
THE K.K. LUTHRA MEMORIAL MOOT COURT, 2026

February 13th, 2026 to February 15th, 2026

BEFORE THE HON'BLE SESSIONS JUDGE, SAVOCA AT SAVOCA

In the matter of
SESSIONS TRIAL CASE NO. 173 of 2025

State of Savoca

....Prosecution

v.

Lucio

....Defendant

UNDER SECTION 105 OF THE SERAGIO PENAL CODE, 2021

MEMORANDUM on BEHALF of the PROSECUTION

TABLE OF CONTENTS

Index of Authorities.....	3
Statement of Facts.....	6
Summary of Arguments.....	8
Written Pleadings.....	9
1. WHETHER OFFENCE UNDER SECTION 105 OF THE BNS IS MADE OUT AGAINST THE ACCUSED?	
1.1 The Essential Ingredients of Culpable Homicide under Section 100 are Satisfied.....	10
1.1.1 The accused possessed ‘Constructive Knowledge’ of the likelihood of death	10
1.1.2 The Act was ‘Imminently Dangerous’ and the consequence was not Accidental	11
1.2 The Present case falls within Exception 5 of Section 101.....	11
1.2.1 The Statutory Prerequisite of Exception 5 are Conclusively Established.....	11
1.2.2 The Applicability of Exception 5 confirms the “Knowledge” required for Section 105.....	12
1.3 The Evidence on Record is Sufficient to Establish Knowledge under Section 105	12
1.3.1 The Doctrine of Wilful Blindness Establishes the Existence of Knowledge.....	13
1.3.2 The Accused Possessed ‘Culpable Knowledge’ of the Imminent Danger.....	14
2. IS THE ACCUSED PROTECTED BY ANY GENERAL EXCEPTION PROVIDED BY THE SANHITA IN CHAPTER 3	
2.1 The Accused is not Protected under Section 25 of the Sanhita.....	15
2.1.1 Absence of the Non-Existence of Knowledge.....	15
2.1.2 The Consent was Vitiated by ‘Misconception of Fact’ Pursuant to Section 28.....	16
2.1.3 The Accused Exceeded the Express Scope of Authorized Consent.....	16
2.2 The Accused in not Protected under Section 26 of the Sanhita.....	17
2.2.1 The Statutory Requirement of ‘Good Faith’ (Due Care and Attention) is Absent	18
2.2.2 The accused is not qualified to have acted in good faith.....	18
2.2.3 The Invocation of Section 26 Establishes the Existence of Knowledge	19
2.3 The Accused is not Protected under any other Related General Exception.....	20
2.3.1 Section 19 of BNS is Inapplicable	20
2.3.2 Section 18 of BNS is Inapplicable	20
Prayer.....	22

INDEX OF AUTHORITIES**STATUTES**

1. THE BHARATIYA NYAYA SANHITA, 2023
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3. Shikher Behera v. State of Orissa 1992 Supp (3) S.C.C. 331
4. Jameel v. State of U.P., (2010) 12 S.C.C. 532
5. R v. Buzzanga and Durocher, 1979 CanLII 1927
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STATEMENT OF FACTS

I. BACKGROUND

Anthony Corleone, a 65-year-old retired businessman residing in Savoca, Seragio, suffered from a history of cardiac issues. In April 2024, after conventional treatments failed, he was diagnosed with an exceptionally rare condition known as **Neuro-Sino Cardiac Interface Failure (NSCIF)** at the Ellen Meller Heart Institute in Maga. Due to the deterioration of his heart's intrinsic electrical pathways, he underwent the implantation of the **AtriaLink System**, an AI-powered neuro-pacemaker. This life-sustaining device relied entirely on a specialized mobile transmitter ("Transmitter") running the **PulseLink** application to relay real-time pacing signals. The medical team explicitly warned that a disconnection of these signals for longer than **60 minutes** would result in fatal cardiac arrest.

II. THE INCIDENT

On **15 January 2025**, Anthony Corleone and his daughter, Isabella, were at the VLS Avenue Mall in Savoca. While exiting, Anthony accidentally tripped, causing the Transmitter to slip from his pocket and hit the ground, rendering the screen severely cracked and unresponsive. Isabella immediately realized the gravity of the situation but noted that retrieving the backup transmitter from their home would take approximately **1.5 hours** due to traffic—a duration exceeding the 60-minute fatal window. Faced with this medical emergency, they rushed to a nearby repair store, **Planet Electronics**.

