

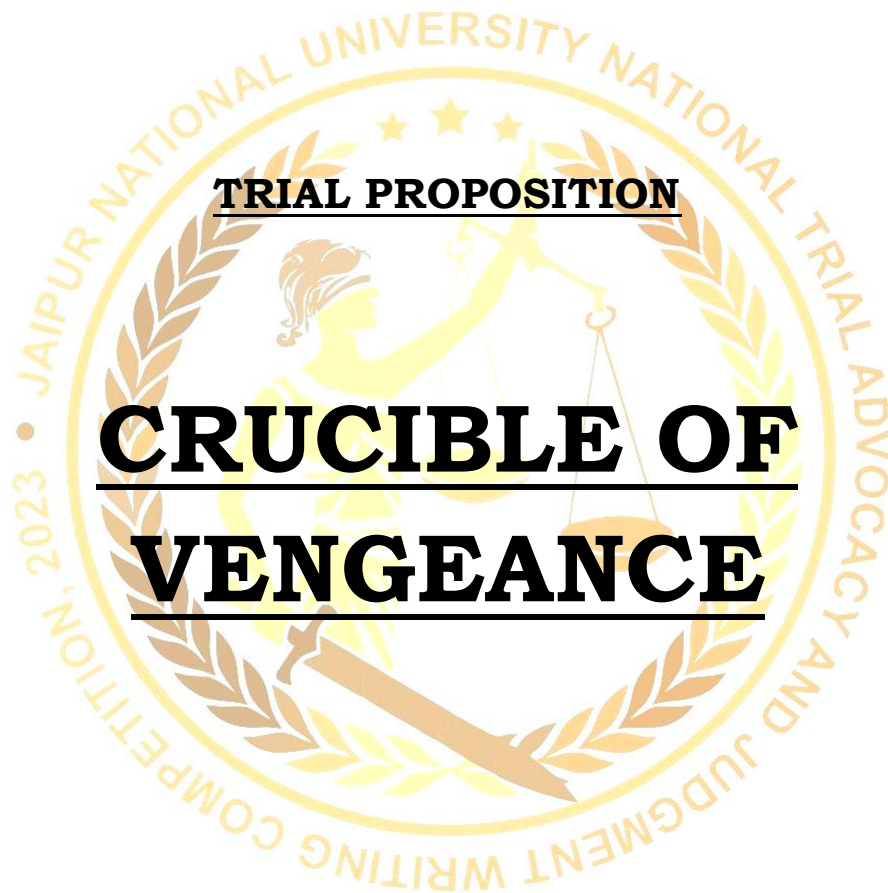
**JAIPUR NATIONAL UNIVERSITY NATIONAL TRIAL ADVOCACY  
AND JUDGMENT WRITING COMPETITION, 2023**

ORGANIZED BY

**SEEDLING SCHOOL OF LAW AND GOVERNANCE**

AND

**TRIAL & APPELLATE ADVOCACY SOCIETY (TAAS)**



**TRIAL PROPOSITION**

**CRUCIBLE OF**  
**VENGEANCE**

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## FACTS OF THE CASE

Characters Involved:

1. **BILLA** (41) (Truck Driver) (Accused).
2. **SOHAN JOHAR** (32) (Truck Driver) (Accused).
3. **RAJU SOOD** (15/16) (Cleaner) (Accused).
4. **MANMEET SINGH SODHI** (55) (Truck Owner) (Witness).
5. **LAVESH KUMAR** (38) (Brother-in-Law of Sohan) (Deceased/Victim).
6. **GEETA KUMAR** (35) (Sister of Sohan) (Witness).
7. **SARAH MCLEIGH** (26) (Lavesh's girlfriend) (Deceased/Victim)
8. **ARTHUR MCLEIGH** (56) (Sarah's father & Deputy to American Ambassador to India/Complainant).
9. **SARAN JOHAR** (17) (Sohan's mentally retarded brother).
10. **JAMSHED RAZDAN** (44) (Money launderer/Deceased/Victim).
11. **SARITA RAZDAN** (38) (Jamshed's wife/Complainant).
12. **MANOJ JHA** (alias MANNU) (24) (Former cleaner on the truck/Witness).
13. **SANATAN PRASAD CHAUBEY** (58) (The druglord).
14. **ISKANDER MAJID** (36) (Victim/Driver).
15. **SHANKAR SHARMA** (33) (Victim/Driver).
16. **MITESH BHATIA** (36) (Witness).
17. **SADANAND KUMAR** (64) (Lavesh's father/Complainant/Witness).
18. **BALLU PATHAK** (21) (Cleaner on Lavesh's truck/Witness).
19. **SHOBAJRANGI CHOWKSE** (42) (Investigation Officer, PS Malhepur Village).
20. **SAURABH MOHAN SHRIVASTAVA** (29) (Investigation Officer, PS Chanakyapuri).
21. **SSP JAY KUMAR BHARDWAJ** (38) (Investigation Officer, CBI).

22. **SI ARPAN KHARE** (30) (Investigation Officer, PS Aalimganj, Lucknow District)

**CRIMES COMMITTED (*Prima Facie*):**

1. Murder
2. Attempt to Murder
3. Rape
4. Robbery
5. Wrongful Restraint
6. Kidnapping for Ransom
7. Hurt During Robbery
8. Destruction of Evidence
9. Theft
10. Drug trafficking
11. Money Laundering

**PART I**

1. **BILLA** (41) and **SOHAN JOHAR** (32) are truck drivers, who drive a truck belonging to **MANMEET SINGH SODHI** (55), who owns a fleet of trucks. Since the truck has to be driven at most hours of the day, there are two drivers for each truck and they have divided the driving hours between them. **RAJU SOOD** (15/16) is a young boy recently hired as a cleaner and assistant on the truck driven by Billa and Sohan. At the time of crime in 2018, Raju was on his very first trip on the truck and was eager to please the drivers because they had very reluctantly taken the boy as their assistant for the trip and only because their regular cleaner, **MANOJ JHA** or **MANNU** (24) had decided to quit the job and run away to his village called Dharpur located close to the Indo-Nepal border.
2. Billa's wife was suffering from cancer and needed expensive chemotherapy, which was beyond the financial capacity of Billa, who had asked for help of Manmeet Singh, the owner of the truck, but Manmeet had coldly refused to give a penny more than Billa's monthly salary, not even an advance salary of a

few months. So Billa was in dire need of money and was constantly sad and dejected at the prospect of his wife's painful and inevitable death.

