

MOOT PROPOSITION

In the coastal metropolitan city of Manii, the life was as fast and as tranquil as the tidal waves. The Howart High School stood as a symbol of knowledge and community, the school with a illustrious assembly of alumni and their achievements had been seeing constant growth in its reputation across the Country of Intia. Though, on 14th of January, the school was going to be get known for a criminal misdeed by one of its students against their fellow schoolmate. As their paths converge in the hallowed halls of justice, the Supreme Court of Intia grapples with a case that will test the boundaries of personal privacy and reshape the contours of juvenile justice in an era where digital footprints and emotional scars are indelibly etched into the fabric of modern life.

PARTIES TO THE CASE: State of Indra Pradesh:

The state of Indra Pradesh is one of the largest state by geographical area and revenue in Intia. The State is known for the development model it has brought forth, and the law and order situation has been uptight leading to a tranquil state of being for the residents.

Victim/Prosecutrix:

A 19-year old girl studying at Howart High School, Ms. Aliza is the victim of the case. Known for her intelligence, generosity, and compassionate behaviour, Ms. Aliza has been selected as the School Prefect for the second time in the row. Ms. Aliza, since the incident, has suffered distress owing to receiving some explicit and malicious images of herself, leading her to pursue justice and inform about the incident to her parents, the police, and the school authorities.

Mr. Vicky:

A 17-year-old student at Howart High School, possessed a mischievous charm that once drew Ms. Aliza towards him, creating a bond that seemed unbreakable. Their friendship had deteriorated after a heated argument six months ago. Mr. Vicky has been vehemently refuting any charges being levelled against him and has claimed that his system was hacked. One of his friends, Mr. Kartikey has provided in his witness that “Mr. Vicky is short-tempered; though Vicky would not harm anyone, his temper-issues just left him disgruntled with people often breaking ties with them”.

Aliza's parents: Ms. Aliza 's parents are deeply concerned about the explicit messages their daughter received, and have taken action to seek justice on her behalf. They also are very influential government servants. They filed a formal complaint with the local police, setting the legal proceedings in motion.

These parties form the core of the moot proposition, with Ms. Aliza as the victim and Mr. Vicky as the accused. The case revolves around allegations of cyberbullying, privacy violations, and the legal implications for all involved parties.

THE INCIDENT: On 14th of January, Ms. Aliza's world came crashing down. On her social media account on 'Hecker', she received direct messages containing certain vile and explicit images of herself. The images were apparently received from a fake account. The content was not only derogatory but also a malevolent assault on her dignity, leaving her emotionally scarred. On which she got distressed and informed her parents about the occurrence. Her parents decided to approach the justice delivery system of the state and filed a criminal complaint with the Manii Police Station.

In their initial probe, the police determined that the pictures are created through AI-Technology. The Cyber Cell, on tracking the IP address of the computer system through which they found out that the device belonged to one Mr. Vicky who was also a student in the same high school. After which the incident was reported to the High School authorities as Mr. Vicky was made an accused for the crime.

SURROUNDING CIRCUMSTANCES & INVESTIGATION:

Investigating Officer: Inspector Kapil Sharma

Witness 1: Saina, A mutual friend

Witness 2: Dr. Anish, Mental Health Councillor, Howart High School

Witness 3: Vinni, Tech Expert

Witness 4: Kartikey, A mutual friend

Aliza's and Vicky's Relation: Good friends till last September, Ms. Aliza and Mr. Vicky were considered as good friends by their schoolmates and teachers alike. Having each other's back, they both were thriving in their education. In last August, Ms. Aliza had received an offer of undergraduate studies from Stephen University, situated abroad.

According to their mutual friend, Kartikey, Aliza's and Vicky's friendship started worsening after the said offer. In the evening after the said offer was received, Aliza and Vicky got into a disagreement leading to altercation. This may have happened because Vicky had also applied to same institution but did not get the offer. Though, ever since the altercation, they stopped talking and Aliza stopped meeting the group, which led to Vicky being dismayed and thereby blocking Aliza on all social media platforms and phone. Though, Vicky has been saying that they were still well-wishers for each other and exchanged pleasantries last month. Vicky, in his witness also stated that he would never do something of this sort to any person whatsoever.

The Investigation: As the investigation deepened, suspicion gravitated towards Vicky. The digital trail seemed to lead to his door, and the police promptly interrogated him. Vicky asserted that his social media accounts were maliciously hacked, and that he was blameless in the matter of the cyberbullying. He also asserted that some of his friends received unsolicited texts, on which Mr. Kartikey seconded in his witness.

The case, replete with complexity, proceeded through the lower courts. The prosecutrix and the State presented their arguments, witnesses, and evidence. The courts looked into all of that and held Vicky to be the convict. The prosecution painted Vicky as the chief suspect, pointing to the digital breadcrumbs that appeared to lead to his devices. Conversely, Vicky's defense emphasized the hacking attempts on his accounts and the presence of malware, casting doubt on his culpability. The case took a bewildering turn when the technology expert testified that the perpetrator had garnered Aliza's personal details from her social media interactions to concoct the explicit content. Though, no evidence conclusively provided that Vicky was the real perpetrator.