III. THE REPAIR ATTEMPT

At the store, Isabella approached the Accused, **Lucio**, a technician. She explicitly informed him that the device was not a standard smartphone but a **medically approved transmitter** linked to her father's pacemaker. She repeatedly warned him that the device must remain operational, as any prolonged shutdown or malfunction could lead to sudden cardiac arrest. To aid him, she showed him the **Patient Handbook**, which contained warnings against interfering with internal components.

Lucio, after examining the device and the handbook, assured them that the damage was limited to the display and that he could repair it without interfering with internal parts. Relying on this assurance, Isabella consented to the repair. However, while attempting to reconnect a dislodged display connector, Lucio caused a **short circuit**. Despite attempts to

reboot the device by Lucio and his colleague, Mario Denver, the Transmitter remained unresponsive.

IV. THE PROCEEDINGS

Shortly after the device failed, Anthony began experiencing acute cardiac distress and was rushed to the nearest hospital, where he was declared deceased due to cardiac arrest. Consequently, **FIR No. 212 of 2025** was registered against Lucio based on Isabella's complaint. The investigation culminated in a Final Report charging the Accused under **Section 105 of the Seragio Penal Code, 2021** (Punishment for culpable homicide not amounting to murder). The Accused pleaded not guilty, and the matter is now listed for hearing before the **Savoca Sessions Court**. Wherein Examination and Cross-Examination, has been conducted of 2 witnesses; Isabella Corleone (PW1) and Mario Denver (DW1), also Documentary Evidence (Handbook, Exhibit 1) has been exhibited by the Hon'ble Court, and now the matter is for the final stage of arguments.

SUMMARY OF ARGUMENTS**1. WHETHER OFFENCE UNDER SECTION 105 IS MADE OUT AGAINST THE ACCUSED?**

It is humbly submitted that the Accused is liable for Culpable Homicide not amounting to murder under Section 105 of the BNS. The Prosecution has established the essential ingredient of 'Knowledge', inferred from the Accused's conscious decision to ignore the specific warning in the Patient Handbook to "DO NOT OPEN" the device. Furthermore, proceeding to tamper with a proprietary life-support system without internal diagrams constitutes 'Wilful Blindness', where the Accused deliberately disregarded a known fatal risk. Finally, even if the case falls within Exception 5 to Section 101 (Consent), it merely mitigates the offence from Murder to Culpable Homicide, thereby confirming the Accused's liability under Section 105.

2. WHETHER THE ACCUSED IS PROTECTED UNDER SECTION 25 OF THE BNS?

It is submitted that the Accused is not entitled to any General Exception. Section 25 (Consent) is inapplicable because the Accused knew the act was likely to cause death, triggering the statutory exclusion. Moreover, the consent was vitiated by a 'misconception of fact' under Section 28, as the Accused misrepresented the safety of the repair. The defence of Section 26 (Good Faith) fails because the Accused acted without "due care and attention" by violating express safety warnings and acting beyond his competence. Lastly, the defences of Necessity and Accident are untenable as the Accused created the danger through his own recklessness and lack of proper care.

WRITTEN PLEADINGS**1. WHETHER OFFENCE UNDER SECTION 105 OF BNS IS MADE OUT AGAINST THE ACCUSED?**

- ¶ 1. A First Information Report being FIR No. 212 of 2025¹ was registered against Lucio on the complaint of Isabella Corleone, daughter of deceased, Mr. Anthony Carleone. In her complaint to the police, Isabella detailed the events leading up to the alleged malfunction of the Transmitter and raised serious concerns regarding the accused's handling of the device, which she believes has directly contributed to her father's cardiac arrest and demise²
- ¶ 2. The FIR culminated into a Final Report against the Accused under section 105 of the Seragio Penal Code, 2021³, Pari Materia to the Bharatiya Nyaya Sanhita (Hereinafter, referred as "BNS"). The accused was formally charged and he pleaded not guilty. The evidence has been recorded in the present case. The list of evidence is perused herein below

1	Exhibit – 1 – Patient Handbook published by MedTech LLC and issued by the Ellen Meller Heart Institute to the deceased, Anthony Carloeone
2	Statement of PW-1, Isabella Corleone, informant and daughter of deceased
3	Statement of DW-1, Mario, employee at Planet Electronics and colleague of accused

It is humbly submitted to the court that the evidence on record has high corroborative value to ascertain criminal liability against the accused.

