

The Crime & Justice Gazette

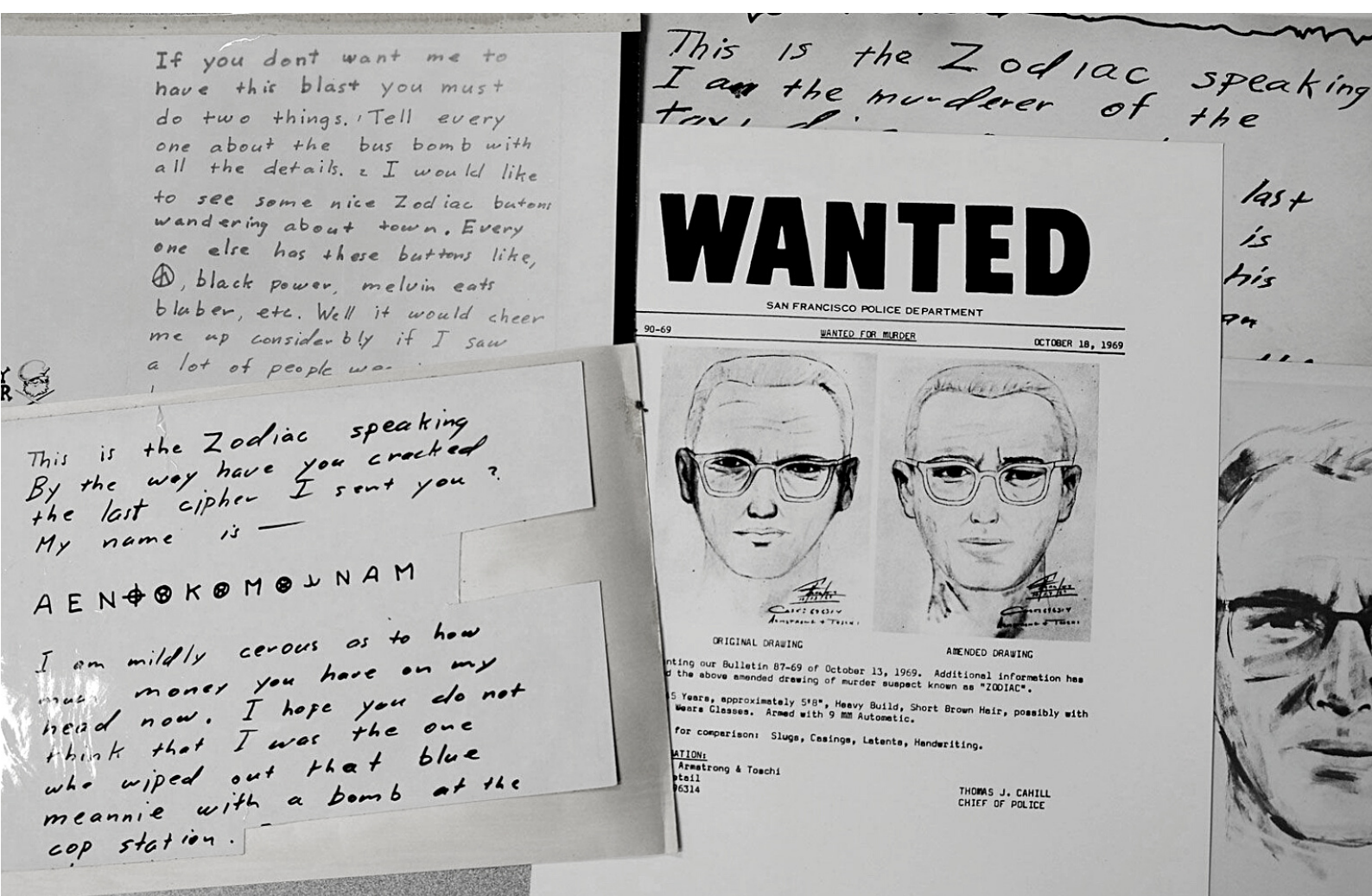
NEWSLETTER BY GNLU CENTRE FOR RESEARCH IN CRIMINAL JUSTICE SCIENCES

I want to report a murder... no, a double murder. They are two miles north of Park Headquarters. They were in a white Volkswagen Kharmann Ghia. I'm the one that did it.

- The Zodiac Killer

One day, I mistook a boy, Harsh, for a girl. I killed him, chopped him into pieces and tried to eat his liver. I realised what I had done only after a few hours. I felt like a possessed man, under a spell.

- Surinder Koli



"Sick of living/Unwilling to die. Cut. Clean. Clean blood spurting, dripping, spilling all over her new dress. Oh well, it was red anyway. Life draining into an uncertain death. She won't die this time. Someone will find her. Just wait till next time."

- Zodiac killer in his letter after December 1966 Riverside Killing

MESSAGE FROM THE CENTRE-HEAD

May the truth always win and good triumph over evil.

It is my utmost pleasure to write this message in the fourth edition of the Crime and Justice Gazette, a newsletter by the GNLU Centre for Research in Criminal Justice Sciences. Truth, courage & bravery, these qualities are a must for every criminal case that is to be instituted, investigated and tried.

Our Hon'ble Director Sir, Prof Dr. S. Shanthakumar, who laid the foundation of this centre, two years before, made its mandate clear that GCRCJS should bring out study, research and training in every aspect of criminal justice and the present Newsletter, is one step ahead in the same direction.

This is the result of the hard work of our student team, which has infinite zeal and never ending motivation. I wish the team every success and also hope that this newsletter will fill the gap of information in the field of criminal laws for its readers. My best wishes to the student convener (Nihal), who has made this newsletter a reality, to the editors, to every team member as contributors, and every reader, who will let us know improvements and enable further excellence in this endeavor.



Dr. Anjani Singh Tomar

MESSAGE FROM THE TEAM

The GNLU Centre for Research in Criminal Justice Sciences, ever since its inception, is making continuous efforts to improve the culture of Research and Analysis in the field of Criminal Law and Justice System. The Centre has seen new heights in the past three months after the new team for the Academic Year 2021-22 was constituted. In the said time, we have managed to successfully conduct one National Essay Writing Competition; a Certificate Course on Cyber Crime, Cyber Forensics and Law (in collaboration with National Forensic Sciences University, Gandhinagar and Police Academia Interactive Forum); six sessions of “Crime & Justice: A Discourse Series” on some of the pertinent topics having great contemporary relevance; several research posts for our instagram page. The centre provides a platform for a holistic research environment and aims to further knowledge and academic discussions about the multifaceted dimensions of criminal science.

GNLU Centre for Research in Criminal Justice Sciences is committed to achieving a goal of motivating law students to do research, especially in criminal law. And, for the same here we are with our first ever newsletter 'The Crime & Justice Gazette' which aims to cover contemporary developments as well as criminal law cases and events from the past.

We would like to express our heartfelt gratitude to our Hon'ble Director Sir, Prof Dr. S. Shanthakumar, for his unwavering support, as well as our Faculty Convenor, Dr. Anjani Singh Tomar, for believing in us and encouraging us to pursue our research in every possible direction.

Disclaimer

The authors' opinions expressed in the newsletter are their own, and neither GCRCJS nor GNLU is responsible for them. The case briefs solely summarise the current state of the cases' verdicts or orders, and do not cover anything with respect to future proceedings or appeals. The newsletter is only for internal circulation in GNLU and will be available on the GCRCJS official webpage on a later date.

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P R E F A C E

Criminal law is a dynamic study of law that undergoes development at every curve of dawn. This newsletter attempts to encapsulate the recent advancements in criminal law through various judgements, articles and reviews.

To begin with, the author has presented a comprehensive study of the landmark case, *Anuradha Bhasin v. Union of India*. The brief provides an in-depth examination of the judgement, as well as observations and case analysis. Several in-news case briefs on recent decisions and rulings have also been compiled in the Recent Developments section.

The newsletter elucidates on how serial killer Surinder Koli murdered and mutilated several children and scattered their remains in and around Noida, UP. It also features an in-depth article about the horrendous killings carried out in the San Francisco Bay Area, by the infamous Zodiac killer in the late 1960s and early 1970s. We've also provided a review of the movie that was made on the Zodiac killer, starring Robert Downey Jr., Mark Ruffalo and Jake Gyllenhaal. In addition, to raise your legal understanding, we have an article dedicated to laws against stalkers and crime-solving agencies in India. A brief synopsis of the GNLU Center for Research in Criminal Justice Sciences' discourse session on the topic of "*Age and Marriage: Raising the Minimum Age of Marriage for Women*" is available. The fun doesn't stop there; there's also a mind-boggling legal crossword for you to solve! Also, don't forget to check the answer of last issue's legal crossword!

RECENT DEVELOPMENTS

SWETHA SOMU AND PRAGYA CHAINTA

Akash Chandrakar & Ors. v. State of Chhattisgarh (Criminal Appeal No. 101 of 2021)

In the Chhattisgarh High Court

Whether granting a bail or suspending a sentence under Section 389 (1) of the CrPC, a notice must be sent to the victim/victim's parents/complainant.