INVESTIGATION TIMELINE:

1. January 14: Aliza receives explicit and malicious images via her social media accounts. She informs about the incident to her parents, prompting them to get an FIR filed. Police recorded Aliza's statement as FIR and initiated their investigation. Inspector Kapil Sharma is the Investigating officer.
2. January 15: Inspector Sharma interviews Aliza to gather details about the explicit messages, their impact on her, and any potential leads regarding the sender's identity. Aliza emotionally recounts, "I felt violated and humiliated. Those messages shattered myself-esteem."
3. January 17: Witness 1, Saina, a friend of Aliza, provides a statement to Inspector Sharma. Saina mentions a heated argument between Aliza and Vicky six months ago, suggesting a possible motive. She states, "I remember Aliza and Vicky argued fiercely. It was intense, but I never thought it would lead to something like this." On being asked whether she knows the cause of the quarrel, she denied any such knowledge. Whereas she also informed that Ms. Aliza may have staged the quarrel as she did such activities as other instances.
4. January 18: Inspector Sharma questions Vicky, the former friend of Aliza. Vicky vehemently denies any involvement and claims his social media accounts were hacked. He asserts, "I would never do something like that to Aliza. My accounts were compromised, and I've been trying to figure it out." On being questioned about the argument, he asserted that a month after the arguments happened, he had a talk with Aliza where they resolved their disagreements but decided to not talk to each other. They also did not tell their friends about such resolution of disagreement.

5. January 20: Aliza 's father states, "We cannot let this go. Our daughter's well-being is at stake." On being questioned about the events that took place before the happening, he said that Aliza had been receiving unsolicited texts from someone and she was concerned about it. Though she never imagined that such an event might unfold.

6. January 23: Inspector Sharma visits Howart High School to interview staff and students, trying to gather additional information about Aliza and Vicky relationship and any potential witnesses to their arguments. He met Dr. Anish, who told him that Aliza and Vicky had booked counselling sessions after their quarrel, Vicky was calm and decided to apply to other places for studies abroad. Mr. Vicky, according to Dr. Anish, was very mature for his age. He also added that Ms. Aliza was very bitter about the quarrel, though she agreed to resolve the disagreement when Dr. Anish advised her to.

7. January 24: Dr. Anish was again summoned by Inspector Sharma, where Dr. Anish brought his clinical records and informed that Vicky had been short of temper but also a thoughtful person. Though, Ms. Aliza on the same day told to the police that the images she received had some info that only Mr. Vicky was privy about. Though she could not give a detailed account of what those details were.

8. January 24: Vicky's internet details were sought by Inspector Sharma without his knowledge, and after gaining online access to his computer system Inspector Sharma extracted details of Vicky's Pearl account, that was locally stored in Vicky's system. Mr. Vicky has accused Ms. Aliza's parents to have utilized their position and stature to get the investigators to indulge with him. On getting all the information, Inspector Sharma seeks the expertise of Witness 3, Tech Expert Vinni. Vinni analyzed the digital trail and identified hacking attempts on Vicky's social media accounts. She explains, "It appears that Vicky 's accounts were compromised through a phishing attack. The hacker gained access to his personal information, allowing them to send those messages."

9. January 26: Vinni elaborates on the breach, stating, "AI-generated content was used to create those malicious images, and they had access to Aliza's personal data through her social media interactions. It's a case of both hacking and privacy invasion."

10. January 28: Inspector Sharma compiles evidence and a statement gathered during the investigation and submits the case file to the local prosecutor's office, recommending further legal action against the possible perpetrator(s). He emphasizes the need for a thorough examination of the privacy breach and the hacking aspect of the case.

Among other defences, Mr. Vicky also claimed before the court that his privacy was breached when his system was broken into for getting evidences. The Investigating officer should have asked Vicky for his personal details and hence the investigation is foul and should be set aside.

As the matter grew ever more intricate, the question of Vicky 's age, just 17, loomed large. Should he be treated as a juvenile or as an adult in the legal proceedings? This question further complicated an already multifaceted case, engendering extensive debates within the legal community and among the public. The local courts and the High Court of Indra Pradesh denied treating Mr. Vicky as a juvenile and asserted that Mr. Vicky very well knew the consequences of his act and should not be treated as a juvenile.

The city of Manii buzzed with discussion, and the nation watched as the case traversed the lower courts. Finally, the matter was brought before the Supreme Court of Intia, a momentous juncture that would not only shape the lives of Aliza and Vicky but also have far-reaching implications for the evolving terrain of cyber bullying, juvenile justice, and digital privacy.

The Subordinate and High Court decided in favour of Ms. Aliza and convicted the accused under the sections of IPC and sections 66C and 66E of the IT Act, there by imposing a 10-year sentence on Mr. Vicky. Aggrieved by which, the defence has approached the Supreme Court of Intia, after receiving necessary sanction from the High Court of Indra Pradesh.

Now, as the case stands before the highest echelon of justice in the land, the Supreme Court of Intia, several pivotal questions of law emerge, including:

1. Whether Mr. Vicky can be held liable for the cyber bullying and harassment endured by Aliza?
2. Whether the age of Mr. Vicky warrants special consideration for him, and should he be regarded as a juvenile or an adult in these legal proceedings?
3. Whether the penalty imposed on Mr. Vicky is justified and legitimate?
4. Whether Vicky's fundamental right of privacy has been breached in the Investigations as his system was looked into without his permission and knowledge? Whether the investigation should be set aside on the aforesaid ground?