

(2015) 11 SC CK 0024
In the Supreme Court Of India
Case No : W.P.(C) No. 203/2013

**In Re: Indian Express Newspaper Report dated 10/4/2013 Titled
Women Cops put minor Rape Victim in Lock-Up**

Date of Decision : 06-11-2015

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 357A
Protection of Children from Sexual Offences Act, 2012 — Section 28
Protection of Children from Sexual Offences Rules, 2012 — Rule 7

Citation : (2015) 12 SCALE 568

Hon'ble Judges : Madan B. Lokur and U.U. Lalit, JJ.

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. We have heard learned amicus curiae and learned Additional Advocate General for the State of Uttar Pradesh. This petition was taken up as a suo motu petition as a result of an Article in the Indian Express Newspaper of 10th April, 2013 captioned "Women Cops put minor "rape" victim in lock-up". The Article indicated that a ten year old girl who had been raped was kept in a lock-up when she went to file a complaint.
2. As mentioned above, this matter was taken up suo motu on the basis of the above Article. Ms. Anitha Shenoy, learned Counsel was appointed as amicus curiae to assist this Court.
3. We have been looking into the progress of the steps taken by the State Government pursuant to the incident.
4. Today, learned Additional Advocate General for the State informs us that guidelines were issued by the Director General of Police to the police personnel to be followed in situations such as the present and also otherwise in relation to sexual offences. These guidelines were issued in April, 2013.
5. Accordingly, we directed the Director General of Police on 28th August, 2015 to circulate the guidelines once again and also inform all the police stations in the

State of Uttar Pradesh about the pendency of two criminal trials initiated against the errant police officers pursuant to the aforesaid incident.

6. Today, learned Additional Advocate General informs us that the needful has been done and the guidelines have been circulated on 17th October, 2015 by the Director General of Police. He has also informed that intimation has also been given with regard to the pendency of two criminal cases initiated against the errant police officers.

7. Learned Additional Advocate General states that substantial progress has been made in the trials and it is likely that they will be completed within a couple of months. We direct the State of Uttar Pradesh to ensure that no unnecessary adjournments are taken by the prosecution and the trials are completed at the earliest.

8. Another issue that has arisen in this matter is with regard to the payment of compensation to the victim on account of the offence against her. We are told by learned amicus curiae that an amount of Rs. 60,000/- has been paid to the victim. She says that some further amounts are liable to be paid to her Under Rule 7 of the Protection of Children from Sexual Offences Rules, 2012 as well as under the Victim Compensation Scheme framed by the State of Uttar Pradesh Under Section 357A of the Code of Criminal Procedure, 1973.

9. The final issues that arises for consideration is whether the Special Courts have been set up by the State of Uttar Pradesh Under Section 28 of the Protection of Children from Sexual Offences Act, 2012 (for short "the Act"). In this regard, learned Additional Advocate General has placed before us a notification dated 24th October, 2013 to the effect that the Governor of the State in consultation with the High Court has constituted a Special Court of 8th Additional District and Session Judge in each District and where there is no such judicial officer, the Court of the senior-most Additional District and Sessions Judge is competent to try cases covered under the Act within their respective jurisdictions. The notification dated 24th October, 2013 is taken on record.

10. Under these circumstances, we are of the view that there has been substantial compliance with the directions given by this Court from time to time and the State of Uttar Pradesh is also looking into the matter with due earnestness. It is, therefore, not necessary for us to proceed further in this matter. However, since the issue of compensation still remains, we are of the opinion that it will be appropriate if the matter is transferred to the High Court of Judicature at Allahabad. Hon"ble the Chief Justice of the High Court is requested to register the case as a suo motu public interest litigation and take further steps in the matter so that compensation is paid to the victim and necessary steps are taken to tone up the administrative requirements.

11. The Registry is directed to send all the papers relating to this petition to the High Court of Judicature at Allahabad within three weeks.

12. The Registry is also directed to provide an amount of Rs. 20,000/- to learned amicus curiae as honorarium for the services rendered by her within two weeks. The writ petition is disposed of as far as this Court is concerned.