Section 389 (1) of CrPC, Section 6, Section 17 of the POCSO Act and Rule 4(15) of the POCSO Rules, 2020.

The appellants were being tried for offences under Section 6 r/w Section 17 of the POCSO Act along with other offences under the IPC. The appellants had appealed under Section 374(2) of the CrPC while also filing an application for suspending their jail sentence under Section 389(1) of CrPC.

The Amicus Curiae in this matter, by referring to POCSO Rules, 2007 and the Amendment Act No.5 of 2009, stated that full effect to safeguarding the interest of the victim should be given post the trial proceedings and this right shall also cover the grant of bail after the ultimate suspension of substantive jail sentence under Rule 4(15) of the POCSO Rules, 2020.

The issue which was being considered by the High Court was whether, during the consideration of an application for granting bail and suspending sentence under Section 389(1) of the CrPC requires a notice to be served to the complainant/victim under POCSO Act, 2012.

The Amicus Curiae had referred to the SC case of Aparna Bhat & Ors v. State of Madhya Pradesh & Anr. that notice of suspension of sentence must be served to the

victim/complainant in any criminal appeal so that they have a right to say.

The court, after looking at Sections 23, 24(5), and 33(7) of the POCSO Act, 2012 and Rule 4 sub-rule 15 POCSO Rules, 2020 held that the victim/complainant is entitled to receive notice regarding the suspension of sentence/ grant of bail/ status of detention of offender. It is a right entitled to victims under the POCSO Act, 2020.

This is also in line with the principles of victim's right to information in the involved case and victim's right to be heard in judicial proceedings which are enumerated under the Model Guidelines issued by the Ministry of Women and Child Development, Government of India.

Abrar Kazi v. State of Karnataka (Crl.P.No. 2929/2020)

In the Karnataka High Court

Cricket match-fixing is not an offence of cheating under Section 420 of the IPC.

Section 420 and 120B of the IPC.

The brief facts of the case is that the accused were alleged for the offence of cheating under Section 420 and for criminal offence under Section 120 B of IPC because of their involvement in match-fixing in Karnataka Premier League in 2019.

The petitioners stated that match-fixing as an offence can be presided only by BCCI under the violation of its Code of Conduct and not under Section 420 of IPC, therefore not under Section 120 B of IPC as well. The prosecutors held that the BCCI-prescribed anti-corruption code does not override the initiation of criminal proceedings hence Section 420 is applicable in this case as well as Section 120 B of IPC. The main contention was that there are certain aspects of deception in making the people buy tickets ensuring a fair game but not giving them the same.

Match-fixing may show deception and dishonesty



Image Source: Bar & Bench

but it cannot become a crime punishable under Section 420 because it is the duty of BCCI to initiate any disciplinary actions against the offenders. Although the people are prompted into buying tickets thinking they are watching a fair play, it doesn't become inducement as they are not forced to buy the tickets and the whole transaction is purely voluntary. The single judge bench stated that the feeling of being cheated is a general feeling and that this general feeling cannot give rise to an offence under Section 420.

Further, the court held that since it is not a crime under Section 420 of IPC, Section 120 B cannot be invoked as well.

Union of India v. State of Kerala & Ors,
(Crl.M.P.No. 384/2017 and
Crl.M.P.No.704/2017)

In the Kerala High Court

While deciding on interim custody of seized articles under Section 451 of CrPC, the court held that the rule of 'balance of convenience' should be taken into account.

Section 451 of the CrPC, Sections 132-A, 132-B or 153A of the Income Tax Act.

The respondent was in possession of Rs.50 lakhs to which he could not prove its source. He was made to appear in front of the Sub Inspector and an FIR was filed. The amount was seized and produced before the Judicial First Class Magistrate Court. The requisitioning officer from the Income Tax department directed the Sub Inspector to transfer the seized amount.

However, the amount was already deposited to the Magistrate Court hence the Department invoked Section 451 of CrPC to get back the amount to their custody however the magistrate rejected it and partly allowed the respondent's plea.

The magistrate ordered 70% of the Rs.50 lakhs to be transferred to the respondent after the respondent provides adequate bank guarantee/security of immovable property and told the respondent to retain one-third of the 70% to pay interests to the Department. The Income Tax department was aggrieved by the order and had appealed to the High Court.

The HC held that while deciding to release the said article, it is the Magistrate's duty to ensure the safe preservation of the articles while the title of the same need not be determined hence to ensure that the amount is properly entrusted with a trusted authority, the principle of balance of convenience arises. In this case, the balance of convenience tilted towards the department hence granting them the interim custody of the said amount.

Mohammed Rafi & Ors v. State of Kerala & Anr., (Cr.Appeal No. 860 of 2021).

In the Kerala High Court

To record the testimony of a witness under Section 299 of the CrPC it must be proved that the accused is absconding with no immediate prospects for arrest.

Section 299 of the CrPC.

A gang of seven members grievously hurt a professor for his alleged blasphemy in an exam set by him. The impugned order given by the Special Court allowed NIA's application under Section 299 of CrPC to record the witness deposition from the wife of the professor against the 11 accused in the ongoing trial in front of a special NIA court. The order allowed the deposition as evidence to be given against 4 accused but not against 2 accused as they were

not absconding at the time the final reports were being filed as they were not under any charges and were in fact out on bail.

In regards to Section 299 of CrPC, the court considered two questions:

(i) *Whether it is mandatory for the court which records witness depositions, to pass an order recording the existence of jurisdictional facts stipulated in Section 299 in cases where the accused are absconding?*

(ii) *If the court has only recorded the evidence of the witnesses in the trial against the co-accused, can the court conducting the subsequent trial, after apprehending the absconding accused, pass an order recording the existence of the above facts and transfer such evidence to the subsequent trial on the strength of such an order?*

In regards to the first question, the court said that it is necessary to confirm that the accused was neither absconding nor prompted any immediate prospects for arrest before recording the witness deposition. This is because the provision under Section 299 functions in two different phases in regards to the point of time, the first stage being *in praesenti* and the second being *in futuro*.

The court relied on Allahabad HC' judgment in Emperor v. Rustom [AIR 1915 All 411] as there were no SC cases to act as a precedent.

In regards to the second question, the court held that the judge cannot record witness deposition of the co-accused and use the same against the absconding accused after his apprehension. Simply put, the evidence and facts collected then cannot be used in subsequent trials because the proof is collected *in absentia* of the absconding accused.

Thus, the court allowed the appeal.

Virendra Khanna v. State of Karnataka,
(Writ Petition No. 1983 of 2021)

In the Karnataka High Court

Section 173(8) of CrPC shall not be used as a reinvestigation rather it is a means to conduct further investigation of an offence relating to what the original charge sheet was filed for.

Section 173(8) of CrPC, Section 219 of CrPC
and Section 120 B of IPC.

Three people were found to have contrabands by the NCB and hence were arrested under provisions of the NDPS Act. A charge sheet was filed, then later the accused during interrogation named the petitioner to be involved in the crime. Meanwhile, the ACP reported to file 12 individual FIRs against all the accused persons and subsequently, a fresh FIR was filed under the NDPS Act and Section 120B of IPC. The petitioner was included as accused no.5 and the FIR was linked with the new FIR.

The petitioner contended that in the original FIR filed in 2018, there were only three accused and him being included as the 5th accused after further investigation was wrong as there's no proof that he was connected to the crime back in 2018. Moreover, in the further investigation where one of the co-accused revealed that the petitioner was involved in distinct unrelated offences in 2018 prompted the filing of a separate FIR.

The prosecution held that the petitioner was connected with the offence committed in 2018 and thus was a co-accused and the information collected during the further investigation under Section 173(8) of CrPC was related to the 2018 FIR hence there's no need for a separate chargesheet. Moreover, it was a different officer who examined the original co-accused in relation to the first charge sheet hence possibly causing the separate fresh FIR to be filed in 2020 after the investigation.

The court found that the petitioner was not connected to the offence caused in the 2018 FIR as two of the crimes are disconnected hence the filing of a separate FIR is necessary. Many times, "the past incidents of crime will be detected when investigation is undertaken in connection with some other case. Whenever past

crimes committed by the same person come to light, nothing prevents the police from registering a separate FIR for every distinct offence detected and filing a separate charge sheet, if all those offences cannot be tried jointly in accordance with Section 219 of Cr.P.C.”

Thus concluding that under Section 219(1) of CrPC that even if there’s a connection of the present offence with a past offence, the police have to file separate FIRs and file separate charge sheets after due investigation.

Arvind Chhotu Thakur v. The State Of Madhya Pradesh (CRIMINAL APPEAL NO. 12 OF 2022 (@ SLP (CRL.) NO. 8428 OF 2018)

In the Supreme Court of India

Supreme Court Modifies Sentence of Life Imprisonment To Imprisonment of 30 Years with No Remission in Rape-Murder Case.

