

Common Elimination IX- Moot Proposition

1. Thirty two year old Ronnie Hooda falls in love with a beautiful 24-year-old Ragini Sikand. Though they met online and had an age difference of 8 years, yet after a week of knowing Ronnie, Ragini wanted to be with him forever. Despite all the opposition from her parents, she had dug her heels in. It was immaterial that he had allegations of a criminal past, or that he was a divorcee. Ragini had decided that she was going to get married to Ronnie within two weeks of meeting him.
2. Ronnie and Ragini eloped and got married on 31st December 2011, and left for their honeymoon on the 5th of January after seeking blessings from Ragini's family, which half heartedly accepted the alliance. Since it was their honeymoon, the airline upgraded them to first class. It was here that a wealthy oil baron, Sheik Al---Murtaza Arzai, who was also on his way to Dubai, joined them. Ronnie was a serial entrepreneur who was always searching for venture capitalists, and as it turned out Sheik Al-Murtaza was looking to diversify his holdings. After a brief conversation, Arzai invited them to come and visit him at his villa. He also expressed how his wives would be happy to meet Ragini, while they could talk business.
3. After spending 5 days sightseeing in and around Dubai, Ragini and Ronnie paid a visit to Al---Murtaza's residence. Arzai told Ronnie that since his family had a traditional mindset Ragini would not be able to join them as they talked business, and that he should let his wives show her around. Looking forward to experiencing Dubai with locals, Ragini left with his three wives. Ronnie and Arzai began hammering out the finer details of his proposed investment into a mobile payments gateway that Ronnie was building. The meeting was fruitful, and a sum of 7,000 Bitcoins was immediately transferred to Ronnie's account to get the project going.

4. When Ronnie asked to leave and requested that his wife be called, Al-Murtaza informed him that he had become delusional and that he didn't have a wife. When Ronnie persisted, Arzai called his three wives out who informed Ronnie that he had come alone, and that they had no idea of what he was talking about. Ronnie immediately ran outside to the cab driver who had brought him to the villa for validation of his story, but he also informed Ronnie that he had driven him to Arzai's residence alone.
5. Furious yet scared, Ronnie left the premises and directly went to the hotel he and his wife were staying at in order to collect their passports from the reception. On reaching the hotel, he was informed that he was indeed a guest at the hotel. However he also told that he had not been staying at the honeymoon suite as he was claiming, instead in a regular business suite and the hotel had no record of his wife or any other woman having checked in with him. On entering the business suite he found that his clothes and other belongings had been moved to the room, but his camera or wife's clothes were nowhere to be found. Sitting in the room, dejected and scared, he realized that he had no way of proving that his wife had come to Dubai with him. The sole piece of evidence he had were a few pictures on his smart phone.
6. In the meantime Ragini's Chandigarh based family had been trying to reach her on the telephone, but to no avail. Fearing for the safety of their daughter who had eloped with a man she had met just two weeks ago, Ragini's father Bhisham Sikand, Commissioner of Central Excise, Chandigarh flew to Dubai to try and trace her whereabouts. He met Ronnie in Dubai at the hotel in which the couple had been staying, and Ronnie tried to explain what had happened. Mr. Sikand did not believe a word of what Ronnie told him and was convinced that Ronnie was indulging in human trafficking and had sold his dear daughter off.
7. He immediately went to the local police station in Dubai, and lodged a case against Ronnie. The Dubai police swung into action, and started an investigation into the alleged disappearance. They then contacted the Chandigarh police in India to enquire into Ronnie's antecedents and meanwhile also followed up with the

Immigration and Customs Bureau to verify whether Ragini had indeed come into the United Arab Emirates.