- ¶ 3. It is most humbly submitted before this Hon'ble Court that the Accused is liable for **Culpable Homicide not amounting to murder** punishable under **Section 105** of the BNS, 2023
- ¶ 4. The Prosecution submits that the evidence on record establishes the guilt of the Accused beyond reasonable doubt as: **[1.1]** The essential ingredients of Culpable Homicide under Section 100 are satisfied; **[1.2]** The present case falls within exception 5 of section 101; and **[1.3]** The evidence on record is sufficient to establish knowledge under section 105

¹ Moot proposition, at 6, ¶24

² *Id.* at 6, ¶ 24

³ *Id.* at 6, ¶ 25

1.1 The Essential Ingredients of Culpable Homicide under Section 100 are satisfied

¶ 5. The third phrase of **Section 100 of the Bharatiya Nyaya Sanhita (BNS)** defines culpable homicide as an act done with the **knowledge** that such act is likely to cause death. This provision exclusively targets the mental state of the accused regarding the consequences of their actions. The Prosecution submits that the Accused's conduct in this case establishes the requisite 'Knowledge'.

1.1.1. The Accused possessed 'Constructive Knowledge' of the likelihood of death.

¶ 6. Knowledge is a mental awareness of the consequences of an act. As the Hon'ble Supreme Court held that state of mind is rarely visible but must be inferred from the surrounding circumstances⁴. The Court established that where a person's mind is not completely certain, the intention or knowledge can be gathered from the nature of the act itself.

¶ 7. In the instant case, the "surrounding circumstances" create an inescapable inference of knowledge; (i) The Accused was explicitly informed by PW-1 (Isabella) that the device was a "medically approved mobile transmitter" essential for life support⁵; (ii) The Accused was shown the **Patient Handbook**⁶, which contained a capitalized warning: "DO NOT OPEN OR INTERFERE WITH INTERNAL COMPONENTS"⁷; (iii) The Accused could not find internal layout diagrams online⁸.

¶ 8. If it is submitted that the Accused did not know the specific mechanism that would cause the failure, However, it is **not necessary** for the prosecution to prove that the Accused had knowledge of the exact details of how death would occur. Knowledge of the **general dangerous character** of the act is sufficient⁹. By prying open a device he knew was (a) proprietary, (b) life-sustaining, and (c) prohibited from being opened, the Accused knew the "general dangerous character" of his intervention.

⁴ Basdev v. State of Pepsu, A.I.R. 1956 S.C. 488, See also; Kesar Singh v. State of Haryana, (2008) 15 S.C.C. 753, Shikher Behara v. State of Orissa, 1993 Supp (3) S.C.C. 331, Jameel v. State of U.P., (2010) 12 S.C.C 532

⁵ Moot Proposition. at 19, ¶ 16

⁶ *Id.* at 19, ¶ 16

⁷ Exhibit 1, at 15

⁸ Moot Proposition, at 19, ¶ 19

⁹ R v. Buzzanga and Durocher, 1979 CanLII 1927

¶ 9. It is submitted that, knowledge is proven by **inference from conduct**¹⁰. The Accused's own conduct; pausing to read the handbook and attempting to search for diagrams on his laptop¹¹, demonstrates that he knew the device was complex and dangerous. Proceeding with the repair after confirming his own lack of information is not ignorance; it is a conscious decision to disregard a known risk.

1.1.2. The Act was 'Imminently Dangerous' and the Consequence was Not Accidental.

¶ 10. It is a settled principle of law that acts done in a reckless manner imply that the doer had knowledge of the consequences. As laid down in, if an accused is aware that an act is so **imminently dangerous** that it must in all probability cause death, they are deemed to have committed culpable homicide¹². Attempting to manipulate the internal circuit board of a cardiac transmitter without a schematic map is an act of imminent danger. The probability of a short circuit in such a scenario approaches certainty. By voluntarily undertaking an act with such a high probability of fatal failure, the Accused is deemed to have knowledge of that failure.

1.2 The Present case falls within Exception 5 of Section 101

¶ 11. It is submitted that the act of the Accused falls squarely within the ambit of **Exception 5 to Section 101** of the BNS. This exception provides that culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent.

1.2.1 The Statutory Prerequisite of Exception 5 are Conclusively Established

¶ 12. For Exception 5 to apply, two strict factual conditions must be met: (a) the deceased must be a major (above 18 years), and (b) the deceased must have given consent to suffer the harm or the risk of death. The deceased, Anthony Corleone, was a 65-year-old retired businessman. He indisputably meets the age threshold required by the statute. The evidence on record states that the PW-1 on behalf of the deceased, agreed for repairing the Transmitter". The consent was given with the understanding of the urgency and the potential risks involved in delaying the repair.