Sections 376-A, 302, 363, 201 of Indian Penal Code (IPC) and Section 6 of Protection of Children from Sexual Offences Act, 2012 ('POCSO Act')

The appellant was convicted of rape and murder in the death of a 10-year-old girl child. The appellant was found guilty under Sections 376-A, 302, 363, 201 of the Indian Penal Code (IPC) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') and was sentenced to death by the Trial Court. The Madhya Pradesh High Court confirmed the appellant's conviction but commuted his death sentence to life imprisonment in its impugned judgment in response to the death reference.

The Supreme Court, in dismissing the criminal appeal, reduced the order of life imprisonment until natural death to a term of 30 years without the possibility of remission. The court cited Section 376-A of the Indian Penal Code, which stipulates that a crime is punishable by a

term of imprisonment of not less than 20 years and up to life imprisonment. In this context, the modified sentence of 30 years in prison without the possibility of parole would come within the scope of Section 376-A of the Indian Penal Code.

It's worth noting that Section 6 of the POCSO Act also stipulates that aggravated penetrative sexual assault is punishable by harsh imprisonment for a period of not less than twenty years, but up to life imprisonment or death. The sentence of life imprisonment until natural death was reduced to 30 years without remission by a bench of Justices L.Nageswara Rao and Hrishikesh Roy.

State Of Madhya Pradesh v. Jogendra & Anr (CRIMINAL APPEAL NO. 190 OF 2012)

In the Supreme Court of India

The Supreme Court ruled that a demand for money for the construction of a house is a "dowry demand" under Section 304B of the Indian Penal Code.

Sections 304-B, 306 and 498-A IPC

In this case the husband and father-in-law of the deceased were found guilty under Sections 304-B, 306 and 498-A of the Indian Penal Code. The accused had been requesting money from the dead for the construction of a house, which her family members were unable to provide, and as a result, she had been tormented and subjected to brutality, eventually leading to her death. The High Court ruled on appeal that a demand for money for the construction of a house cannot be considered a demand for dowry. The court



Image Source: Juris Centre

stated that they had not committed an offence under Section 304-B because the demand reportedly placed on the dead was for money to build a house, which could not be considered a dowry demand for linking her death to the specified reason.

According to the bench of CJI NV Ramana, Justice AS Bopanna, and Hima Kohli, the term "dowry" should be given a broad definition to include any demand made on a woman, whether in relation to a property or a valued security of any kind.

The bench stated that the trial court correctly construed the respondents' demand for money for the construction of a dwelling on the deceased as being within the meaning of "dowry." As a result, the bench upheld the accused's conviction under Section 304B of the IPC.

Rajendra Bhagat v. State Of Jharkhand
(CRIMINAL APPEAL NO.2 OF 2022)
(ARISING OUT OF SLP (CRL.) NO.6840 OF 2021)

In the Supreme Court of India

Conviction under Section 498A of IPC will not be maintained in a case where there is a genuine scope of settling of matrimonial disputes among the parties: Supreme Court

Section – 498A of IPC

In this case, the defendant was found guilty under Section 498-A of the Indian Penal Code and sentenced to three years of simple jail. The appeal he filed was dismissed by the Sessions Judge. The High Court of Jharkhand, while partially granting the Revision Petition and taking into account the parties' settlement, confirmed the conviction under Section 498-A IPC while limiting the sentence to the length of imprisonment already served.

The Apex Court bench of Justices Dinesh Maheshwari and Vikram Nath concluded that upholding the appellant's conviction for the

offence under Section 498-A of the Indian Penal Code would not serve the interests of justice. If the conviction is upheld and the appellant loses his employment, the family will once again be in financial trouble, which will be detrimental to the couples' marital harmony and happiness, according to the bench.

The Supreme Court overturned a man's conviction under Section 498A of the Indian Penal Code, 1860 ('IPC'), emphasising the Court's responsibility to foster genuine settlement of marriage related issues.

Narendra Singh v. State Of Haryana
(CRM-M-46063-2021)

In the High Court of Punjab and Haryana at Chandigarh

Consent given in the past will not be extended to future sexual acts.

Sections 376, 323, 427, 452, 506, and 509 IPC

The brief facts of the case are that the complainant/prosecutrix filed a complaint saying that she had been working with the petitioner/rape suspect and that they were acquainted. She also claimed that the petitioner repeatedly raped the complainant and threatened to kill her if she made a complaint. The petitioner was arrested and charged under sections 376, 323, 427, 452, 506, and 509 of the Indian Penal Code, therefore he filed the instant plea requesting bail.

The petitioner's counsel claimed that there was a 48-day delay in filing the FIR, that the complainant is a 35-year-old divorcee, and that the complaint was filed with the indirect motivation of extortion stemming from a failed love affair. It was further claimed that both the petitioner and the complainant were majors, that they were in a live-in relationship, as evidenced by photographs on file, and that their relationship was consensual.

The Punjab and Haryana High Court stated that while the law recognises a woman's freedom to

have a sexual relationship, consent obtained during previous sexual acts will not be extended to future instances.

The Bench of Justice Vivek Puri went on to say that withdrawing consent for a sexual act essentially nullifies the earlier consent, making forcefully sexual intercourse non-consensual and subject to the criminal provisions of Section 376 IPC.

Suresh Yadav @ Suresh Kumar Yadav v. State Of U.P. And Another
(CRIMINAL APPEAL No. 5119 of 202)

In the Allahabad High Court

Bail was granted to two real brothers who were accused of committing gang rape upon a victim as she refused to get herself medically examined.

Sections-328, 343, 376-D, 504, 506 I.P.C. and Section 3(2)V of the S.C./S.T. Act

The victim was kidnapped by unknown individuals who rendered her unconscious and then confined her to a room. They used to give her wine and misbehave with her on a regular basis. This allegedly occurred for another week, after which they allegedly abandoned her near the railway crossing. She positively recognised all three listed individuals (actual brothers) as the perpetrators of gang rape against her.

The Court was dealing with these two criminal appeals filed assailing the legality and validity of the order passed by the Special Judge (SC/ST Act)/Additional Sessions Judge, Allahabad rejecting the Bail Application of the appellants in a case registered against them under Sections 328, 343, 376-D, 504, 506 I.P.C. and Section 3(2)V of the S.C./S.T. Act.

Noting that the victim refused to be medically examined, the Court noted that the apex court has clearly stated in various pronouncements that relying on victims' 161 and 164 Cr.P.C. statements without any supporting, independent documentary proof or any other confidence-building material collected during

the investigation is risky.

The Allahabad High Court granted bail to two real brothers accused of committing gang-rape on the victim, mentioning that she never submitted to any medical examination after levelling the claims, indicating that the fact of gang rape on her was never established.

ANURADHA BHASIN V. UNION OF INDIA

(AIR 2020 SC 1308)

A Case Comment by: SHREYA GUPTA

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 1031 OF
2019

ANURADHA BHASIN ...Petitioner

VERSUS

UNION OF INDIA AND ORS. ...
Respondent(s)

And

WRIT PETITION (CIVIL) NO. 1164 OF
2019

GHULAM NABI AZAD ...Petitioner

VERSUS

UNION OF INDIA AND ANR. ...
Respondent(s)

BENCH- (3) Justice N.V. Ramana, Justice R.
Subhash Reddy and Justice B.R. Gavai

NATURE AND DATE OF JUDGEMENT-
Unanimous and 10.01.2020 respectively.

COUNSEL FOR PETITIONERS- Ms. Vrinda
Grover in W.P. (C) No. 1031 of 2019, Mr.
Kapil Sibal in W.P. (C) No. 1164 of 2019

COUNSEL FOR RESPONDENTS- Mr. K.K.
Venugopal, Attorney General for the Union of
India and Mr. Tushar Mehta, Solicitor General.

CASE STATUS- Disposed and not overruled.

INTRODUCTION

Jammu and Kashmir was stripped of its special status under Article 370 of the Indian Constitution with the issue of the Constitution (Application to Jammu and Kashmir) Order, 2019 by the Indian government. As the state was made fully subservient to all the provisions of the Indian Constitution, certain restrictions were subsequently imposed on communication through the internet as well as on freedom of movement.

As a result of the said internet shutdown and movement restrictions in the valley, the ability of journalists to travel around and communicate online was severely affected. In this context, the legality of the internet shutdown and movement restrictions under Section 144 of the Code of Criminal Procedure (CrPC) were challenged in the Supreme Court of India by means of writ petitions filed under Article 32 of the Constitution of India.

Ms. Anuradha Bhasin challenged the Internet shutdown and movement restrictions in light of them being violative of Article 19 of the Indian Constitution and a similar petition was filed by Mr. Ghulam Nabi Azad. These two petitions were merged in the present case and brought before the Supreme Court with due submissions and documentation.

It is a landmark case as the Supreme Court of India ruled that an indefinite suspension of Internet services would be illegal under Indian law and orders for Internet shutdown must satisfy the test of necessity and proportionality. While it was held that the Government can impose a complete shutdown of the Internet, any orders imposing such restrictions had to be made

public and were subject to judicial review.

FACTS OF THE CASE

On 4th August 2019, mobile phone networks, internet services, and landline connectivity were discontinued in Jammu and Kashmir, and restrictions were imposed on movement in some areas.