3. Sohan had an elder sister, **GEETA KUMAR** (35), and a mentally retarded younger brother, **Saran JOHAR** (17), and an aging mother, sixty years of age. Geeta had been married for seven years, and had been abandoned by her husband, **LAVESH KUMAR** (38), a year ago. Lavesh came from an upper middle class family and at the time of marriage, he was into heavy drinking and reckless gambling because of which his family wanted him to get married so that the attending responsibilities of a married life could put him back on track.
4. Three years into the marriage, persuaded and pestered by his wife, Geeta, Lavesh quit gambling, scaled down on drinking and started taking part in the dry fruits business of his father. Soon enough, he started building upon his father's business and also started expanding it to the farther reaches of India and abroad.
5. In order to save on the transportation costs, Lavesh starts buying his own trucks to ferry dry fruits and to maximize the productivity of the fleet of trucks, he starts a transport business lending his trucks to carry goods for other businesses. The transport business also blossoms, and within five years of marriage, Lavesh's dry fruit business as well as transport business takes off and he starts amassing wealth.
6. Soon, Lavesh is contacted by one **SANATAN PRASAD CHAUBEY** (58), who is involved in cross-border narcotics business, with an offer of hiding some of the contraband drugs in Lavesh's trucks delivering goods near the Indo-Nepal border for a handsome financial reward of a twenty percent cut in the profit, which translated to several crore rupees every month. Lavesh, led by the desire to earn more and more money, takes the deal and after starting slow initially, goes full swing in a year's time, creating a network of cooperating government officials, including the police, by bribing them handsomely from the money he made from illegally transporting narcotics up to the Indo-Nepal border districts for further supply into both the domestic and international markets.
7. Lavesh had married Geeta at the insistence of his family and also because she was a pretty young woman, the likes of which Lavesh or his family could not hope to find for him on account of his gambling and drinking habits. Lavesh's family also wanted a girl from lower class so that the family of their daughter-in-law could not bring much pressure on Lavesh or his family if things did not work well in the marriage and the girl was unhappy in marriage, which was how they thought things were going to be at least in the initial years of marriage, if not for all times. Fortunately, Lavesh turned a new leaf unexpectedly and to the surprise of everybody around him.

8. Lavesh's success also meant he was regularly attracting more attention from everywhere, and since he wanted to be presentable and impressive in his meetings with new clients and business associates, he had also started spending much time looking after himself. Geeta was happy with the new developments. Lavesh's father was also grateful to Geeta in bringing about the change, but Lavesh's father was the only family left within five years of marriage because his mother expired four years after the marriage and since Lavesh was the only child, there was nobody other than his father left.
9. **SARAH MCLEIGH** (26), the daughter of the deputy to the US ambassador to India, came into contact with Lavesh at a party organized by Lavesh. She had accompanied a group of her friends to the party, and was soon impressed by the immense wealth and much improved personality of Lavesh, who had also hired a style coach to transform himself into this new trendy avatar. Sarah, being a fun-loving person, dabbled into drugs every now and then, and Lavesh had access to some of the best quality cocaine and heroine one could find anywhere in the world thanks to his connection with the narcotics underworld. His money and connections further impressed Sarah and soon the two were dating, which caused a lot of friction in Lavesh's marriage even though Geeta did not protest as aggressively as any other girl might have due to her modest background. But soon, Lavesh started finding her presence around him unfit for the big and mighty man he had become in such a small time. He did not think he could take Geeta to the parties he went to because Geeta, despite her looks, was not exactly in the class he would want his wife to be in. So he started taking Sarah to those parties, and soon he started thinking of having Sarah, a pretty, well-traveled foreign woman with a diplomatic background, as his wife, for having her as his wife meant that he had a ready opportunity to develop connections with officials in many government administrations of the world.
10. Geeta was a problem. And one fine day in 2016, he decided to dump her unceremoniously. He sent her back to his family and threw some money to make it look alright, which deeply pained the entire family, including Geeta and Sohan. Geeta sunk into depression and her condition worsened with every passing day, which led to Sohan's pleading with Lavesh to take his sister back, but Lavesh coldly threw Sohan out of his house and told him that all he could do was give some money and support Geeta's treatment, provided she agreed to an amicable divorce. From Lavesh's side, the relationship had ended, and he was not having it any other way.
11. Geeta, in her depressed condition, would keep talking about her life at her husband's place and how he had turned himself into this big businessman from a gambling drunkard. While Lavesh was clueless about it, Geeta, being

intelligent as well as a keen listener, knew a great deal about how her husband had expanded his father's business as widely as he had done. From the phone calls Lavesh received at home and also from overhearing the conversations between her husband and his business associates when they had meetings at home, Geeta knew about how much money her husband was making from the narcotics business he was involved in.

12. After Lavesh had abandoned Geeta and she was staying with her mother and brothers (Sohan and Saran), she would frequently talk about her husband and what he did and just how well he managed to do it. She was proud of how far her husband had come even though he refused to be any kind of husband to her. On one such afternoon when she was cooking and telling tales about her husband, Sohan was sitting by her to keep her company and was listening absentmindedly to the details of Lavesh's narcotics operations she had gotten to know so much about. She was in a particularly good mood that day and went on and on about how intelligently Lavesh was lining his trucks with narcotics so that the police, even if they chose to inspect the trucks closely, could not detect the narcotics among the goods loaded in the trucks.
13. She also told him about a much larger truck that Lavesh had recently bought for a special operation that was to take place sometime soon though she did not know when and also did not know what the operation was about except that it was a very big delivery of some kind. That's how Sohan gets to know of the new truck and what it was to be used for. What he did not know was when the delivery was to take place. When Geeta was sharing that piece of information, the delivery she was talking about had already taken place, and Lavesh was greatly encouraged by the success of such a big success. It was a large consignment of narcotics, but not anywhere close in size and volume to the consignment that the trio ended up robbing.