¶ 13. As established by the Hon'ble High Court, where the victim is a major and has consented to suffer the risk of death, the offence of murder is diminished to culpable

¹⁰ R. v. Aiello, 1979 CanII2374

¹¹ Moot Proposition, at 4, ¶ 19

¹² Emperor v. Mt Dhirajia, A.I.R. 1940 All 486

homicide not amounting to murder¹³. The action of accuse being in the ambit of exception 5 of the section 101, qualifies the accused of liability under section 105.

1.2.2 The Applicability of Exception 5 confirms the "Knowledge" required for Section 105

¶ 14. The deceased consented to the *risk of death* (inherent in tampering with a life-support device), it logically follows that the Accused *knew* there was a risk of death. Without this knowledge, the consent would be meaningless. This shared knowledge satisfies the ingredient of **Section 105 (Part II)**: "*act is done with the knowledge that it is likely to cause death*".

¶ 15. As established by the Hon'ble apex court, Section 105 BNS applies irrespective of whether the case falls strictly within the exceptions to Section 101, provided the knowledge of consequences is present¹⁴.

1.3 The Evidence on Record is Sufficient to Establish Knowledge under Section 105.

¶ 16. The Prosecution submits that, the Accused possessed the requisite "Knowledge" under Section 105 of the BNS, defined as a conscious awareness that his act was likely to cause death. As established by the Hon'ble Supreme Court in *Basdev* (Supra)¹⁵, knowledge is a state of mind which is rarely visible but must be inferred from the surrounding circumstances and the nature of the act itself

¶ 17. The Accused was explicitly put on notice regarding the life-critical nature of the device by PW-1¹⁶ and the **Patient Handbook**¹⁷, which warned that "device integrity is essential to cardiac life support". Proceeding to tamper with such a device constitutes an act where the doer knows the consequences are probable, satisfying the test laid down by the Hon'ble Supreme court that there shall be awareness of consequences¹⁸.

¶ 18. It is submitted that, it is sufficient if the accused knew that the act was "likely" to cause death¹⁹. The Accused knew that short-circuiting a pacemaker transmitter was

¹³ Dasarath Paswan v. State of Bihar, A.I.R. 1958; See also, Narendra v. State of Rajasthan, (2014) 12 S.C.C.343

¹⁴ Harendra Mandal v. State of Bihar (1993) 2 S.C.C. 435, See also, Camilo Vaz v. State of Goa, (2000) 9 SCC 1, Sarup Singh v. State of Haryana, (1995) Supp (3) SCC 489, Abdul Waheed Khan v. State of A.P., (2002) 7 SCC 175, Shanmugam v. State of T.N., (2002) 10 SCC 4)

¹⁵ Supra 4

¹⁶ Moot Proposition, at 19, ¶ 16

¹⁷ Exhibit 1

¹⁸ Jai Prakash v. State (Delhi Administration), (1991) 2 S.C.C. 32

¹⁹ Empress v. Idu Beg, 1881 I.L.R. 3 All 776

was "likely" to stop the heart. The certainty of the *mechanism* (how the circuit works) is not required; the certainty of the *consequence* (death if it fails) is sufficient.

1.3.1 The Doctrine of Wilful Blindness Establishes the Existence of Knowledge

¶ 19. It is submitted that, **willful blindness** is equivalent to actual knowledge²⁰. The doctrine serves to prevent an accused from self-immunizing against liability by deliberately refusing to acquire the knowledge that would condemn them. Willful blindness arises where a person who has become aware of the need for some inquiry declines to make the inquiry because they do not wish to know the truth²¹. This "deliberate ignorance" satisfies the requirement of 'knowledge' under Section 105.

¶ 20. For the doctrine of willful blindness to apply, the accused must first suspect the existence of a fact (here, the complexity and danger of the device). The evidence on record proves that the Accused did not approach the device as a standard smartphone, but rather with a heightened suspicion of its intricate nature²².

(i) The Accused took the time to read the Patient Handbook shown by PW-1²³. The Handbook expressly contained "warning signs"²⁴ regarding disconnection and emergency protocols. By reading this, he acquired the objective realization that the device was not a standard electronic item but a critical life-support system restricted to "physician supervision only"²⁵.

(ii) Before beginning the repair, the Accused attempted to look up the device on his laptop. This specific act of searching for diagrams serves as an admission that he knew he lacked the necessary technical competence to proceed without guidance. He was aware that the internal layout was unknown to him.

¶ 21. It is submitted that, the Accused admitted he "could not find any specific internal layout diagrams", yet chose to interfere with the internal-component board²⁶. In, the Apex Court held that a person who performs a dangerous medical act without the necessary competence or knowledge acts with a rashness that borders on culpable homicide²⁷.