On 5th August 2019, the President issued the Constitutional Order 272, applying all provisions of the Constitution of India to the state of Jammu and Kashmir and modifying Article 367 in its application to the state of Jammu and Kashmir. On the very same day, by virtue of powers vested under Section 144 of the CrPC., the District Magistrates imposed restrictions on movement and public gatherings apprehending breach of peace and tranquility in the region. Aggrieved, the Petitioners (Ms. Anuradha Bhasin and Mr. Ghulam Nabi Azad) approached the Supreme Court under Article 32 of the Indian Constitution.

ISSUES RAISED

Five major questions of law arose for the consideration of the Court.

Whether the Government can claim exemption from producing all the orders passed under Section 144 of the CrPC and other orders under the Suspension rules?

Whether the freedom of speech and expression and freedom to practice any profession, or to carry on any occupation, trade or business over the Internet is a part of the fundamental rights guaranteed under Part III of the Constitution?

Whether the Government's action of prohibiting Internet access was valid?

Whether the imposition of restrictions under Section 144 of the CrPC was valid?

Whether the freedom of press of the petitioner in W.P. (C) No. 1031 of 2019 was violated due to the restrictions?



Image Source: Live Law

ARGUMENTS ON BEHALF OF THE PETITIONER

• W.P. (C) No. 1031 of 2019

The petitioner argued that the Internet is essential for modern press and print media had come to a “grinding halt” without it. She submitted that since 06.08.2019, she had been unable to publish the Srinagar edition of Kashmir Times pursuant to the restrictions. She also said that the government failed to give the reasons for the necessity to pass the order, as required under the Suspension Rules. It was contended that the orders were passed on mere apprehension of likelihood of danger to law and order which is not the same as public order and that law and order was not at risk when the said orders were passed.

Mr. Dushyant Dave, for an intervenor, argued that there is a need to balance the measures necessary to maintain national security and curb terrorism with the rights of citizens. It was highlighted that the restrictions imposed were in contravention of the Indian National Telecom Policy, 2012. Even though the restrictions imposed were temporary in nature, they were being imposed for more than 100 days.

Ms. Meenakshi Arora, for another intervenor, argued that the restrictions imposed on fundamental rights must be reasonable and in consonance with the proportionality test upheld in the case of *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

The petitioner, Mr Ghulam Nabi Azad argued that the state cannot claim any exception/privilege before the courts to produce the orders. He highlighted that neither “internal disturbances” nor “external aggressions” existed to necessitate the declaration of national emergency in the present case. Furthermore, to utilize the power under section 144 of CrPC, there must be a “law and order” situation or apprehension but neither existed. Also, such a restriction should be imposed specifically against a group of people apprehended to breach the peace and not the entire state. Moreover, imposing restrictions on the Internet not only impacts the freedom of speech and expression but also freedom to carry any trade, profession or occupation.

ARGUMENTS ON BEHALF OF THE RESPONDENTS

Mr. K.K.Venugopal argued that it is imperative to take into account the background of terrorism in Jammu and Kashmir. He said that by not taking any preventative measures despite knowing about the cross-border terrorism and internal militancy in the area would be foolish and could lead to violence.

Mr. Tushar Mehta argued that it is the first and foremost duty of the state to protect its citizens. Knowing the history of Jammu and Kashmir, such measures were necessary and individual movements were never restricted. He stated that no restrictions were imposed in the Ladakh region which shows that there was an application of mind while passing the order and no “general clampdown” as argued by the petitioners. He also submitted that an order passed under Section 144 of CrPC can be preventative and the present case is justified under the maintenance of “the security of the state” as it is impossible to segregate the troublemakers from other citizens. The use of social media was restricted as the Internet can be used to circulate fake news, images messages. The Internet facilitates two-way

communication, unlike newspapers, making the spread much easier. Hence, the same jurisprudence cannot apply.

FINAL VERDICT

The Court directed the Respondent State/Competent authorities to publish all the orders passed under Section 144 of the CrpC. Orders passed for suspension of telecom services including Internet were also to be published to enable affected persons to challenge them before the High Court or an appropriate forum.

Freedom of speech and expression and the freedom to practice any profession or carry on any trade, business, or occupation over the medium of Internet was declared to enjoy constitutional protection under Article 19 (1)(a) and 19(1)(g) and it was held that the restrictions should be in consonance with the mandate under Article 19 (2) and (6) of the Constitution.

An order suspending internet services indefinitely was held to be impermissible under the Suspension Rules. It was held that suspension can be utilized for temporary duration only and such an order must adhere to the principle of proportionality. Such an order is also subject to judicial review. The Respondent State/ Competent Authorities were directed to review all orders suspending internet services forthwith and revoke any order not in accordance with the law laid down and to follow the said law for passing any fresh orders.

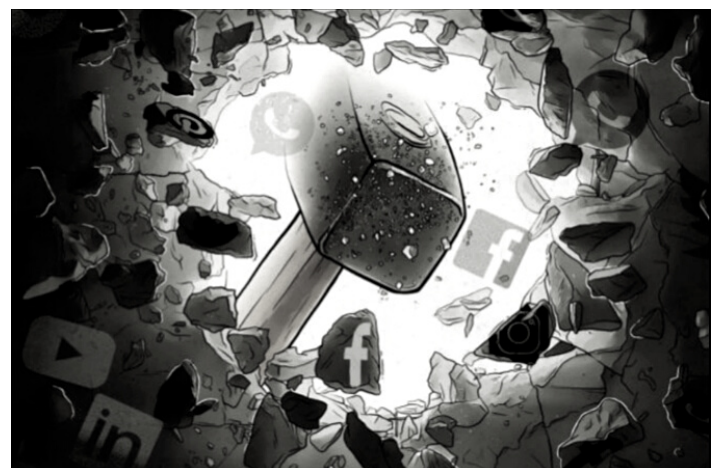


Image Source: The Statesman

Since the existing Suspension Rules neither provided for a periodic review nor a time limitation for an order issued under the Suspension Rules, the Court directed that the Review Committee constituted under Rule 2(5) of the Suspension Rules must conduct a periodic review within seven working days of the previous review, in terms of the requirements under Rule 2(6) till the said gap was filled.

The court said that even though the bar under Section 144 of the CrPC is accessible not only when there exists present danger but also when there is an apprehension of danger, the said danger should be in the nature of an “emergency” and to prevent obstruction and annoyance or injury to any person lawfully employed. The said power cannot be used to suppress the legitimate expression of opinion or grievance or expression or exercise of any democratic rights. Moreover, an order passed under Section 144 of the CrPC. should state the material facts to enable judicial review of the same. Repetitive orders under Section 144 CrPC would be an abuse of power and while exercising the power under Section 144, CrPC, the Magistrate is duty bound to balance the rights and restrictions based on the principles of proportionality and thereafter, apply the least intrusive measure. The respondent State/competent authorities were directed to review the need for continuance of any existing orders passed under section 144 CrPC in accordance with the law laid down.



Image Source: The PCLS Blog

The writ petitions as well as all pending applications were disposed of in the afore-stated terms.

JUDGEMENT ANALYSIS

On Issue 1- The Hon’ble Court relied on its observation in the case of Ram Jethmalani v. Union of India, (2011) 8 SCC 1 to highlight the obligation of the State to disclose information, particularly in a writ proceeding. Two types of reasoning mandated the Court to order production of the orders passed by the authorities. Firstly, it is the right of an individual to know as Article 19 of the Constitution has been interpreted to mandate the right to information as an important facet of the right to freedom of speech and expression. Secondly, a democracy entails free flow of information and the state can’t claim privilege in the present case. Difficulty in producing all the orders before the Court was held to be an invalid ground to refuse production of orders.

On Issue 2- The Court recognized that the expression through the Internet has gained “contemporary relevance and is one of the major means of information diffusion” and thus, the freedom of speech and expression through the medium of the Internet is an integral part of Article 19 (1)(a) and accordingly, any restriction on the same must be in accordance with Article 19 (2) of the constitution. The Court also held that the freedom of trade and commerce through the medium of the Internet is also constitutionally protected under Article 19 (1) (g), subject to the restrictions provided under Article 19(6). It was reasoned that the freedom of speech and expression encompasses the right to disseminate information to as wide a section of the population as is possible and its greater impact can’t restrict the content of the right or justify its denial. The Court recognized the Internet as an important tool for communication as well as trade and commerce.

On Issue 3- The Court referred to the case of Hukam Chand Shyam Lal v. Union of India,

(1976) 2 SCC 128 to reiterate that with respect to the Suspension Rules, “public emergency” relates to the situations contemplated under the sub-section pertaining to “sovereignty and integrity of India, the security of the State”. It was highlighted that even though the suspension rules do not provide for publication or notification of the orders, an order, particularly one that affects lives, liberty and property of people must be made available.

On Issue 4- The Court examined the scope of Section 144 of the CrPC and observed that the power under the same must be used only as a measure to preserve law and order. It was reasoned that while exercising this power, the Magistrate must tailor the restrictions depending on the nature of the situation. The order should be open to judicial review so that any person aggrieved by such an action can always approach the appropriate forum and challenge the same.