## **PART II**

### **THE CRIMES**

1. In August 2018, Billa and Sohan were driving the truck back towards their base of operations in Lucknow from the Indo-Nepal border, where they had offloaded manufactured toys for a manufacturer. Raju, the new cleaner and helper, was also riding along. He was new and young and eager to please both of his driver ustaads. The truck was empty and the two drivers were taking turns driving it every few hours. Both the drivers were particularly grim and sad on that trip back. Billa was constantly talking of the illness of his wife, who badly needed chemotherapy to survive as long as she could in her condition, and their boss, Manmeet Singh Sodhi (the owner of the

truck), was being too cold and miserly to concede to his request for money as advance against his salary.

2. Sohan was also unhappy and dejected because he too needed money to take care of his mentally retarded brother, Saran Johar, but he was particularly angry about his affluent brother-in-law, Lavesh Kumar, who had abandoned his sister like she was a burden, because of which his sister, Geeta Kumar, had lost the balance of her mind and was only marginally better than Saran in terms of mental health. She was chronically depressed and the doctors had prescribed strong antidepressants to deal with her mental condition, but the medicines seemed to be making her condition worse. Raju, hearing of the grim circumstances of his ustaads, wished he could do something about it, and was particularly incensed by the coldness with which Lavesh, a rich man, had dumped his wife, a poor man's sister, leaving her in a fragile mental condition.
3. On their way back, they stopped at Dharmpur and meet their old cleaner Mannu, who told them about the village Pannakot, located very close to the Indo-Nepal border, about 20 kilometers from Dharmpur. The village was established by Lavesh for his own purposes. Every family in the village worked for Lavesh, Mannu said, and was well paid by him for the work. The village was the narcotics hub for packaging and distribution of drugs owned and sold by Sanatan Prasad and transported by Lavesh Kumar's fleet of trucks designed to conceal narcotics. Mannu doesn't know how such effective concealment is achieved, but Sohan does, having heard of it from his sister. But he does not disclose it to anybody until much later. Mannu had left his job as the cleaner to work for Lavesh for a much higher pay and other benefits, and planned to move to Pannakot with his family soon because there was much money to be made working full-time for Lavesh and staying at Pannakot. The loyal workers who dedicated themselves to Lavesh and went to live in Pannakot were completely taken care of by Lavesh and Sanatan, from housing to medical to old-age pension.
4. After meeting Mannu, the three of them resume their drive back to their base in Lucknow, but some 250 kilometers down the path from Dharmpur, Sohan spots a large, shiny truck at a roadside dhaba, where the three of them had stopped for lunch. Sohan recognizes the truck by the large and stylish trademark printed on the sides and the back of the truck. The truck is loaded, and it is immediately clear to Sohan that this was the big, new truck his sister was talking about, which also meant that the loaded truck was carrying a large amount of narcotics. While his sister was pretty much living the life of a degenerate from the misery heaped upon her by Lavesh, he was having a prosperous life built on illegally and wrongfully begotten riches. The



thought brings Sohan's hatred and anger towards Lavesh, his brother-in-law, to the surface and a dark idea forms in his mind, which he shares with Billa.

5. They could rob the truck and sell the narcotics and get rich in no time. Billa does not immediately buy into the plan because he sees a lot of problems with robbing the truck and then selling the narcotics. But he also needs money to support his wife's treatment, and when Sohan reminds him of it and keeps on trying to convince him, he eventually warms up to the plan, but is still unsure. While they are discussing the plan in the truck, the drivers and the cleaner of Lavesh's truck finish their lunch, and resume driving the truck towards their destination.
6. Sohan turns the truck around and starts following Lavesh's truck while they continue talking. Billa calls Mannu and asks whether they could sell narcotics with his assistance. Mannu says that he does have connection with the rival gang of Sanatan Prasad, and despite being a small – time gang compared to Sanatan Prasad's, it might be able to buy the narcotics even though at a much cheaper rate. Finally, the plan is settled, and Billa is finally on board with the plan, considering that most of the difficulties had been removed, and all that remained to be done was robbing Lavesh's truck and taking possession of the cocaine in it.
7. They decide to waylay the truck in the darkness of the night because the night was going to fall on the way, as the truck, heavy from the onboard goods, could not move fast enough to cover 250 kilometers before dawn. Raju, eager to please his *ustaaads*, is enthusiastically on board the plan; right from the word 'go', even before Billa agrees. Raju, in fact, helps Sohan persuade Billa to rob the truck.
8. They follow Lavesh's truck in theirs until it's dark enough to intercept the target truck. They wait for the truck to enter a particularly deserted stretch of the road with trees and thick foliage on both sides of the road before they strike. Their truck, being empty and small, could move much faster than the bigger and loaded target truck. They overtake the truck and block its path. The three of them get down and attack the drivers and the cleaner in Lavesh's truck with iron rods and a spanner. Billa strikes the driver with the rod in the stomach, and the driver doubles over, and with another blow to the back, the driver is flat on the road, knocked out of his senses.
9. The other driver resists, and Raju hits him in the head with the spanner, cracking his skull and causing brain damage even though the man would eventually survive his injuries after staying in coma for about two months. Sohan takes on the cleaner and hits him in the ribs with the rod. The cleaner runs away and is not seriously injured for that reason.

