

Moot Court, Pre-Trial Preparations and Participation in Trial

Course Title: Moot Court, Pre-Trial Preparations and Participation in Trial

Course No: Law 405

Duration of the Course: One Year (125 Hrs)

Year: II

Full Marks: 100

Pass Marks: 35

Level: LL.B.

Nature: Compulsory

Course Objectives

The main objectives of this course are:

- to give practical skills to students for preparing a case file containing all legal documents in the case assigned by campus.
- to give a practical knowledge to the students of oral argument or advocacy.
- to familiarize students with the various steps of the trial and hearing proceedings.
- to provide knowledge to the students about interviewing (to the clients) techniques and pre-trial/hearing preparations.

Course Description and Evaluation

The course contains three main components namely moot court, pre-trial/hearing preparation (interviewing to clients), and participation in trial proceedings. All these components are designed to provide practical knowledge to the students. At the completion of the session, students will have to submit a moot court file assigned by the campus along with examination form for its evaluation. There will be internal and external examinations in both the subject. The full marks for external and internal examination will be 60 and 40 marks respectively. The internal examination will be conducted through a viva-voce and evaluation of moot court file prepared and submitted by the students. Out of 40 marks allotted to internal examination, viva-voce carries 15 marks and other 25 marks is allocated for evaluation of moot court file. The external examination will be conducted in written format. In written examination students will be asked to produce drafts of important legal documents. Students shall be required to prepare draft of following documents.

Writ Petition (Writ Nibedan), Reply (Likhit Jawaf), First Information Report (Jaheri Darkhasta), Statement of the

Defendant (Pratibadiko Bayan), Charge Sheet (Abhiyog Patra), Law Suit/Complaint (Phiradpatra), Rejoinder (Pratiuttar Patra), Power of Attorney/Authorized Power of Attorney (Warishnama/Adhikrit Warishnama), Contract paper (Kararnama), Description of Partition Property (Amshako Tayadati Phantbari), Appeal (Punaravedanpatra), Application for Revision of Case (Mudda Dohoryaunakalagi diene Nibedanpatra), Pleading Note/Submission (Bahasnote), Petition for Agreement or Reconciliation (Milapatrako Darkhasta), Application for Postponing Date and Date for Presence (Myad, Tarikh Thamaune Nibedan), Application for Quashing the Stoppage and Unlawful Order (Rokka Tatha Beritko Aadesh Badar Sambandhi Nibedan), Application for the Execution of Judgment (Phaisala Karyanwayanko Nibedan).

The pass marks in examinations (both internal and external) will be 40% each. Campus shall constitute a three member committee having at least 5 Years of experiences in teaching or practicing law for conducting the internal examination (viva-voce and checking of the moot court file).

Reading Materials

- *Muluki Criminal Procedure Code, 2074 (2017)*
- Bhandari, Somkanta. **Legal Drafting** (in Nepali). Kathmandu: Pairavi Book House Pvt. Ltd. (2076 B.S.)
- Khanal, Rewati Raman. **Writ Petition: Theory and Criticism** (in Nepali). Pulchowk, Lalitpur : Sajha Prakashan. (Latest Edition)
- Shrestha, Gyaindra Bahadur. **Court Procedure** (in Nepali). (3rd edn.). Kathmandu: Pairavi Prakashan. (2075 B.S.)
- Shrestha, Gyaindra Bahadur. **Drafting of Legal Documents and Professional Ethical Rules and Legal Skills** (in Nepali). Kathmandu: Pairavi Prakashan. (2075 B.S.)
- _____. **Writs: Law and Practice** (in Nepali). (3rd edn.). Kathmandu: Pairavi Prakashan. (2075 B.S.)