On Issue 5- The Court relied on the test of ‘direct and inevitable consequence’ as propounded in the case of *Rustom Cavasjee Cooper v. Union of India*, 1970 (1) SCC 248. The Court opined that the impugned restrictions, due to their broad nature, did not have a restrictive effect on similarly placed individuals during the period in the present case.

CASE COMMENT

In the present case, the Supreme Court looked into the general constitutional ambit of fundamental rights, proportionality and reasonable restrictions. It undertook a specific discussion on freedom of expression through the internet and its restriction under Article 19(2) before analyzing the application of the same. Importantly, the Court acknowledged that “there is no gainsaying that in today’s world the internet stands as the most utilized and accessible medium for exchange of information.” The judgment is progressive in the sense that by issuing a direction to present all the orders which led to the imposition of

Section 144 of CrPC and internet shutdown, it upheld the people’s ‘right to know’. The Court didn’t express any views on the declaration of right to access the Internet as a fundamental right. However, it held that the freedom of speech and expression over the Internet is a fundamental right and so is the freedom to practice any profession, carry out any occupation, business or trade over the Internet. Hence, this case assumes immense importance as it might be the harbinger of recognition of the right to access the Internet as a fundamental right in itself.

At the same instance, the Court allowed the imposition of complete prohibition on the freedom of speech and expression over the Internet which makes possible a misuse by the government to silence any voice(s) reasonably questioning its actions. The Court also asserted that the power under Section 144 of the CrPC can be exercised even if there is an apprehension of danger which makes it prone to misuse as the government might use it to suit its motives even without the existence of an actual apprehension.

This judgment has not only contributed heavily in expounding the doctrine of proportionality as well as the principles of necessity and reasonableness but has also appreciably reiterated that press freedom is a sacred right within the fundamental right to freedom of speech and expression. This case has affirmed that “individual rights cannot be viewed as silos, rather they should be viewed in a cumulative manner which may be affected in different ways”.

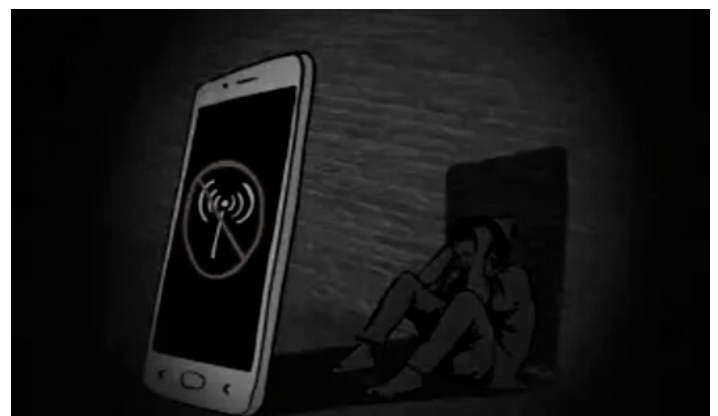


Image Source: Law Column

LAWS AGAINST STALKERS

VAIBHAV KESARWANI

Laws against stalking were added in Criminal law after Criminal Amendment Act 2013 passed by the Justice Verma Committee.

Section 354 D of Indian Penal Code criminalizes stalking. This section considers both physical stalking and cyberstalking.

According to this section if any man who follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman or monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking

The aforesaid act will not come under Stalking if, it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State or it was pursued under any law or to comply with any condition or requirement imposed by any person under any law and in circumstances under which such act was reasonable and justifiable.



Image Source: Times of India

Note:

Although an FIR or formal complaint in workplace can be lodged against this crime, an additional relief is provided to women for the offence committed under this section, i.e. If a woman is being stalked in Delhi, she can call 1096.

For women in the rest of India, the NCW can be contacted by calling 0111-23219750.

Punishment:

The act of stalking as of today after the criminal amendment act 2013, is a cognizable, bailable and non-compoundable offence with punishment-

1. up to three years and fine for the first conviction
2. up to five years and fine for the repetition.

CRIME-SOLVING AGENCIES IN INDIA

DEV SHROFF

Who doesn't enjoy watching crime thrillers, serials on espionage, murder mysteries, and crime investigation? TRPs have been very high for Bollywood films featuring high-octane dramas based on these genres. However, in real life, there are agencies all over the world who indulge in crime-solving. These agencies are broadly separated into two – intelligence and investigation. Intelligence and investigation are key components of criminology. However, they look deceptively similar.

Intelligence is a product created through the process of collecting, collating, and analysing data, for dissemination as usable information to inform future interventions. It typically assesses events, locations or adversaries and focuses on future events. Intelligence often yields confidential information. There is privacy in sharing of the information and it's often not

available for public scrutiny.

Investigation encompasses the collection of information and evidence to identify, apprehend, and convict suspected offenders. An investigation focuses on past events. Investigation yields information that is open for public scrutiny and is often tested to ensure credibility.

In India, the prime intelligence agencies are:

- Intelligence Bureau (IB)
- Research & Analysis Wing (RAW)
- Directorate of Enforcement (DE)
- Narcotics Control Bureau (NCB)
- Defence Intelligence Agency (DIA)
- National Intelligence Grid (NATGRID)

In India, the prime investigation bureaus are:

- Central Bureau of Investigation (CBI)
- National Crime Bureau of Investigation (NCBI)
- National Investigation Agency (NIA)
- Criminal Investigation Department (CID)
- Bureau of Police Research and Investigation (BPR&D)

Let's go into details of certain agencies within India.

The Research and Analysis Wing, India's foreign intelligence agency, and the Intelligence Bureau, India's domestic intelligence agency, are the most well-known. They are responsible for counter-intelligence, counter-terrorism, and general internal security. Intelligence agencies are critical for national security since they safeguard the country from both internal and external dangers to ensure India is well protected.

Intelligence Bureau (IB)-Intelligence Bureau, is India's internal intelligence agency. It is concerned with intelligence and investigation across the country. It is the world's oldest intelligence agency. It operates covertly and primarily deals with counter terrorism and naxal insurgency. Its tasks

include counter-terrorist activities and keep an eye on all religious and political activities which can harm peace and security of the country.

Research and Analysis Wing (RAW)- RAW deals with the intelligence activities outside the country, gathering intelligence on any anti-India activity. It came into existence in 1968. It mainly collects intelligence of activities near the borders or outside the country.

Defense Intelligence Agencies (DIA)- This is basically the intelligence association of Military Intelligence (Army), Naval Intelligence, and Air Intelligence. This agency works in close coordination with RAW.

Central Bureau of Investigation (CBI)- Being India's premier Investigation agency, CBI investigates high profiles cases, economic offences, criminal investigations, scams, high-profile robbery, financial frauds, murder, and corruption cases. The CBI does not take up investigation of conventional crimes like murder, theft, robbery etc. unless directed by the Supreme Court/High Courts or referred by State Governments. CBI is like a Central Government police agency. It also investigates cases concerning affairs of the central government, employees of central public-sector undertakings and public-sector banks, cases involving the financial interests of the central government, breaches of central laws enforceable by the Government of India, major fraud or embezzlement, multi-state organised crime, and multi-agency or international cases.

National Investigation Agency (NIA)- Recently constituted in 2008 after Mumbai attacks. The need for setting up of an agency at the Central level for investigation of offences related to terrorism and crimes that pose a challenge to the country's sovereignty and integrity was felt. It is mainly concerned with terror attacks, hijacking, bomb blasts, etc.

Criminal Investigation Department (CID)- A state police agency that deals with criminal cases

and activities in a state. It investigates serious crimes including riots, forgery, counterfeiting, and cases entrusted by the State government or the High Court. It is the same as CBI but works under the state government.

It is headquartered in Beijing and has 17 known bureaus or divisions, including a counterintelligence division and a social research division. The agency is also responsible for handling internal opposition and anything that might cause citizens to rebel against the ruling Communist Party.

Landmark Cases of RAW:

In the history of Indian intelligence, the most written about case was that of K V Unnikrishnan, a RAW officer dealing with the LTTE. He had developed a relationship with an air hostess believed to be an intelligence scion. He was arrested just ahead of a peace accord signed between India and Sri Lanka.

RAW has also a history of officials switching their loyalties to foreign agencies. The most infamous case which shook RAW out of reverie was that of Rabinder Singh who became a mole of American intelligence agency CIA and flew to the US despite being under RAW surveillance. Singh initially worked with the Indian Army and held a very senior position with RAW handling Southeast Asia. By the time the agency sensed his affiliations, Singh escaped to the US through Nepal in 2004.