²⁰ Wilful Blindness and the Criminal Law (JJ Edwards)

²¹ R v. Briscoe, 2010 S.C.C. 13, S.C. Canada

²² Moot Proposition, at 19, ¶ 19

²³ *Id.*, at 19, ¶ 19

²⁴ Exhibit 1, at 15

²⁵ Exhibit 1, at 10

²⁶ *Id.*, at 19, ¶ 19

²⁷ Juggankhan v. State of M.P., A.I.R. 1965 SC 831

¶ 22. It is submitted that, the Hon'ble Supreme Court held that "knowledge" is a mental element inferred from the nature of the act²⁸. If an act is inherently dangerous, the Court presumes the doer knew the consequences unless the accused can demonstrate a specific reason for their ignorance.

¶ 23. It is submitted that, a person is presumed to know the natural and probable consequences of their act. The natural consequence of blind interference with a life-support internal-componentboard is failure and death²⁹. Accused must be deemed to know the consequences of his act, unless it was accidental or unintentional³⁰.

1.3.2 The Accused Possessed 'Culpable Knowledge' of the Imminent Danger

¶ 24. It is submitted that, vital distinction exists between simple 'knowledge' of a fact and 'culpable knowledge' of a fatal consequence. While simple knowledge is the neutral awareness of circumstances, knowledge becomes *culpable* (or guilty) when it relates to the dangerous, prohibited, or fatal nature of an act, thereby stripping the accused of the defence of innocence or accident.

¶ 25. The Prosecution concedes that, the Accused as a technician, possessed simple knowledge of electronics. However, this knowledge transformed into **culpable knowledge** the moment he was put on notice regarding the specific, life-critical nature of this device; (i) *The explicit warning in the Patient Handbook, "DO NOT OPEN OR INTERFERE WITH INTERNAL COMPONENTS"*³¹, combined with PW-1's verbal warning that malfunctioning could lead to cardiac arrest³², served to inform the Accused that tampering was not merely a technical repair but a potentially lethal intervention; (ii) *By proceeding to "pry open the casing" despite this double-layer of warnings, the Accused knowingly crossed the threshold from "repair" to "prohibited interference."* He possessed the culpable knowledge that his act was forbidden and inherently dangerous to human life.

¶ 26. It is submitted that, the act falls under Culpable Homicide if the accused has knowledge that the bodily injury caused is likely to result in death³³. The Accused's interference with the internal-componentboard caused the fatal "injury" to the device, and by extension the victim.

²⁸ Anbazhagan v. The State, Represented by the Inspector of Police, (2023), S.C.C. OnLine S.C. 893

²⁹ Dauvaram Nirmalkar v. State of Chhattisgarh, (2022) S.C.C. OnLine S.C. 955

³⁰ Richhpal Singh Meena v. Ghazi, (2014) 6 S.C.C. (Cri) 424

³¹ Exhibit 1, at 15

³² Moot Proposition, at 19, ¶ 16

³³ State of Rajasthan v. Dhool Singh, (2004) 12 S.C.C. 546

2. IS THE ACCUSED PROTECTED BY ANY GENERAL EXCEPTION PROVIDED BY THE SANHITA IN CHAPTER III?

¶ 27. It is most humbly submitted before this Hon'ble Court that the Accused, Lucio, is not entitled to the protection of any General Exception under Chapter III of the **BNS, 2023**.

¶ 28. The Prosecution submits that, the Accused cannot discharge his burden as: [1.1] The accused is not protected under section 25 of the Sanhita; [1.2] The accused is not protected under section 26 of the Sanhita; and [1.3] The defences of Necessity and Accident

2.1 The accused is not protected under section 25 of the Sanhita

¶ 29. It is submitted that, the Accused does not qualify for general exception under section 25 of the Sanhita. However, the protection of this section is not absolute; it is a conditional immunity that operates only when three rigid statutory essentials coexist: (i) *The act must not be intended to cause death or grievous hurt*; (ii) *The act must not be known by the doer to be likely to cause death or grievous hurt*; and (iii) *The person suffering the harm (being above 18 years) must have given a free and informed consent to suffer that specific harm or risk*.

¶ 30. The Prosecution submits that, the Accused fails to satisfy the essential ingredients of Knowledge and Consent. The privilege of Section 25 is statutorily denied to any person who undertakes an act *knowing* it is likely to cause death, regardless of the victim's consent. As the text of Section 25 explicitly excludes acts "*known by the doer to be likely to cause death*", the Accused's conscious tampering with a life-support device an act he knew carried a fatal risk, automatically disqualifies him from this defence. Furthermore, the alleged 'Consent' obtained from PW-1 was vitiated by a misconception of fact under Section 28, rendering the entire defence legally unsustainable.