8. A lengthy investigation was carried out and Ronnie was charged under Article 344 of the Penal Code and also Article 2 of the Federal Law on Combating Human Trafficking. The prosecution claimed that Ronnie had performed a sham marriage with Ragini in order to coax her into coming to Dubai with him, where he proceeded to sell her to Al---Murtaza Arzai for a sum of 7000 Bitcoins. Based on reports sent by the Chandigarh police, they also claimed that this was a pattern for Ronnie as he had sought dissolution of his marriage in 2010 on the ground that his wife had disappeared during his honeymoon 8 years ago. A case had been registered, but the investigations at that time had yielded no results.
9. The defence vehemently argued that an innocent man was being victimized by the system and that he was deeply in love with Ragini, and would never dream of doing such a heinous crime. In support of their contention, witnesses from the hotel staff who had seen the couple together were examined and they testified that Ragini and Ronnie looked like a couple very much in love. Photographs of Ragini and Ronnie having a good time around Dubai were also produced from Ronnie's Smartphone. The immigration bureau filed an affidavit stating that they had a record of Ronnie and Ragini entering Dubai together as man and wife on the 5th of January 2012.
10. After hearing detailed arguments, the court finally acquitted Ronnie, and directed the police to conduct an investigation into Al---Murtaza's activities as his role in the entire episode seemed dubious and that he was a person who had enough clout to bribe witnesses and hotel staff to further his ends. This decision was despite Mr. Bisham Sikand's testimony in court stating that Ronnie had only known Ragini for 2 weeks before marriage and that he was certain that Ronnie's intentions were far from noble.
11. Happy at his stand being vindicated, yet sad because of Ragini's loss, a dejected Ronnie decided to fly back to India on the 21st of

- December 2012. He was arrested by a special detail of the Chandigarh police the moment he landed at the Indira Gandhi International Airport and was taken to Chandigarh for questioning. The Chandigarh police had been acting on the basis of FIR No. 920 of 2012 under Sections 363, 366, 367, 368, 369, 370, 371 of the Indian Penal Code and also under Section 5, 8 of the Immoral Traffic (Prevention) Act, 1956 that had been registered at the behest of the girl's mother, Sumedha Sikand on December 16, 2012, the day after the Dubai court had acquitted Ronnie.
12. Ronnie applied for, and was granted bail conditioned on a bond of Rs. 10,00,000 on 29th December 2012. In order to pay for legal defence and other needs, Ronnie decided to withdraw money from his business account. For this purpose he approached Bilal Masid, a currency broker who also dealt in Bitcoins. He transferred 5000 bitcoins to Bilal, for which he received Rs. 36,00,000 in cash. As soon as the exchange was made, the Chandigarh police along with the special team in---charge of economic offences once again arrested Ronnie and Bilal for dealing in Bitcoins. According to the police, such an activity was in contravention of the foreign trade and exchange laws and various RBI regulations and that it also amounted to an offence under the Prevention of Money Laundering Act, among other laws that are in force in India. During the investigation Bilal Masid's shop was also sealed and the special team ceased all electronic machinery including computers, external hard--- drives, USB sticks, and other documents. Post the raid and arrests, FIR No. 923 of 2012, dated January 1, 2013 was filed under Section 4 of the Prevention of Money Laundering Act, 2002 and Sections 3, 4, 7 and 13 of the Foreign Exchange Management Act, 1999.
 13. Ronnie then proceeded to file a quashing petition in the Hon'ble Punjab and Haryana High Court against FIR No. 920 of 2012, stating that he could not be tried for the same charges that he had already faced in Dubai, as that would amount to Double Jeopardy, a right recognized by the Constitution of India and various other international instruments. His plea was rejected by the High Court stating that since the trial was held in another sovereign

jurisdiction, he could not be granted the protection of the aforementioned principle.

14. Meanwhile, Ronnie and Bilal moved another quashing petition against FIR 923 of 2012, stating that no existing law in India is broken by the use of Bitcoins, and that this move was only a ploy of the Chandigarh police to trap him in a false case as he had already been found innocent of all wrong doing in Ragini's case, much to the chagrin of the police. They took the plea that Bitcoins could not be termed a currency, and therefore India's existing laws did not apply. This petition was also dismissed.
15. Unhappy with the result, Ronnie has filed a special leave petition before the Hon'ble Supreme Court challenging the decisions in both petitions. Bilal Masid was greatly aggrieved by police's action of sealing and seizure that brought his business to a complete standstill, and has also preferred a Special Leave Petition challenging FIR No. 923 of 2012. He has also filed a writ petition before the Hon'ble Supreme Court stating that the actions of the police have violated his fundamental rights.
16. The Hon'ble Supreme Court was pleased to grant special leave in both cases. Writ Petition Number 3 of 2013 filed by Bilal Masid was also admitted and fixed for arguments along with the SPL No. 5 and 6 of 2013.