Landmark Case of CBI:

CBI unsolved case of AARUSHI TALWAR - When Aarushi's body was discovered on 16 May, Hemraj, who was missing at the time, was considered the main suspect. The next day, Hemraj's partially decomposed body was discovered on the terrace. After ruling out former domestic servants of the family, the police treated Aarushi's parents—Dr. Rajesh Talwar and Dr. Nupur Talwar—as the prime suspects. The police suspected that Rajesh had murdered the two after finding them in an "objectionable" position, or because Rajesh's



Image Source: India TV News

alleged extra-marital affair had led to his blackmail by Hemraj and a confrontation with Aarushi. The accusations enraged the Talwars' family who accused the police of framing the Talwars in order to cover up the botched-up investigation. The case was then transferred to the CBI, which exonerated the parents and suspected the Talwars' assistant Krishna Thadarai and two domestic servants—Rajkumar and Vijay Mandal. Based on the 'narco' interrogation conducted on the three men, the CBI assumed that they had killed Aarushi after an attempted sexual assault and Hemraj for being a witness. The CBI was accused of using dubious methods to extract a confession, and all the three men were released after it could not find any solid evidence against them.

Since the dawn of time, the art and science of intelligence has been an indispensable component of statecraft. It is, without a doubt, India's first line of defence and, when used wisely, a true force multiplier. When a security disaster, a cataclysmic event, or even a major geopolitical setback occurs, most nations heap scorn on their intelligence systems, despite the fact that such failures could be attributed, among other things, to systemic flaws, faulty analyses, sheer negligence, and/or leadership failures within the country.

The daunting, diversified, and complex security problems that India faces will continue to stymie the country's progress unless all of the components that make up our Comprehensive National Power, including intelligence, are tackled with urgency, resources, and a long-term



Image Source: India TV News

perspective. As a result, India must conduct time-bound institutionalised evaluations of its intelligence systems and implement necessary revolutionary reforms. It will be at the nation's danger to be sloppy with its Intelligence structure, as India's history of the previous seventy years has vividly demonstrated.

THE NITHARI SERIAL KILLINGS

MARISHA DUBE

The night of 29th December 2006 served as a rude revelation to the residents of the otherwise peaceful and quiet Nithari, a small village in Noida, Uttar Pradesh, when the skeletal remains of eight unfortunate children were discovered from the drains of the house of one Moninder Singh Pandher, with the now notorious Nithari forever becoming infamous in the annals of serial killings.

Moninder Singh Pandher, a businessman by profession, was one of the main accused in the Nithari serial murders of 2005 and 2006, the other accused being his domestic help, Surinder Koli, who aided him in his misdoings. While Moninder Singh was convicted in two out of the five cases filed against him, his accomplice was convicted in ten out of the sixteen cases filed against him.

Image Source: India.com



Image Source: Zee News

This chain of crimes started in 2003 when an unusually high number of women and children were reported to be missing from Sector 31 of Noida. The series of disappearances continued until 2006 when a girl named Payal informed her father, Nand Lal, that she was going to the residence of Moninder Singh Pandher for an interview, from where she never returned. Her father went to the bungalow and searched for her, but to no avail. Moninder Singh was not in Noida on that particular day whereas the servant denied having any knowledge regarding the missing girl. The aggrieved father went to the police to register a complaint but the police refused to aid him, saying that Payal was an adult who had simply left her home after having a disagreement with her parents.

On 29th December, after being repeatedly ignored by the police and other local authorities, Nand Lal and several other parents whose children had also gone missing earlier around that area, finally went to seek the help of former Resident Welfare Association President, SC Mishra. They searched the grounds of house no. D5, Sector 31 Noida where they found decomposed remains of children. That morning, Pandher and his servant, Surinder Koli were finally arrested, who later confessed to having killed six children and the twenty – year old Payal, after sexually assaulting them. Upon further investigation, several more skeletons were discovered from the drains of the property.

The police officers of the area were harshly criticized for their botched-up investigation of the matter, with the kin of the missing children accusing them of negligence and corruption. Allegations of police officers accepting bribes

and concealing information were also rife. There were instances of clashes between mobsters and the police, with both sides pelting stones at each other. Several police officers, including two Superintendents of police, were suspended due to their negligence, and demands were made for an independent investigation into the matter. Angry residents even demanded the removal of the then incumbent State Government.

As more and more body parts were dug up from the property, there were speculations regarding an ongoing organ trade racket, and a doctor living near the area was also added to the list of suspects. However, even though searches were made at his properties, no evidence whatsoever was found to support these theories.

On January 10, 2007, the matter was finally taken up by the CBI for investigation after a high-level inquiry committee was set up by the Central Government to look into the police lapses, which, on 17th January 2007, indicted the police of “gross negligence” in handling the matter.

On February 12, 2009, both the accused were found guilty of the murder of 14 – year old Rimpa Halder by a special sessions Court in Ghaziabad. This conviction left the CBI abashed, which had earlier given a clean chit to the master, Moninder Singh Pandher, in all its charge-sheets. On February 13, 2009, both the convicts were awarded the death sentence, for their crimes fitting the “rarest of rare” criteria.

Pandher and Koli were further convicted in several of the other cases filed against them and were awarded more death penalties. Finally, after a lot of back and forth, in September 2009, the Allahabad High Court upheld Koli’s death sentence while it acquitted Pandher.

The Supreme Court upheld his punishments and in July 2014, mercy petitions filed by Koli

were rejected by the President.

The Nithari case was of an incredibly serious nature because of the multitude of heinous crimes involved in the case, ranging from sexual abuse and murders to cannibalism and attempted necrophilia. While the official number of victims identified with the help of DNA testing stands at 16, the actual number stands around 31, as per Koli’s confession to the CBI and numerous unidentified carcasses also found around House No. D5. These grisly crimes attracted significant media attention and the matter was also the subject of a BBC documentary titled *Slumdog Cannibal*.

THE ZODIAC KILLER

BHANUPRATAP SINGH RATHORE

“Sick of living/Unwilling to die. Cut. Clean. Clean blood spurting, dripping, spilling all over her new dress. Oh well, it was red anyway. Life draining into an uncertain death. She won’t die this time. Someone will find her. Just wait till next time.”

- Zodiac killer in his letter after December 1966 Riverside Killing

“I hope you are having lots of fun in trying to catch me that wasn’t me on the TV show which brings up a point about me I am not afraid of the gas chamber because it will send me to paradise all the sooner because I now have enough slaves to work for me where everyone else has nothing when they reach paradise so they are afraid of death I am not afraid because I know that my new life is life will be an easy one in paradise death.”

- Zodiac killer’s one of the decoded cipher (decoded in 2020)

Murder stories are truly terrifying anecdotes that captivate the interest of a large number of people. But the reading becomes really



Image Source: Criminal Minds Wiki - Fandom

fascinating and frightening when it is the case of serial murders with the murderer making a monkey of the police by providing hints.

Such is the present case of one of America's most infamous serial killers – **'THE ZODIAC KILLER.'** The serial murderer was fond of teasing police by sending letters to media houses containing ciphered codes, which contained his name, name of the victim, hint of the upcoming murder, information on the murder, etc. While there are five known murders and two injured victims of the Zodiac killer, he has claimed the killing of at least 37 persons. His case is under investigation to the present date.

Zodiac was the name that terrified the San Francisco Bay Area in the late 1960s and early 1970s. On December 20, 1968, a young high school couple, Betty Lou Jensen and David Faraday were found dead on Lake Herman Road with Faraday shot in the head and Betty shot five times in the back while she tried fleeing. It was the first recorded event of the Zodiac killer's murder spree. The police remained puzzled, unable to find the clue of the killer until the next incident happened.

On July 4, 1969, again, a young couple, Darlene Ferrin and Michael Mageau were sitting in a brown 'Corvair' car at Blue Rock Springs Park in Vallejo, which was 6.4 km away from the Lake Herman Road (where December 20th murders took place). A car moved past their car, which returned ten minutes later and a person got out of the car with a torch and a gun in hand. The Zodiac killer flashed at them and suddenly shot them five times. He didn't stop there, he returned and shot Mageau twice again when he heard her crying. Such was his brutality. Fortunately, Michael survived the attack, who later narrated the whole incident.

Here comes the sheer audacity of the Zodiac Killer. After the Blue Rock Springs killings, he called the Vallejo Police Department the next day, reporting and claiming the responsibility for the incident along with the responsibility of Lake Herman Road Killings. Police were in utter shock as the killer taunted them by giving information about the murders.

If this was not enough, he further sent three identical handwritten letters to the 'San Francisco Examiner', 'San Francisco Chronicle' and 'Vallejo Times-Herald' each on August 1, 1969, which began as follows, "Dear Editor: I am the killer of the 2 teenagers last Christmas at Lake Herman". The letters provided information about the Zodiac Killer's killings that none other than him could have known. If the messages were not published on the front page of the newspapers, the killer warned of more attacks.

Each letter was sealed with a sign that resembled a *"circle with a cross through it"*, eventually dubbed as the Zodiac Killer's sign. He also enclosed one portion of a three-part cipher



Image Source: Kiro 7

in each letter, which he claimed could reveal his name. Such captivating were his actions for the media.

In another turn of events, on September 27, 1969, again a young couple, Bryan Hartnell and Cecelia Shepard had gone to Lake Berryessa in Napa County, California, where they encountered a man with a gun, wearing a black hood over his head and sunglasses. The killer first requested Cecelia to tie Bryan, then he tied Cecelia himself. And without a blink of an eye, he stabbed Bryan six times and Shepard ten times.