10. Billa, Sohan and Raju get into the truck and Sohan tells the two where to look for the drugs. They realize that the truck has a lot more cocaine than they thought it had. While they are transferring the cocaine into their own truck, they hear a car stop. What they did not know was that the cocaine consignment they had just looted was the biggest ever transported by Lavesh, and for that reason Lavesh was following the truck at a distance in his Mercedes even though he did not expect any foul play as the entire stretch was under the protection of Sanatan Prasad and the smalltime criminals were not going to mess with the mighty drug lord. The police officials were practically on the monthly payroll of Lavesh, so that was not a cause for worry either. That was the reason why Sarah was with him in the car. For them it was a long, fun-filled roadtrip laced with a bit of heady adventure. The three kilograms of high quality cocaine in the truck was worth INR 35 crores, so Lavesh wanted to keep it right in front of his eyes until the consignment reached its destination. The maximum he had transported in his trucks before that consignment was cocaine worth about 9 crores, which was his second largest consignment.
11. Seeing the headlamps of the Mercedes, the three quietened their activity and started working on the truck as though there was a mechanical breakdown so that the passerby car could pass without alarm of any kind. They did not reckon it would be Lavesh in the car. Lavesh, at first glance, thought that there was some kind of breakdown. So he stepped out of his car and approached the truck, asking Sarah to stay in the car.
12. As he approached the truck, he saw Raju first and did not recognize him as his cleaner. Sohan sees him, too, and alerts Billa that it was Lavesh. Billa attacks Lavesh immediately, fearing that he could be carrying a weapon. Lavesh did have an unlicensed pistol supplied by Sanatan Prasad, but it was tucked in the glove compartment of the car. Lavesh moves quickly and kicks Billa away. Sohan jumped right in front of Lavesh to assist Billa while Raju circled in from behind. Lavesh looked at Sohan and a barrage of obscenities issued from his mouth, which enrages Sohan, who already hated his brother-in-law from the bottom of his heart. The two get into a ferocious fight.
13. Before Raju could jump into the fight, he felt a hard object strike the back of his head even though, having sensed something moving behind him, he had moved a little, and the bottom grip of the pistol does not catch the back of his head completely for that reason and ends up causing a fleeting injury to the side of his head.
14. What had happened quickly was that Sarah, seeing and hearing what looks and sounds like a scuffle from inside the car, reaches into the glove

compartment and retrieves Lavesh's pistol, and sneaks up behind Raju. She quickly points the pistol at Raju's head from behind and squeezes the trigger, but the gun doesn't fire because she forgets to disengage the safety catch on the pistol, which is when Raju senses someone behind and moves away. Sarah, having failed to fire the gun, tries to pistol-whip him from behind but the magazine end of the butt only causes a fleeting injury to the side of Raju's neck on account of his moving out of the way of the pistol butt swung at his head.

15. Raju physically tackles Sarah, who fights back with all her might. She kicks Raju and while the kick does land on his upper thigh, it is not forceful enough to cause serious injury. Raju soon pushes her away and keeps slapping and hitting her, infuriated at being hit by a woman.
16. Sarah keeps fighting to the best of her abilities, which angers Raju further. He punches her in the stomach and then rains slaps, punches and kicks on her. Soon, she is in no condition to fight back. Raju drags her to the back of their truck, holding her by her hair and slapping and hitting her all the way. He throws her in the back of the truck, pulls her slacks off and starts raping her.
17. On the other side, Lavesh puts up a spirited contest against Billa and Sohan, and fights both of them off for a while, but eventually Billa and Sohan manage to subdue him with Billa hitting him hard repeatedly in the ribs when Sohan twists his arm hard enough to break it at the elbow and Billa kicks him to the ground. Lavesh is bleeding from the mouth and is in enormous pain, but Sohan is extremely enraged. He rushes to the iron rod lying on the road and wants to swing it to Lavesh's head, but Billa intervenes and holds Sohan off Lavesh and tries to drag him away from an almost unconscious Lavesh. Lavesh, seeing the opportunity, makes a dash for his car, seeing which Sohan pushes Billa off him.
18. Billa topples over a stone on the side of the road and falls to the ground. Sohan runs after Lavesh, who is clumsily rushing towards his car, and kicks him in the lower back, hurling Lavesh to the ground. As soon as Lavesh lands on the ground, Sohan swings the iron rod to the top of his head, cracking open his skull. He swings again, sending the rod through his skull and into the brain matter. Lavesh is instantly dead, but Sohan brings two more blows to the back of his head with all the force he could generate.
19. Billa rushes to Sohan and stops a maniacal Sohan from hitting the head of a dead body any further. When they disengage, they look around for Raju and hear noises from the back of their truck, where Raju had dragged Sarah. They rush to the back of the truck, and find Raju raping Sarah. They pull Raju off Sarah, who lies nearly unconscious and unable to move, her face

and body badly bruised from the severe beating Raju had given her. Raju casts a volley of abuses at her, angered at her having taken on him and wants to teach her a lesson for life, but Billa and Sohan keep him from approaching her again. They tie her down and gag her to deal with her later because they have the more urgent matter of dealing with cocaine to attend to.

20. They transfer the cocaine into their truck. Sohan suggests that they hold her for ransom because she was a foreigner and came from a rich family. Besides, she was the one Lavesh had left his sister for, so she and her family also deserved to pay for the misery of his sister, Sohan says. Raju and Billa understand and agree.
21. They wrap the dead body of Lavesh in a tarpaulin cover from their truck and stuff it into the boot of the Mercedes. They keep Sarah tied up and gagged in the back of the truck. The drivers of Lavesh truck were lying unconscious on the road, and had not seen what happened to Lavesh and Sarah, as both had appeared on the scene after they had already passed out while their attackers were transferring cocaine into their own truck. They leave both the drivers and their truck as it is.
22. Billa drives their own truck and Sohan drives the Mercedes, following the truck. They drive about 100 kilometers toward Dharmpur and take the dead body out of the car and bury it in a shallow grave in the surrounding woods some fifty meters off the highway.
23. They drive the Mercedes and the truck to Dharmpur, where Mannu connects them to the people he knows to be in the business of narcotics. Mannu manages to connect them to the closest competitor — although a distant second to — of Sanatan Prasad. Mercedes is promptly sold for INR 6 lacs, and the money is paid in cash, and the cocaine worth INR 35 crores is eventually sold for a relatively measly sum of INR 9 crores. Earning the displeasure and enmity of someone as powerful and brutal a druglord as Sanatan Prasad came with risks and remained a big topic of attention across the nation.
24. Billa and Sohan tell Manmeet Singh Sodhi that the truck had broken down and it was taking a while to get it fixed, which is how they buy more time to return, and manage the robbery, their trip to Dharmpur and their belated return.
25. Raju is left behind in the truck, which Billa parks at some distance from where they meet Mannu. Before leaving, Billa gives strict instructions to Raju that he is not to lay a finger on Sarah, and has to attend to her needs, ensuring that she doesn't escape. Raju obediently follows the instructions.

