

TRIAL PROBLEMS

Case Title: State of Norland vs. Zaid Khan & Arif Moin

Background:

Norland, a democratic republic in South Asia, gained independence in 1947. Its Constitution was adopted in 1949. Colonial-era criminal laws - the Norland Penal Code, 1860, Criminal Procedure Code, 1889, and Evidence Act, 1872 - governed the nation until 2024.

In 2023, the Parliament enacted three new laws:

- Norland Justice Code, 2023 (replacing the Penal Code),
- Norland Citizens' Security Code, 2023 (replacing the Criminal Procedure Code),
- Norland Evidence Statute, 2023 (replacing the Evidence Act), all of which came into force on 1st July 2024.

Facts of the Case:

In June 2024, Elina Moris, a tourist from the Republic of Valleria (a North American country), arrived in Norland with four friends. Their final destination was a spiritual site in Nevra, a northern hill town.

On 30th June 2024, they reached Dalpur, where Moris booked a separate room in a nearby hotel, citing privacy and a plan to explore the region early the next day.

On 1st July 2024, Moris was found missing. Her friends and the hotel staff alerted the police. A missing person report was filed at the Dalpur Police Station.

Police received a tip from a local herder who had seen what appeared to be drag marks, blood stains, and a smashed helmet visor near the forested Gorvan Fort, close to the Rivora River. No body was found despite a search.

Moris's friend Lucas Bennet told police that Moris had mentioned planning a morning ride with Zaid Khan (a local taxi driver) and Arif Moin (a hotel employee). Both were detained and questioned. They denied all involvement and maintained that Moris had canceled the trip the previous night.

Police conducted searches and claimed to have recovered items such as: Torn foreign currency notes, A scarf allegedly belonging to Moris, and A broken phone without a SIM card. No forensic confirmation could link

these directly to the accused or Moris.

An FIR was registered under the Norland Penal Code, 1860, despite the Norland Justice Code, 2023 having already come into force on the same day. No body, murder weapon, or DNA evidence was ever recovered.

Trial and Appeal:

The trial court acquitted both accused on the grounds of: Lack of direct evidence, No confession, No forensic linkage, No recovery of the body, and Non-application of the correct procedural code.

The High Court upheld the acquittal, emphasizing that the prosecution had failed to prove guilt beyond reasonable doubt.

The State of Norland appealed to the Hon'ble Supreme Court, arguing that circumstantial evidence and recoveries justified at least a conviction under evidence tampering provisions.

Issues for Consideration:

- a. Can the accused be tried for the murder of a foreign national under Norland criminal law, and if so, under which code - the Penal Code, 1860, or the Justice Code, 2023?
- b. In the absence of a body or proof of death, can the accused be convicted for causing disappearance of evidence under the Norland Justice Code, 2023?
- c. Is a murder conviction sustainable on pure circumstantial evidence, when there is: No body, No eyewitness, No confession, and No forensic match?
- d. Can recoveries alone, without scientific or corroborative support, serve as the sole basis for conviction under the Norland Evidence Statute, 2023?
- e. How does the transition between the old and new criminal laws affect the validity of FIRs, charges, and trial procedures?

Applicable Laws (Pari materia with Indian Laws):

- Norland Penal Code, 1860
- Norland Criminal Procedure Code, 1973
- Norland Evidence Act, 1872
- Norland Justice Code, 2023 (equivalent to Bharatiya Nyaya Sanhita)
- Norland Citizens' Security Code, 2023 (equivalent to Bharatiya Nagarik Suraksha Sanhita)
- Norland Evidence Statute, 2023 (equivalent to Bharatiya Sakshya Adhiniyam)