The killer then drew his patented cross-circle symbol on Bryan's car and wrote beneath it: "Vallejo/12-20-68/7-4-69/Sept 27-69-6:30" with a knife to boast his murder spree. He further made a call to the police informing about the crime and claiming the responsibility of it in his style, teasing the police, before fleeing the scene. Fortunately, Bryan survived and narrated the whole incident to the police but to no avail as the police were still not able to find the killer.

From here, the sending of letters to media, providing details about his murders, attacks, and victims to mock police and investigating agencies became frequent. For the killer, it seemed to be a game, and for him, he was winning at every stage by not getting identified, let alone caught. Then comes the last recorded killing by the Zodiac killer.

On October 11, 1969, the killer took a cab driven by Paul Stine to Maple Streets in Presidio Heights. When they crossed Maple Street, the killer took out his gun and shot Paul in the head cold-blooded. He then took Paul's wallet and keys and ripped a portion of his bloodstained shirt. Three teenagers who witnessed the incident called the police but the killer managed to narrowly escape from the officers even when they saw him. On October 14, a letter claiming the responsibility for the murder of the cab driver was received by the

'San Francisco Chronicle'. The letter was written in a similar fashion as earlier letters from the Zodiac killer, giving details of Paul's murder and accompanying the bloody piece of Paul's shirt. While ending the letter, the killer hinted towards shooting tires of a school bus, further saying, "pick off the kiddies as they come bouncing out."

While the investigation of the cab driver's murder case was still underway, another ciphered letter came at the 'San Francisco Examiner', beginning with, "Dear Editor: This is the Zodiac speaking," providing information about the murders and mocking the police for their failures.

This letter was completely deciphered by Donald Harden along with his wife, which read, "I like killing people because it is so much fun. It is more fun than killing wild game in the forest because man is the most dangerous animal of all."

He had notoriously sent a ciphered letter which read, "This is the Zodiac speaking. By the way have you cracked the last cipher I sent you? My name is...". A string of 13 characters followed this statement, which signified his name in ciphered language but it has not been deciphered to this day.

The murders went through extensive investigation and media reporting, specifically because of the fancy tactics, like sending letters and making calls, used by the killer to mock the police. All his letters, sent from 1969 to 1974, were written and prepared in a similar fashion. It was signed with a symbol resembling 'cross through a circle' and ordinarily started with, "this is the Zodiac speaking."

From the murder spree of the Zodiac killer, the paradigm of killings could not be ascertained as the victims showed no link among themselves and it remains a mystery. The case of the Zodiac killer has influenced two Hollywood movies, i.e, Zodiac (2007) & Dirty Harry (1971), and many documentaries.

Although the letters from the Zodiac killer suddenly stopped in 1974 with no information on his murder spree, Crime writer Robert Graysmith has claimed that the killer was active during the 1980s and has committed scores of murders, which is a very debatable point of view.

Many investigators have claimed to find the real Zodiac killer in the 1990s. Some of the highly speculated suspects were Arthur Leigh Allen, Earl Van Best Jr., and Louie Myers, but nothing decisive came out of it as none of the suspects was conclusively declared as Zodiac killer.

Recently, a group called the “Case Breakers - a group of cold case specialists”, which is a crew of around 40 volunteers from law enforcement, military, legal and academic backgrounds has claimed that a man named Gary Francis Poste was the real Zodiac killer. Although the police have denied such allegations, the group claims to have physical and forensic evidence.

The killings by the Zodiac killer have found their way into movies, books, dramas, documentaries, and whatnot. There have been many serial killers in the world, but the likes of the Zodiac killer remains unmatched as no other serial killer has dared to challenge the authority so blatantly and still remain unidentified. To this day, the identity of the Zodiac killer remains a mystery.

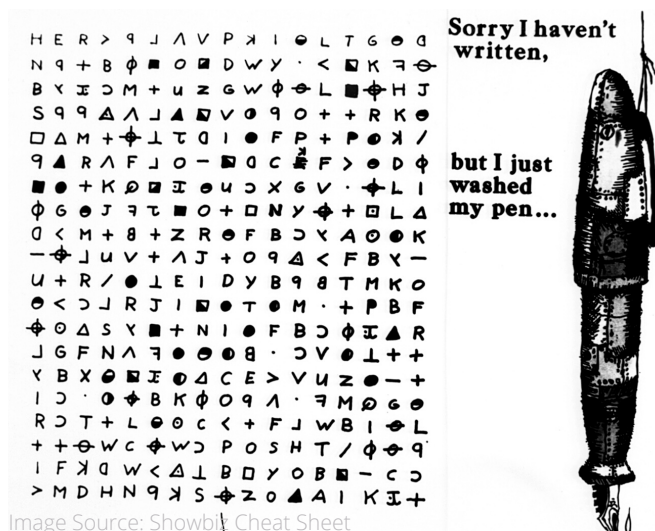


Image Source: Showbiz Cheat Sheet

MOVIE REVIEW: ZODIAC

ANYA DENISE ARANHA

Directed by David Fincher, “Zodiac” is a 2007 mystery thriller movie based on the actual case files of the infamous Zodiac serial killer murders which took place in the San Francisco Bay Area in the 1960s and 1970s (as already explained in-depth in Bhanupratap Singh Rathore’s article on the Zodiac Killer).

In a nutshell, it’s probably one of David Fincher’s best. “Zodiac” is a movie that cuts us a “slice of life” with a touch of sensation, but it isn’t big on the “filminess” that one would generally see in a mystery thriller. I loved how the movie focused more on how the case was investigated rather than making the murders the main focus of the film.

While it was a long watch and the dead ends of the investigation made the wait give you an “oh no, here we go again” feeling, there was never a dull moment. What made up for the wait was the unending perseverance of the cops, the crime reporter and the zealous cartoonist. The scenes were very realistic, be it the newspaper office, the police station, or the highway. I imagine the actual case files would have been quite a lot to handle given all the information about the investigation and the dead ends that entailed, but Fincher marvelously managed to break down every scene and maneuver through the messy process, making it clear and easy to understand.

Being someone who finds investigation fascinating, this film gave me a deeper perspective on how crime-solving might work in real life. It hits home the message that an investigation like this requires constant patience and grit to sustain interest in hunting down crafty killers like the Zodiac. The Zodiac Killer was very tricky. He would murder, send

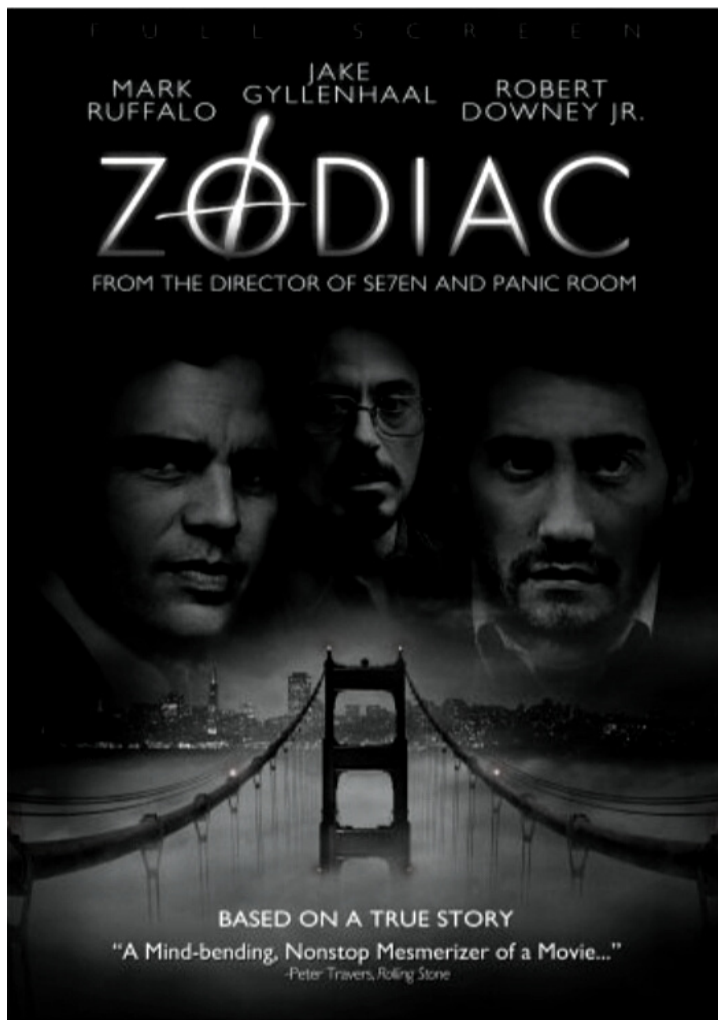


Image Source: Amazon.com

the police and the newspaper cryptic letters and codes, call whoever was involved in the case and sometimes just breathe into the phone receiver, go MIA for long periods and then resurface, etc. In addition to that, this killer seemed to have no fixed patterns of killing. Although he called himself the “Zodiac”, his murders, unlike those in Fincher’s other mystery thriller movie “Se7en”, did not fall in line with the 12 zodiac signs. While he seemed to enjoy the publicity, there appeared to be no fixed motive or reason for killing. Even if there was, it is unknown. For more information regarding the Zodiac Killer’s exploits, please read the article on page 17.