26. They plan to keep Sarah at Billa's empty village house until the ransom is paid. On their way back to Lucknow, they buy a new phone with a new number and call Sarah's father, demanding INR 2 crore in ransom. The three of them only know that Sarah's father is a rich, influential person, but they have no clue that he is a US diplomat, or, for that matter, what it means to be a diplomat, or how much of a pull does a deputy to the US Ambassador to India could have with the government. By the time they reach close to Lucknow, they realize from the newspapers at the dhabas on the way and also from what the people are talking as well as the news on TV and radio that there was nationwide search already on for Sarah McLeigh, daughter of Arthur McLeigh, a US diplomat. They realize that they had taken a much larger bite than they could possibly chew and swallow. The Government of India had already ensured the United States that all measures would be taken to ensure the safe return of Sarah. That's when they realize how much trouble they were in with Sarah in their truck.
27. They take the truck back to the highway and discuss their options. They couldn't leave Sarah alive, they figure. So they decide to kill her. Billa slits her throat in cold blood, and they carefully pick a spot deep amid dense trees and thick foliage to bury her. They dig a deeper grave for her, and bury her neatly to prevent early detection. They return like nothing had happened and resume regular work after thoroughly cleaning their truck and disposing of the rod with which Sohan had killed Lavesh.
28. The money from the cocaine sale (INR 9 crores) is available for taking a month after the murder and robbery, but by that time the investigation is in full swing with the case having been transferred to CBI by the state government because of the missing daughter of a US diplomat. The drug lord who had bought their cocaine wants to play as safe as he can because there is heat from the side of the police as well as Sanatan Prasad, who is looking for the one who had dared to rob and sell his cocaine. So the drug trafficker who purchases the narcotics from Billa, Sohan and Raju suggests that the money be properly laundered so that all possibilities of anybody connecting it back to the crime is taken care of. In the meanwhile for the purpose of money laundering, they hire **JAMSHED RAZDAN** and his wife **SARITA RAZDAN**, who charge a whopping sum of INR 1.5 crore for laundering the money for the three of them. So the three of them get INR 7.5 crore in hand, which they divide equally among them, and go their separate ways and do not talk to each other after that.
29. The police investigation starts in 2018 and it is only in December 2022 that they start making arrests. At the time of the arrest, all three of them are

engaged in different businesses, having wisely used the money from the crime to make more money. In March 2023, the chargesheet was filed.

## **PART III**

### **INITIATION OF THE INVESTIGATION**

#### **The First FIR**

1. One of the two drivers on Lavesh's truck, **SHANKAR SHARMA**, is badly injured and is bleeding from the head whereas the other one, **ISKANDER MAJID**, falls unconscious and regains consciousness in a short while when the robbery is in progress and does see the three perpetrators in the headlamps of the truck. But he keeps lying, pretending to be unconscious. The three perpetrators are in a hurry by the time Iskander regains consciousness because Lavesh is already dead and they don't want to be caught red-handed in the act. Iskander gets up only when he is sure that the perpetrators have left.
2. He immediately calls the Transport Manager (TM) at Lavesh's company to report the robbery, and is in extreme panic because with all the blood spewing from his head and pooling around a motionless Shankar, Iskander thinks Shankar is dead. He is giddy from anxiety and is speaking in broken, badly formed sentences when the Transport Manager, **MITESH BHATIA** (36), takes his call, getting up from deep sleep and sounding groggy from having got up from deep sleep. Mitesh is one of Lavesh's key persons and knows what was in the truck and how to handle situations when there is law enforcement or there is a possibility thereof. But he hasn't handled anything of this magnitude. So he immediately calls Lavesh for instructions and asks Iskander to calm down in the meanwhile. Lavesh's phone rings and nobody picks the call. Mithesh calls again, but this time the phone is switched off.
3. Mitesh keeps calm and asks Iskander if Shankar is dead, and Iskander confirms it, which means there is no option but to report the matter to the police. The two trusted drivers know of the cocaine, too. So Mitesh instructs Iskander to not speak of cocaine robbery, and only speak about the robbery and physical attack when the police arrives. Mitesh calls the Station House Officer (SHO) of the area, **BAJRANGI CHOWKSE** (42), who is known to Mitesh because he is one of the officers on Lavesh's payroll, and asks him to attend to the matter urgently and keep things down and slow until he has further instructions from Lavesh about how to proceed in the matter. Inspector Chowke immediately reaches the spot and seeing the condition of Shankar calls an ambulance. Chowkse tells Mitesh that he has to register an

FIR for attack and causing grievous hurt and attempt to robbery at least because nothing seems to be missing from the truck. Both Mitesh and Chowkse know that a large amount of cocaine was taken from the truck, but the FIR could not reflect that. This is the first FIR in the matter registered by PS Malhepur Village, District Malhepur Township, Uttar Pradesh. The crime took place on **August 12, 2018**, and the first FIR in the matter was registered on **August 14, 2018** by PS Malhepur Village.

### **The Second FIR**

4. Lavesh and Sarah going together for a couple of days was normal, but when Arthur McLeigh, father of Sarah, receives a ransom call in the afternoon of August 14, 2018, and the kidnappers put his daughter on phone to confirm they have her, Arthur realizes that his daughter has been taken hostage and is not with Lavesh. He calls his contacts in the government and an FIR is promptly filed on **August 14, 2018** by PS Chanakyapuri, District New Delhi, Delhi, and a case of kidnapping for ransom is registered with the investigation starting into the matter the same day. By the morning of August 15, 2018, the news broke and the kidnap of a foreign national, the daughter of a US diplomat, was big news. With the news circulating on India's Independence Day, it is not exactly the kind of negative attention the Government of India wants. So the Central Government swings into action promptly and assures the Government of the United States that Sarah would be reunited with her parents shortly, and no stone will be left unturned to ensure that.

