated proceedings before the Division Bench for the purpose of this moot? **Yes. Both appeals are to be treated as consolidated proceedings.**
47. The proposition mentions circulation of deepfake videos/photos of Mr. A but does not explicitly state who created them. Could this point kindly be clarified? **No clarification is required in this regard.**
48. The Moot Proposition refers to the city of Innovate as the financial capital of Techasia, situated along the coastline of the Salty Sea (Proposition ¶6). May we assume Innovate to be in pari-materia with Bombay/Mumbai for the purposes of applying jurisprudence, procedural rules, and precedents pertaining to that jurisdiction? If yes then What shall we assume State of Maharashtra, while mentioning the parties on cover page ? **No clarification is required in this regard.**
49. In the civil and criminal proceedings (Proposition ¶16), it has been mentioned that the Petitioners have sought quashing of proceedings under Section 530 of the BNSS. Upon examination, it appears that the intended provision may instead be Section 528 of the BNSS. Kindly clarify whether this reference is a typographical error and should be read accordingly. **The reference in para 16 shall be read as Section 528 of the BNSS**
50. The Rulebook (Clause 21) stipulates the mandatory contents of the Memorial but does not prescribe any limitation on the number of issues or sub-issues. Kindly confirm whether there exists any upper limit on the number of sub-issues that may be framed under each issue. **There is no specified upper limit on the number of sub-issues that may be framed under each issue however, participants should ensure that the memorial stays within the prescribed page limit.**

51. While Rule 31 of the Rulebook requires participants to certify originality of memorials, there is no express mention of submitting a plagiarism report. Kindly confirm whether teams are required to annex a plagiarism report along with the memorial submission. If yes then Turnitin report of Plagiarism shall suffice or not? **There is no explicit requirement to submit a plagiarism report, but teams should adhere to the rules set by the competition organizers regarding this.**
52. Kindly clarify whether the issues framed by the Petitioner and Respondent in their respective memorials must be identical in structure and language, or whether each side is at liberty to frame distinct issues from their respective legal perspectives, so long as they are germane to the facts and law. **Each side is at liberty to frame the issues.**