The movie starred Jake Gyllenhaal (Robert Graysmith) as a political cartoonist, Mark Ruffalo (David Toschi) as a cop and Robert Downey Jr. (Paul Avery) as a crime reporter. While the main actors were excellently cast, the supporting cast did justice to their roles too. I especially looked forward to Robert Downey Jr.’s usual cocky performance which was mildly reflected in his role as a crime reporter.

In all the 2 hours and 37 minutes of the movie, my favorite scene was when Robert Graysmith was in the house of Bob Vaughn who was supposedly the friend of Graysmith’s suspected killer, Rick Marshall. It did give an eerie, filmy touch that I found myself craving for, through all the straightforward, not-so-filmy scenes.

The ending of the movie, however, left an unsettling frustration that the Zodiac killer was never caught despite having murdered 5 times, claiming to have murdered 37 people and writing approximately 18 letters to the police and the newspaper offices. It was as though decades of investigation ended up in a fruitless and endless pursuit of a killer who murdered people, left their loved ones scarred and then vanished into thin air.

All said and done, please save it on your Netflix list. It’s brilliant.

CHAPTER 5 OF CRIME AND JUSTICE: A DISCOURSE SERIES

hosted by GNLU Center for Research in
Criminal Justice Sciences

PRAGYA CHAINTA

TOPIC: “Age and Marriage: Raising the Minimum Age of Marriage for Women.”

DATE: 8th January, 2022 (Sunday)

PLATFORM: CISCO WEBEX

SPEAKERS: Priyanshi Bajpai, Bhanupratap Singh Rathore and Armaan Angra

The legal age of marriage of women will be raised from 18 to 21 years by an amendment under the Prohibition of Child Marriage Act, 2006 and other personal laws. This decision is based on the recommendation of a 4-member task force led by the former Samata Party chief

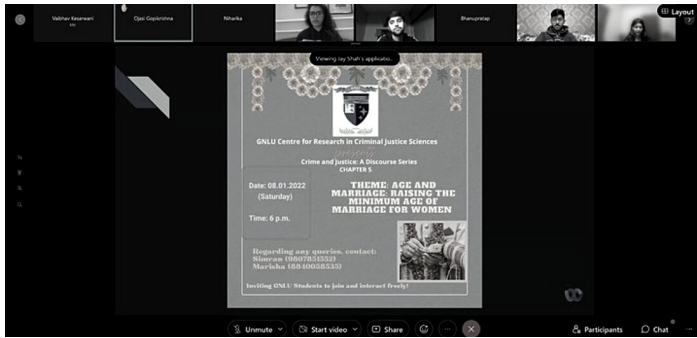


Image Source: GCRJS Instagram handle

The government should look into every aspect of the law in question and eventually take an informed decision.

Jaya Jaitly. The task force was set up to re-examine the age of marriage and its correlation to health and social indices such as infant mortality, nutritional level among girls, children and mothers.

ARGUMENTS DISCUSSED DURING THE SESSION

Increasing the minimum age of marriage for women from 18 to 21 will facilitate women to pursue their careers which in turn will provide them financial stability. The Sustainable Development Goals (GOAL-5) asks nations to formulate policies for gender equality. Adopting such a law will take our nation forward in achieving the same by means of empowerment of women. On the contrary, simply enacting a legal change will have a negligible impact in improving the nutrition levels of women, in reducing the rate of child marriages, and in reducing maternal mortality rate. It is imperative for the government to understand the root cause of these issues in order to make a positive stride towards mitigating them. Instead, the government should focus on providing effective opportunities to girls from primitive, backward & poverty-stricken areas as well as better access to healthcare.

Increasing the minimum age of marriage will strengthen the control that families have over girls and will inhibit their independent thinking even above the age of 18. There are always two sides to a coin, even in the present scenario that raises the question of whether the legal age for marriage of women should be increased or not.

KNOW THE TERMS!

LEGAL TERMINOLOGY CRISS-CROSS

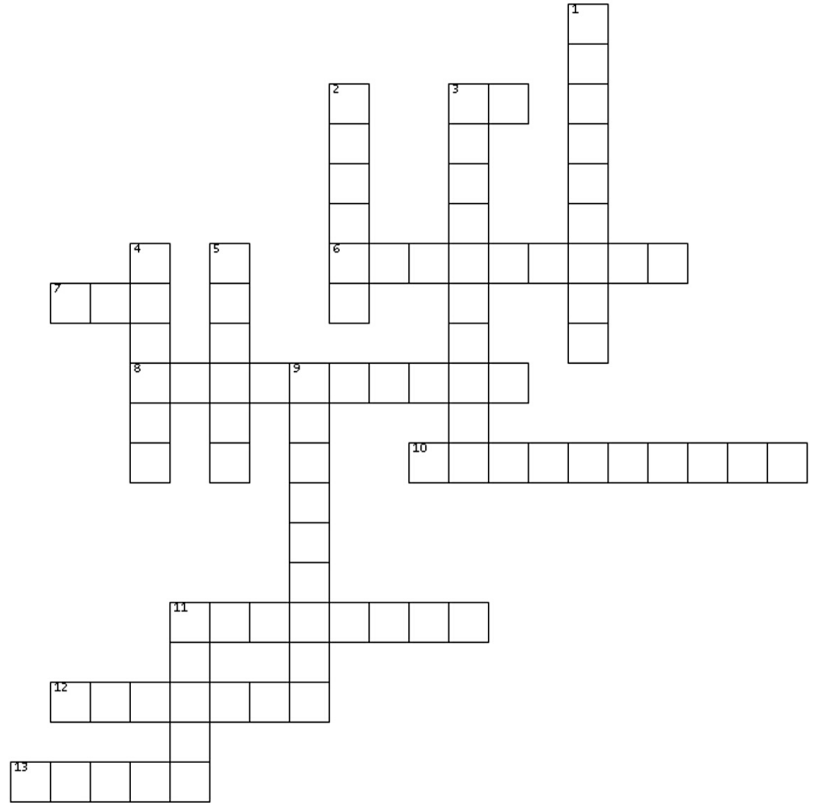
NIYUSHA BHESANIA

ACROSS

3. IDEM in agreement. (This term is Latin.)
6. when a gift in a will cannot be made because the item no longer exists.
7. a lease which lasts forever.
8. killing someone to end their suffering.
10. damaging someone's rights or entitlements.
11. the parts of the boundaries of a piece of land which touch pieces of land alongside.
12. any property except freehold land.
13. a false name.

DOWN

1. taking a vehicle without permission and using or allowing it to be used without authority.
2. fighting unlawfully. It is a criminal offence.
3. someone who helps another person to commit a crime.
4. threatening or pressuring someone to do something.
5. an agreement between businesses to restrict competition and keep prices high.
9. the court's decision that a person is innocent of the crime they were charged with.
11. REUS an act which is illegal, such as theft. (This term is Latin.)



Use the clues to fill in the words above.

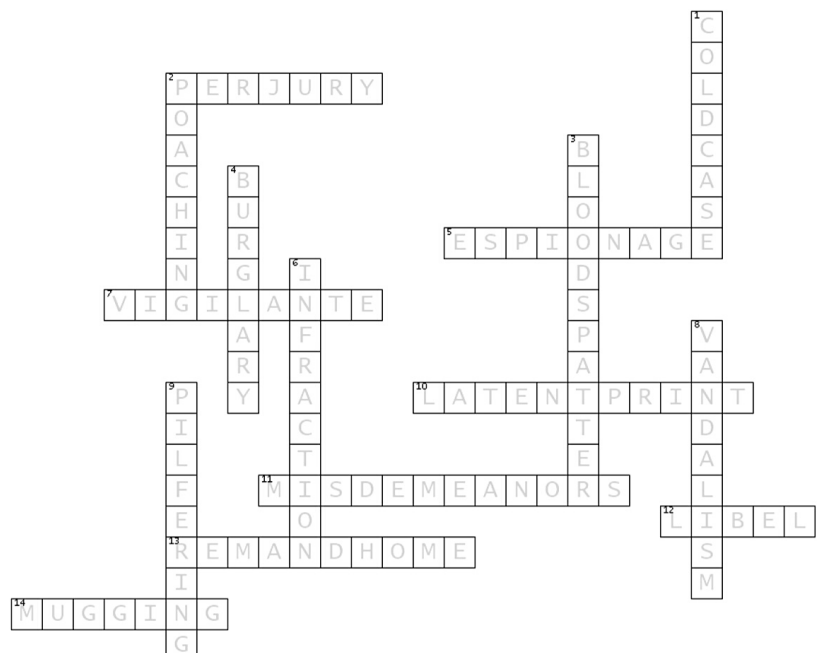
Words can go across or down.

Letters are shared when the words intersect

ANSWER

KNOW THE TERMS!

LEGAL TERMINOLOGY CRISS-CROSS
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