

**(2016) 10 JH CK 0075**  
**In the Jharkhand High Court**  
**Case No : W.P.(PIL) No. 4105 of 2015**

Court on its Own Motion

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

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**Date of Decision :** 21-10-2016

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Penal Code, 1860 (IPC) — Section 366, Section 376(2)(i), Section 377, Section 506  
Protection of Children from Sexual Offences Act, 2012 — Section 6

**Citation :** (2017) 1 ECRC 580

**Hon'ble Judges :** Mr. Pradip Kumar Mohanty, ACJ. and Mr. Ananda Sen, J.

**Bench :** Division Bench

**Advocate :** Mr. Jai Prakash, A.A.G and Mr. Rishi Pallav, J.C. to A.A.G, for the Respondents-State

**Final Decision :** Disposed Off

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## Judgement

1. Heard Mr. Jai Prakash, learned A.A.G. for the respondents-State and also perused the record.
2. This Court, based on news item published in the "Hindustan Times" dated 29th August 2015, relating to sorrow and disheartening aftermath of a poor labourer father and a nine years old girl, who is victim of rape meted out by a cruel person, in Hathipada village in the jurisdiction of East Singhbhum District, took suo moto cognizance and registered the same as W.P. (P.I.L), which continued till today.
3. As per the news paper, a local driver lured the victim with some chocolate before raping and abandoning her by a riverside with a ruptured intestine early in July. Profusely bleeding and unable to stand or walk, the victim girl crawled to her home about a kilometer away and narrated the ordeal to her parents. She was admitted to a local hospital where her condition worsened and she had to be rushed to nearby Hospital at Jamshedpur for better treatment, but doctors there could not stop the bleeding and referred her to RIMS, Ranchi and then she was

shifted to Medanta for better treatment.

4. For the said occurrence, an F.I.R. bearing Dumaria P.S. Case No. 07 of 2015 corresponding to G.R. No. 260 of 2015 was registered against the accused person, namely, Surender Sarda @ Hablu and after completion of investigation charge sheet was submitted under sections 366, 376(2)(i), 377, 506 of the Indian Penal Code and under section 6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the POCSO Act) .

5. After conclusion of trial, the learned Additional Sessions Judge-1, Jamshedpur, vide judgment dated 26th day of February 2016 has convicted the accused under sections 366, 376(2)(i), 377, 506 of the Indian Penal Code and under Section 6 of the POCSO Act and vide order dated 27th day of February, 2016 sentenced him to undergo R.I. for ten years and also a fine of Rs. 2000/- and in default of payment of fine, to undergo further R.I. for one month under Section 366 IPC. The learned trial court has further sentenced the accused to undergo imprisonment for life and also a fine of Rs.5000/- and in default of payment of fine to undergo further R.I. for two months under Section 376(2)(i) IPC. The accused has further been sentenced to undergo imprisonment for life and also a fine of Rs.2000/- and in default of payment of fine to undergo R.I. for one month under Section 377 IPC. The accused has further been sentenced to undergo R.I. for two years and also a fine of Rs.1000/- and in default of payment of fine, to undergo further R.I. for fifteen days under Section 506 IPC. However, no separate sentence has been passed by the learned Addl. Sessions Judge-I, Jamshedpur under Section 6 of the POCSO Act, 2012.

6. A Status report has been filed on behalf of the Deputy Commissioner on 17.09.2016 in which, it has been stated by the Deputy Commissioner, East Singhbhum that a sum of Rs.25,00,000/- has been fixed for a period of ten years, Rs. 1,00,000/- has been fixed for a period of one year, Rs.15,00,000/- has been deposited as a Double Benefit Deposit Scheme in the name of the mother of the victim and victim in their joint account. An affidavit on behalf of the Dy. Commissioner, East Singhbhum, Jamshedpur has been filed on 30.6.2016, in which, it has been submitted that as per the report of the District Superintendent of Education, East Singhbhum, the victim is nine years old. The only residential school for girls is Kasturba Gandhi Balika Vidyalya in which Classes start from Class-VI, and when the victim will qualify the age for Class VI, she will be admitted in that school with the consent of her parents.

7. Mr. Jai Prakash, the learned A.A.G. submitted that all the benefits have been given to the victim and the State also undertakes that they will hand over an Indira Aawas immediately after completion of the same to the parents of the victim.

8. In view of the above submissions, we dispose of the instant WP(PIL) with a further direction that the Deputy Commissioner, East Singhbhum at Jamshedpur will give a report on every six month to the Principal District and Sessions Judge,

East Singhbhum, Jamshedpur, about the health condition and career of the victim and also give a report about her residential status, who will submit the same to the Member Secretary, Jhalsa, Ranchi. The Member Secretary, Jhalsa, Ranchi, will place the said report before the Executive Chairman, Jhalsa for consideration.

9. If the Deputy Commissioner, East Singhbhum, Jamshedpur, will not submit the report with regard to health condition and career of the victim to the Principal District and Sessions Judge, Jamshedpur, the same should be treated as misconduct on the part of the Deputy Commissioner, East Singhbhum, Jamshedpur. We further direct the Deputy Commissioner, Singhbhum (East) at Jamshedpur, to give necessary direction to the concerned banks to the effect that the fixed deposits referred to above should not be allowed to be encashed or pledged without the leave of this Court. The victim/her family will go on receiving the interest of Rs. 15,00,000/- deposited as a double benefit deposit scheme.

10. Let a free copy of this order be handed over to Mr. Rishi Pallav, J.C. to Mr. Jai Prakash, learned A.A.G., who will communicate the same to the Deputy Commissioner, East Singhbhum, Jamshedpur and other respondents.

11. We direct the Registry to communicate a copy of this order to the Principal District and Sessions Judge, East Singhbhum at Jamshedpur and the Member Secretary, Jhalsa, Ranchi.

12. With the aforesaid observations and directions, this Public Interest Litigation stands disposed of.