2.1.1. Absence of the Non-Existence of Knowledge

¶ 31. Section 25 of the BNS contains a specific exclusionary clause: it only protects acts which are "*not known by the doer to be likely to cause death*". Therefore, to claim this defence, the Accused must affirmatively prove a negative fact, that he did **not** know his act was likely to cause death.

¶ 32. The Hon'ble Supreme Court ruled that where incriminating circumstances are established (i.e., the warning label), the failure of the accused to explain why he proceeded anyway allows the Court to draw an adverse inference regarding his mental state³⁴. The Accused failed to explain why he disregarded the "Death Warning." His silence on this point confirms he had no valid reason to believe the act was safe.

¶ 33. The Hon'ble Apex Court held that in cases involving severe consequences, the "knowledge" of the accused is weighed against the proportionality of the risk³⁵, in this case, the risk was absolute, Death, while there were no precautions taken by the accused, as he proceeded even after finding no diagrams.

2.1.2 The Consent was Vitiated by 'Misconception of Fact' pursuant to Section 28.

¶ 34. It is submitted that, consent must be free, informed, and specific³⁶. Consent obtained through misrepresentation or suppression of material facts is no consent³⁷. The Accused explicitly assured PW-1 that the damage "appeared limited to the display" and that he could "repair the screen without interfering with the internal parts of the Transmitter"³⁸. PW-1 gave her consent solely "relying on the Accused's demeanour and assurances"³⁹. She operated under the specific belief, induced by the Accused, that the repair would be a superficial screen replacement involving no risk to the device's core functions.

¶ 35. As held by the Hon'ble Supreme Court that the consent obtained on the basis of a misrepresentation of facts is fundamentally void⁴⁰. The Accused created a "misconception of fact" (that the repair was safe and external). Since he knew the device was a proprietary life-support unit and that he lacked the schematics, his assurance of safety was a falsehood. Therefore, the consent given by PW-1 is not valid under Section 28, not qualifying the Accused from taking protection under Section 25.

2.1.3. The Accused Exceeded the Express Scope of Authorized Consent.

¶ 36. It is submitted that, consent is limited to the specific act authorized. An act done in excess of the authorized scope makes the consent invalid. Complainant's consent was

³⁴ State of Uttarakhand v. Sachendra Singh Rawat, (2021) 4 S.C.C. 643

³⁵ Shatrughna Baban Meshram v. State of Maharashtra, (2021) 1 S.C.C. 596

³⁶ Common Cause v. Union of India, (2018) 5 S.C.C. 1; See also, Dileep Singh v. State of Haryana, (2010) 2 S.C.C. 424, State of H.P. Mange Ram, (2000) 7 S.C.C. 224

³⁷ Uday v. State of Karnataka, (2003) 4 S.C.C. 46

³⁸ Moot Proposition, at 19, ¶ 18

³⁹ *Id.*, at 19, ¶ 18

⁴⁰ Deep Chand v. State of Haryana

strictly conditional. She requested the repair *only* if it could be done "without interfering with the internal parts"⁴¹. She expressly forbade him from touching the "signal-related component".

¶ 37. The Hon'ble Supreme Court established that consent for a specific diagnostic or therapeutic procedure does not grant the professional implied authority to perform additional or different procedures (unless necessary to save life in an unforeseen emergency)⁴². In this case, it was not necessary for the accused to act on repairing the device by himself, the Patient Handbook clearly expressed that the working of the device can be assessed through remote access by the physicians⁴³, and the accused being a technician for electronic devices was clearly qualified to understand such text, the accused instead choose access the device internal by himself.

¶ 38. The Accused was authorized to replace a screen (Procedure A). His action to repair, manipulated the circuit board (Procedure B). Since the "short circuit" occurred during the unauthorized manipulation of the board, the harm arose from an act to which PW-1 never consented. The Hon'ble Supreme Court has held that a person who acts beyond his competence and authority cannot claim the defence of consent to negate liability⁴⁴

2.2 THE ACCUSED IS NOT PROTECTED UNDER SECTION 26 OF THE SANHITA.

¶ 39. **Section 26 of the Bharatiya Nyaya Sanhita, 2023** provides that an act which is not intended to cause death and the same is "*known to the doer*" is not an offence if it is "*done in good faith for the benefit of a person who has given consent*". Mere intent to help does not constitute a legal defence, as the statute requires the existence of; (i) *the accused to have intended to cause death*; (ii) *the accused to have known the consequences of his action*; and (iii) *the accused have done the act in good faith for the benefit of a person who has given consent*.

