



JAGARLAMUDI CHANDRAMOULI COLLEGE OF LAW
(Sponsored by Nagarjuna Education Society)

2nd NATIONAL MOOT COURT COMPETITION – 2023
FEBRUARY 3RD AND 4TH
(FRIDAY AND SATURDAY)

BROCHURE

VENUE:

J C COLLEGE OF LAW,
JKC NAGAR, GUNTUR, A.P. INDIA

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J C College of Law
Moot Society

Moot Case

Sowmithri filed the Writ Petition before the Supreme Court under Article 32 of the Constitution challenging the validity of Section 497 of Indian Penal Code. The facts leading to the Petition are as follows:

Yusuf Abdul, the husband of the Petitioner filed the Petition before the Family Court for Divorce against the Petitioner on the grounds of desertion and adultery. Pending the divorce proceedings, the husband of the Petitioner filed a Complaint against the one-Joseph under Section 497 IPC charging him of committing adultery with the Petitioner Sowmithri. Sowmithri filed the Writ Petition for quashing off the Complaint on the ground that Section 497 IPC which created the offence of Adultery is unconstitutional.

The Petitioner pleaded that:

- a) Section 497 of IPC is violative of Article 14 of the Constitution as it made an irrational classification between men and women perpetrating romantic paternalism and,
- b) Right to life under Article 21 includes Right to reputation.

On 19th September, 2022 the Five Judge Constitution Bench of the Court in their concurring Judgement, in view of the anomalies, has struck down Section 497 IPC as unconstitutional being violative of Articles 14, 15 and 21 of the Constitution and Section 198(2) of the Code of Criminal Procedure (Cr.P.C) only to the extent that it is applicable to the offence of Adultery under Section 497 IPC, over ruling its earlier decisions.

Consortium of Religions, an Association registered by some heads of the three major religions in the country has filed a Review Petition on 10th October, 2022 before the Supreme Court praying for reconsideration of the hurried verdict on the grounds inter alia that;

- 1) Adultery is one of the most ancient sins which every religion has condemned,
- 2) The decision violates the freedom of religion under the Constitution,
- 3) Creating right to consensual sexual activity within the marriage manifestly effects the mutual exclusive rights of the marital parties,
- 4) Right to personal choice is limited within the marriage and,
- 5) The decision effects public and private morals and effects the sanctity of matrimonial home.

The Review Petitioner has prayed for a direction to the Union Government to recast Section 497 IPC removing the anomalies. The Review Petitioner further prayed for changing of any two of the Judges from the Bench so that the Review becomes meaningful.

The Court admitted the Petition and allowed the oral hearing of the parties.





JAGARLAMUDI CHANDRAMOULI COLLEGE OF LAW

SECOND NATIONAL MOOT COURT COMPETITION

Jagarlamudi Chandramouli COLLEGE OF LAW
(Approved by Bangalore Education Society)

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PAY Winners of Research Test at Jagarlamudi Chandramouli College of Law Second
National Moot Court Competition and Alumni Trophy

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V. K. Kulkarni
Secretary & Correspondent *[Signature]*
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The team comprising of Celin Priscilla (Ill Year - B.Com.LLB. Hons.), Ajay Wilson (Ill Year B.Com.LLB. Hons.) and Charumathi (Ill Year B.Com.LLB. Hons.) bagged the Best memorial award and Charumathi also bagged Best researcher award in the 2nd Nation Moot Court Competition, 2023 conducted by Jagarlamudi Chandramouli College of law, Guntur.

The competition witnessed participation from 32 teams all over the country. The team received the award in the presence of Hon'ble Shri. A. Rami Reddy, Bar Council of India member and Adv. B. Naresh, Senior advocate, A.P High Court