### **The Third FIR**

5. Lavesh does not inform anybody before leaving to follow the truck with Sarah alongside, and that is their idea of an adventure vacation, which is why nobody knows for the first twenty-four hours after they go missing that there was any possibility of it. Lavesh and Sarah could remain unfound for a couple of days and that was normal for them. So the disappearance does not raise any red flags for the first two days. Only when Lavesh doesn't pick Mitesh's call for 36 hours at a stretch, does not call back, does not even see his texts, Mitesh starts sensing that something is not alright. He shares his apprehension with Lavesh's father, SADANAND KUMAR (64), who immediately approached the police on August 15, 2018, and the FIR is finally registered by the PS Aalimganj, District Lucknow, Uttar Pradesh.

## PART IV

### THE INVESTIGATION

1. The investigation begins at the highway itself, and while SHO BajrangiChowkse would have happily cooperated with Lavesh and his people in giving the investigation the direction most suitable to Lavesh's interest, but after he has sent Shankar to the hospital in an ambulance, he closely inspects the scene and finds that Shankar's blood was all over the place in front of the truck but a lot of blood was there at the back the truck also. So someone else had also been badly injured. Iskander was not as badly injured as to be the source of that blood. He asks Iskander about the other pool of blood and Iskander is equally confused, but he says that he had passed out for a long time and maybe the perpetrators had a fight among themselves. Chowkse, being a seasoned police officer, immediately understands that there might be more to the story than was clear from the crime scene. So he decides to seal the crime scene and the forensic team has the scene forensically examined and evidence collected. On close examination, the forensic team found large chunks of brain matter stuck on the rim of one of the rear tyres of the truck. Chowkse had already noticed that the pieces of flesh stuck on the tyre were brain matter. He had investigated enough murder cases to know that.
2. He asks the forensic team and the team on the scene confirms that nobody could survive with such large portions of brain missing, and that could only mean that there was a dead body to be found somewhere. The prospect of its turning into a murder investigation alerts Chowkse of the potential seriousness of the case.
3. Chowkse tries to call Lavesh, but fails to connect. He asks Mitesh to get in touch with Lavesh, but Mitesh tells Chowkse that Lavesh was out of touch. Chowkse's policeman instincts tells him that Lavesh's disappearance right when one of his trucks had been robbed of the narcotics couldn't be a coincident and one way or the other the two things were connected, which meant that he had to focus on a sincere investigation rather than supporting Lavesh's operation for which his palms were getting regularly and handsomely greased with drug money.
4. Chowkse has the sketch prepared by a sketch artist based on Iskander's description of the perpetrators and puts policemen to the job of finding the cleaner, **BALLU PATHAK** (21), who had run away from the crime scene, fearing for his life and was on the run since. Chowkse also repeatedly requests Forensic Science Laboratory (FSL) to find whose brain matter it was



that was found on the scene, but the FSL only confirms that it came from a human being and they could not say whose it was until they had something to compare it against. Chowkse is clueless about whose brain matter it could be, so he doesn't know whose sample to take. Since Lavesh was not known to follow his trucks around, Chowkse does not think of the possibility of the brain matter being Lavesh's. Mitesh also doesn't imagine Lavesh following the truck in his car because it was unprecedented in all of seven years that Mitesh had worked for Lavesh.

5. Sub-Inspector (SI) Saurabh Mohan Shrivastava (29) of PS Chanakyapuri, the Investigator Officer (IO) in Sarah's abduction, swings into action immediately because he is called and instructed specifically by the DCP to investigate Sarah's kidnap on priority, over and above anything else because of the Ministry of Home Affairs asking for it. SI Shrivastava seeks Sarah's cellphone location, the first thing, and on August 15, 2018 itself, the mobile company informs that Sarah's cellphone was last active near Malhepur Village, which is an unlikely location for Sarah but her kidnappers could have taken her there. However, the number from which Arthur McLeigh had received the ransom call was last switched on near about 100 kilometers from Lucknow and had been switched off since.
6. Since Sarah had been in Lucknow for the about a week prior to her disappearance, SI Shrivastava paid a visit to her boyfriend, Lavesh, who is also missing with a separate missing complaint lodged regarding the same. SI Shrivastava gets in touch with the PS Aalimbagh and Lavesh's phone's location is also traced to Malhepur, establishing that Lavesh and Sarah were mostly likely together when the two disappeared. This is also the place where a truck belonging to Lavesh was robbed.
7. This is where SHO Chowkse and SI Shrivastava put their heads together and theorize that the robbery and the disappearance are connected, and Lavesh and Sarah were together in the Mercedes that is also missing. This means that the brain matter could be either of Lavesh's or Sarah, and Chowkse and Shrivastava get the blood samples of Arthur and Sadanand and send it to the FSL, but this takes about a week, during which Sarah remains missing and the pressure on the police keeps rising every day. After the first call, the kidnappers do not call for ransom at all.
8. Ballu, having seen the attention the case was getting, does not want to get involved and remains missing, for he remains in hiding, and his whereabouts remain unknown. Shankar, the driver, remains in coma and his treatment is supported by Lavesh's father. The sketches made on the basis of Iskander's description are shown around, but they do not bring any leads. Lavesh's father doesn't recognize any of the perpetrators either.