⁴¹ Moot Proposition, at 19, ¶ 15

⁴² Samira Kohli v. Dr. Prabha Manchanda (2008) 2 S.C.C. 1; See also, Conterbury v. Spence, (1972) 464 F 2d 772 (US Court of Appeals)

⁴³ Exhibit 1, at 14

⁴⁴ Dr. Mukhtiar Chand v. State of Punjab, (1998) 7 SCC 579; See also, State of Haryana v. Smt. Santra (2000) 5 SCC 182 Martin F. D'Souza v. Mohd. Ishfaq (2009) 3 SCC 1, Baba Rahim Ali Shah v. Sh. Atul Kumar Garg, (2022) 2 R.C.R. 178, Manju Bhargavi Hospital v. Secretary to Government of Tamil Nadu (Madras High Court, 2015) Rabindranath Mohapatra v. State of Orissa, A.I.R. 1996 Ori 220, Durgasi Venkataraman Rao v. Secretary, Board of Secondary Education, (2015) 1 O.L.R. 789

2.2.1. The Statutory Requirement of 'Good Faith' (Due Care and Attention) is Absent.

¶ 40. The term "Good Faith" is under **Section 2(11) of the BNS**, *"Nothing is said to be done or believed in 'good faith' which is done or believed without **due care and attention**".* The element of "due care" is immediately negated when an actor ignores express prohibitions regarding safety; (i) *The Accused was shown the **Patient Handbook**, which contained a capitalized, bold warning: "**WARNING: DO NOT OPEN OR INTERFERE WITH INTERNAL COMPONENTS. DEVICE INTEGRITY IS ESSENTIAL TO CARDIAC LIFE SUPPORT**".⁴⁵; (ii) Despite reading this specific warning, the Accused chose to pry open the casing and interfere with the internal circuitry.*

¶ 41. It is submitted that, performing a life-threatening act without the requisite knowledge or in direct violation of established safety norms negates the plea of good faith. A person who reads a "Danger" sign and proceeds anyway is acting with recklessness, not due care⁴⁶.

¶ 42. The Accused acted with a total lack of "attention" to the technical specifications of the device; (i) *The Accused attempted to find internal layout diagrams online but "could not find any" due to the proprietary nature of the device, and; (ii) Proceeding to tamper with the circuit board of a life-support system after confirming that no schematic or map was available is the height of rashness.*

¶ 43. The Hon'ble Supreme Court ruled that a person who prescribes poisonous medicine without knowing its effect acts without due care and cannot plead good faith in JugganKhan Case (SUPRA)⁴⁷. By analogy, a technician who bridges circuits on a cardiac transmitter without a circuit map acts without due care. He is acting wilfully blind with a human life at stake.

2.2.2. The Accused is not qualified to have acted in good faith.

¶ 44. It is submitted that, only a **qualified person** can act in good faith. For instance, if a homeopath prescribes an allopathy medicine, without being qualified for the same, he is guilty of negligence for per se, and is liable for the consequences. He cannot be allowed to take the plea of good faith in case a person suffers on account of such a

⁴⁵Exhibit 1, at 15

⁴⁶Sukaroo Kabir v. Empress, (1887) I.L.R. 14 Cal 566

⁴⁷Supra 27

treatment⁴⁸.

¶ 45. The Supreme Court established that a professional is expected to exercise a reasonable degree of skill and knowledge. A professional cannot attempt a procedure they are not competent to perform and then claim "good faith" when it goes wrong⁴⁹. A reasonable, prudent technician, upon reading a warning that says "Do Not Open OR INTERFARE WITH INTERNAL COMPONENTS"⁵⁰ and finding no technical diagrams, would stop. The Accused's decision to proceed was not a professional judgment; it was a "gamble" with the life of the deceased.

¶ 46. The Hon'ble Supreme Court has held that a professional owes a duty of care in deciding *whether* to undertake the case⁵¹. The Accused failed this primary duty by accepting a repair on a Class-III medical device⁵² that he was manifestly incompetent to perform. Section 26 requires the act to be for the "benefit" of the person. Turning a device with a "cracked screen" (which allowed for 60 minutes of survival) into a "short-circuited dead unit" (which caused immediate death) is not a benefit, instead the opposite.

¶ 47. The Accused risked the *entirety* of the patient's remaining life to fix a *cosmetic* display issue. This disproportionate risk-taking violates the principles of good faith⁵³. Therefore, the shield of Section 26 is unavailable to him.

2.2.3 The invocation of section 26 establishes the existence of knowledge

¶ 48. It is a fundamental principle of statutory interpretation that a provision must be read in its entirety. **Section 26 of the BNS** explicitly covers acts which are "*known by the doer to be likely to cause*" harm. By seeking shelter under this exception, the Defence implicitly admits that the Accused possessed the **knowledge** that his act of tampering with the device was likely to cause harm or death.

¶ 49. This admission is legally fatal to the Defence. The substantive charge against the Accused is **Culpable Homicide not amounting to murder under Section 105 (Part II)**, the essential ingredient of which is that the act is done "*with the knowledge that it is likely to cause death*".

⁴⁸ Poonam Verma v. Dr. Ashwini Patel, (1996) 4 S.C.C. 332

⁴⁹ Jacob Mathew v. State of Punjab, (2005) 6 S.C.C. 1

⁵⁰ Exhibit 1, at 15

⁵¹ Dr. Laxman Balkrishna Joshi v. Dr. Trimbak Babu Godbole, A.I.R. 1969 S.C. 128

⁵² FDA Medical Devices Class

⁵³ Kusum Sharma v. Batra Hospital, (2010) 4 S.C.C. 480; See also, Malay Kumar Ganguly v. Dr. Sukumar Mukherjee

¶ 50. The Prosecution submits that the protection of Section 26 is a composite shield; it requires *both* "Knowledge of Risk" **and** "Good Faith". Since the element of "Good Faith" has been demonstrably negated by the Accused's recklessness (as submitted in 1.2.1 and 1.2.2), the shield collapses. What remains is the admission of "Knowledge of Risk". Consequently, the Defence's reliance on Section 26 serves only to corroborate the Prosecution's case that the Accused acted with the requisite *mens rea* for Culpable Homicide. He cannot admit to "knowing the likelihood of harm" to claim a defence, and simultaneously deny "knowing the likelihood of death" to escape the charge.

2.3. THE ACCUSED IS NOT PROTECTED UNDER ANY OTHER RELATED GENERAL EXCEPTION.

2.3.1. Section 19 BNS is Inapplicable.

¶ 51. **Section 19** of the BNS requires that the harm to be prevented was "so imminent as to justify or excuse the risk". The device was merely "unresponsive", not confirmed obsolete. The battery/signal tolerance was 60 minutes. The backup was 1.5 hours away. Though it is a well-established fact, that necessity must be immediate and the force used necessary⁵⁴.

¶ 52. The Accused risked **Immediate Death** (short circuit) to fix a **Monitoring Screen**. This violates the principle of proportionality⁵⁵. The "immediate" cardiac arrest was triggered by the Accused's short circuit. Necessity cannot be pleaded if the accused himself created the danger⁵⁶.

2.3.2. Section 18 BNS is Inapplicable.

¶ 53. **Section 18** protects acts done by accident, but only if done with "**proper care and caution**". The Hon'ble Court has held that if an act is done without proper care and caution, the defense of accident is unavailable⁵⁷. The Supreme Court held that where an act is done with knowledge of its dangerous nature, the result cannot be termed an

⁵⁴ Gopal Naidu v. King Emperor, I.L.R. 46 Mad 605

⁵⁵ Emperor v. Javecharam, (1885) 5 Bom 318

⁵⁶ Dhanja Daji v. Emperor, (1868) 5 BHC (CrC) 59

⁵⁷ State of Orissa v. Khora Ghosi, (1978) CrL.J. 1305

"accident"⁵⁸. Opening a high-voltage medical device without a map displays a total lack of "proper care and caution," thereby disqualifying the Accused from the protection of Section 18⁵⁹.

¶ 54. It is submitted that, apart from the submissions made on behalf of the provisions, cited above, it is submitted that the accused is not protected under any other general exception of the Sanhita.

⁵⁸ Shankar Narayan Bhadolkar v. State of Maharashtra, (2005) 9 S.C.C. 71

⁵⁹ Tunda v. Rex, A.I.R 1950 All 95; See also, Atmendra v. State of Karnataka, (1998) 4 S.C.C 256

PRAYER

Therefore, in the light of the questions raised, arguments advanced, and authorities cited, it is most humbly prayed and implored before the Hon'ble Court that:

- a. the accused may be convicted under section 105 of the Sergio Penal Code, 2021
- b. the accused may be awarded maximum punishment.

And/or

Pass any such order, direction, or relief that this Hon'ble court may deem fit and appropriate in the interests of justice, equity and good conscience.

All of which is humbly prayed

Place:

Date: 15/12/2025

URN: 1102

Counsels on behalf of the Prosecution.