9. Time passes, and the police still has no leads to follow. Neither Chowkse nor Mitesh disclose the cocaine angle despite Mitesh being officially questioned by both Chowkse and SI Shrivastava. Since there is no reason to suspect Mitesh of any wrongdoing, his statement is recorded, according to which he authorized the loading of truck with goods and the two drivers — Shankar and Iskandar — drove the truck away for the delivery as usual, and the robbery was first reported to him by Iskander, which is when he reported the matter to the police. There was an attempt to rob the truck of the goods. Since no goods mentioned on the manifest of the truck are found missing, the case of attempted robbery together with associated crimes is registered.
10. Chowkse goes back to the crime scene and expands the circle and looks more intently to find some other clue, and in the bushes at about five meters from the scene of the crime a pistol is discovered. Chowkse promptly sends the pistol for forensic analysis. There are fingerprints on the pistol but it has not been fired. There is nothing to match the fingerprints with.
11. The pressure keeps mounting when there are no leads in Sarah's kidnap for the next fifteen days. And the government transfers the case to CBI under pressure from the media as well as from the US administration. **SSP JAY KUMAR BHARDWAJ** (38), a senior CBI officer, takes over the probe as the IO, and Chowkse, Shrivastava and **SI ARPAN KHARE** (30) (IO in Lavesh's disappearance case) are directed to assist the CBI in the investigation of the three cases that are now to be investigated together and is being considered part of the same chain of events.
12. SSP Bhardwaj, being of the opinion that both Lavesh and Sarah were more likely dead than alive, starts looking for the unclaimed dead bodies found between Malhepur and Lucknow, and finds that an unclaimed dead body of a woman had been found on August 22, 2018, which was about ten days after the truck robbery. The autopsy had been carried out on the body and the body was still in the morgue. However, since there were not clothes on the body and no identifying objects on her, the police had not been able to ascertain whose body it was. Further investigation by the CBI reveals that it was indeed Sarah's body and despite being in advance stages of decomposition, the autopsy had found with 87% certainty that the woman had been raped and had been murdered by slitting of the throat by a sharp object. However, no semen was found inside or on the body. Matching the fingerprints on the pistol found at the crime scene with that of Sarah resulted in a positive match. Sarah's body was discovered by a farmer on whose land the body had been buried. The farmer found his land disturbed and dug the body out in the hope of finding some valuables buried by a robber there.

13. Some ten days after the matter is handed over to the CBI, the dead body of Lavesh is also pulled out of its shallow grave by a particularly curious dog, who is joined by a few of its companions in the enterprise with the intent of jointly feasting on the dead in the early hours of one morning, but the villagers spot the canine ruckus. They chase the dogs away, call the police and let the police get on with their job as they stand around watching the proceedings with curiosity. Since the police stations around Malhepur Village are aware of the high profile case, Chowkse is quickly informed of the new find, who informs DSP Bhardwaj in turn. They promptly visit the morgue and the body is confirmed to be Lavesh's by his father.
14. Autopsy performed on Lavesh confirms that he died from blunt force trauma to the head and his skull of completely shattered with pieces of brain missing. A DNA test confirms that the brain matter found on the crime scene came from inside his skull.
15. From the cell phone records and the missing Mercedes together with the discovery of Lavesh's body not too far from Malhepur Village, SSP Bhardwaj theorizes that Lavesh and Sarah had followed the truck in Lavesh's Mercedes. But the two puzzling questions were, why was nothing missing from the truck and why the two of them were following a truck in the dead of the night? SSP Bhardwaj, a seasoned investigator, knows there is a crucial piece of puzzle missing. Even after a month of the crime, there are no leads in the case, and the pressure is now mounting on SSP Bhardwaj to nab the perpetrators of the double murder.
16. Mitesh is summoned to the Lucknow office of the CBI and is moderately and politely questioned, to begin with. But he sticks to his old story, which is when SSP Bhardwaj subjects him to intense questioning. Mitesh cracks up because he now knows Lavesh is gone and there is nothing to be gained from silence. Furthermore, he is told that being a prosecution witness could cushion his crime and reduce his prison term. His statement is recorded, but he cannot tell more than that the truck was robbed of INR 35 crores worth of cocaine and Lavesh, apart from his regular business, was also in the business of cocaine transportation. But he is clueless about who robbed the truck and where all the cocaine went.
17. Shankar remains in coma for another month and regains consciousness after two months of the crime, but the brain damage he sustained leaves him with amnesia and he cannot remember much. The doctors say that the memory may return bit by bit over a period of time, or may not return at all.
18. Chowkse, aware of the cocaine angle, taps on his sources, but the cocaine mafia had gone cold and silent on account of all the heat generated by the

case. The CBI is left with no leads to pursue, and the case goes cold for several years until July 2022.

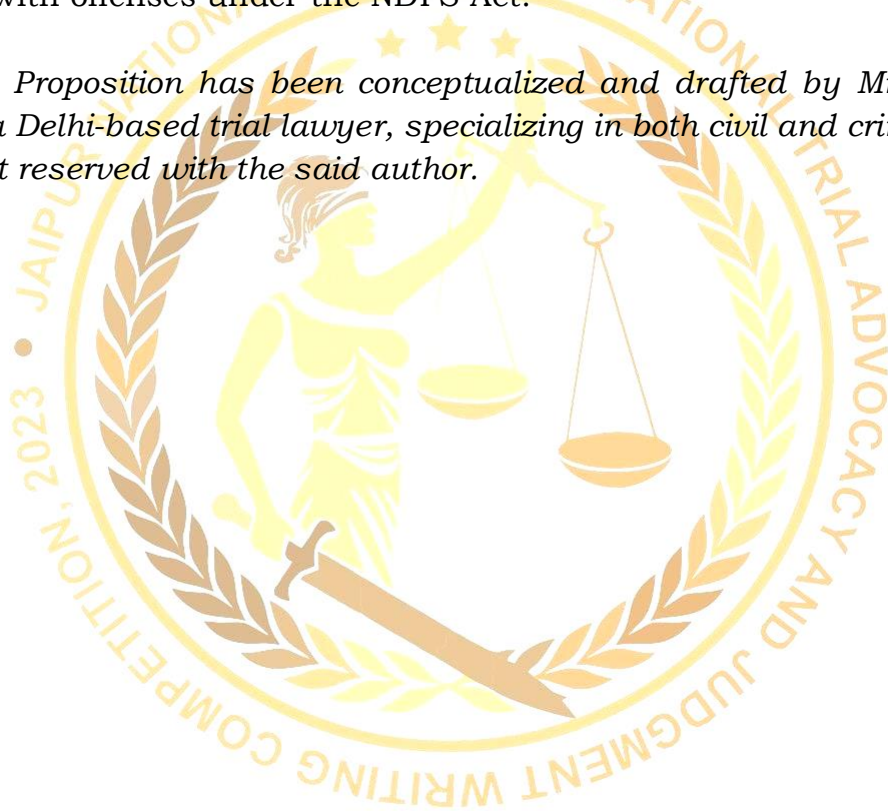
19. In July 2022, still undergoing cognitive therapy at the expense of Lavesh's father (Sadanand Kumar), starts talking about the crime and remembering what had happened in bits and pieces. Sadanand immediately informs SSP Bhardwaj about the development. Bhardwaj promptly questions Shankar about the incident. However, Shankar had been knocked unconscious early during the crime, so he does not remember much, but when he is shown the sketches of the perpetrators made from the description of Iskander, he approves of two sketches but not the third one because he remembers this third person differently. So he suggests some changes to the look. And when another sketch artist redraws the face of the person, Sadanand immediately recognizes him as Sohan Johar, his son's brother-in-law.
20. Sohan is promptly taken into custody but despite enhanced interrogation he steadfastly sticks to his tale of complete innocence. His whereabouts at the time of the crime are looked into, but he was admittedly on a truck traveling from Indo-Nepal border and the truck was on legitimate business. So the evidence against him was weak and purely circumstantial. His phone was switched off and could not be placed around the scene of the crime, and his explanation for it was that since Billa was the lead driver, Billa's phone was on and he was sleeping with his phone switched off. The phone company that provided service to both Billa and Sohan's phones did not have many towers on that route, so it failed to provide location any more accurate than in the range of several kilometers, which could not prove anything. Sohan remains in Judicial Custody on suspicion of double murder, but CBI does not have sufficient evidence against him yet.
21. Manmeet Singh Sodhi tells that Billa and Raju had left the job in 2020, after having worked for about two years after the crime, which could only make sense if they had not managed to sell the cocaine they had robbed, for they did not need to work for their entire lives, if they had sold cocaine worth INR 35 crore even at half the price.
22. Billa is eventually traced in November 2022 and arrested. He is found to be running a transport business, having taken a loan from one of his relatives to start the business. He, too, remains tightlipped and claims innocence unwaveringly. He is also sent to Judicial Custody, like Sohan, on the suspicion of double murder. CBI has only as much circumstantial evidence against him as against Sohan, which is not sufficient to bring a successful prosecution against either.
23. The search for Raju Sood succeeds in January 2023, and he is arrested from his village, where he seemed to be living well without any clear source of

income. When his house is searched, in an old trunk in his room, the police find Sarah's blood-smeared clothes and a knife. Later, forensic analysis of Sarah's clothes returns a finding of traces of recently discharged semen as well as older stains of semen belonging to Raju. The knife, however, is found clean of blood or any other biological material. As per the forensic experts, it could neither be confirmed nor ruled out that it was the murder weapon with which Sarah had been slain.

24. When Raju is subjected to intense questioning and is told that the CBI has enough evidence against him to send him to prison for a long time, which part he knows, he is inclined to cooperate. SSP Bhardwaj assures him that if he cooperated, he was likely to get a lenient sentence, which CBI would gladly recommend in the event of his cooperation in the investigation. Raju agrees.
25. Raju discloses that Jamshed Razdan and Sarita Razdan, the husband-wife duo, had helped the trio launder the illegally begotten money. But the CBI does not find anything against the two except the statement of Raju, who does disclose how he got the laundered money, but the trail breakdowns somewhere in the middle and does not lead to the Razdan couple. So the CBI does not have sufficient evidence to launch a successful prosecution.
26. Raju, then about 20, tells the CBI that he was forced into the crime because he was a boy of merely 15 back when the crime was committed and could not have refused to do as his two driver ustaads said. He tells the CBI that he did not hit anybody or kill anybody and did not rape or even touch Sarah.
27. Raju discloses that Billa and Sohan gangraped Sarah repeatedly in the back of the moving truck, taking turns on her with one driving and the other sexually assaulting Sarah.
28. Raju further says that all he is guilty of was masturbating to her clothes. He had only helped bury her body and was given her clothes to be burnt to prevent identification, but he had retained Sarah's clothes and kept them as souvenir. He tells CBI that one of the old cleaners on the truck that Billa and Sohan drove had helped them sell cocaine for INR 9 crores, out of which they had received about INR 7.5 crores. Raju does not know who the cocaine was sold to or where Billa and Sohan had met their former cleaner because he had been left with Sarah when the two went to meet the cleaner.
29. With the help of Manmeet CBI catch hold of the cleaner, Mannu. Mannu confirms the story of cocaine sale by Billa and Sohan to a smaller drug lord, but does not know anything about the other crimes. He also gives the name of the drug lord to whom the cocaine was sold to, but he remains untraceable. Mannu is charged under the relevant provisions of the NDPS Act. The Mercedes remains untraceable.

30. Raju's Birth Certificate indicates that Raju's age at the time of the crime was 15 while his School Leaving Certificates indicates it to be 16 and the ossification test, which is later conducted on him for the purpose, returns inconclusive, placing Raju's age at the time of crime somewhere between 15 and 16 years.
31. Billa and Sohan are informed of the disclosures made by Raju and also of the evidence found in his possession, but the two of them maintain silence as well as their innocence throughout.
32. CBI charges Billa, Sohan and Raju with all the crimes committed jointly in furtherance of common intention, and accordingly the chargesheet is filed before the trial court in August 2023. Mannu and Mitesh are separately charged with offenses under the NDPS Act.

*The Trial Proposition has been conceptualized and drafted by Mr. **HEMRAJ SINGH**, a Delhi-based trial lawyer, specializing in both civil and criminal trials. Copyright reserved with the said author.*



## EXHIBITS

### Exhibit I: Front of the Truck



### Exhibit II: Pistol



**Exhibit III: Knife**



**Exhibit IV: Blood-Stained Clothes of Sarah**

