

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Suo Motu Writ Petition (Criminal) No. 1/2019

IN RE:

ALARMING RISE IN THE NUMBER OF
REPORTED CHILD RAPE INCIDENTS

With

Transfer Petition (Criminal) Nos. 242-245/2019

O R D E R

Taking into account the grounds set out in T.P. (Cr1.) Nos. 242-245/2019 and the facts stated in the letter dated 12.7.2019 addressed to the Chief Justice of India on the administrative side, we order for transfer of the following cases from the CBI Court, Lucknow to the competent court in Delhi i.e. Court of Shri Dharmesh Sharma, District Judge, West, Tis Hazari Courts, Delhi.

(i) R.C. No. 8(s)/2018 titled as "*the Central Bureau of Investigation (CBI) vs. Smt. Shashi Singh & Anr.*"

(ii) R.C. No. 9(s)/2018 titled as "*the Central Bureau of Investigation (CBI) vs. Ashok Singh Bhadauria & Ors.*"

(iii) R.C. No. 10(s)/2018 titled as "*the Central Bureau of Investigation (CBI) vs. Vineet Mishra @ Vinay Mishra & Ors.*"

(iv) R.C. No. 11(s)/2018 titled as "*the Central Bureau of Investigation (CBI) vs. Shubham Singh & Ors.*"

The transfer petitions accordingly stand allowed.

We further direct that R.C. Case No. 12/2019 dated 30.7.2019 registered with the CBI Court, Lucknow be also transferred to the aforesaid Court.

Investigation in R.C. case no. 12/2019 shall be expedited and completed within 7 days from today. However, if any further time is required, the investigating authority need not revert to the Court, but may avail of further time of one week, which extension should be construed as an exception. In other words, in any circumstance, the investigation will be completed within a fortnight from today, preferably within 7 days.

The trial Judge to whom the cases have been earmarked, will commence the trial forthwith on a day to day basis and will ensure completion of trial of all the five cases within 45 days from commencement of the trial.

The accused in R.C. cases transferred will be at liberty to come to this Court seeking vacation/modification/alteration of this order, if so advised. We have deemed it proper to pass the order of transfer and expeditious trial ex-parte in the facts and circumstances of the case.

The victim in R.C. case Nos. 8 and 11, who is presently in the I.C.U./C.C.U. and on ventilator in King George's Medical University, Lucknow has been certified by the Doctors as fit for being airlifted out of Lucknow for more advanced medical treatment, though according to the Doctors, such movement is not required as the hospital in question in Lucknow is fully equipped to treat the patient. As the family of the victim is represented by a learned counsel - Mr. D. Ram Krishna Reddy, we request the said learned counsel to ascertain the views of the family in this regard i.e. transferring the victim to a hospital outside Lucknow and to inform the Court, whereafter necessary orders will be passed. We also request Mr. V. Giri, learned

Amicus Curiae to ascertain the views of the family of the lawyer of the victim as to whether the said person should be shifted from the hospital in lucknow to another hospital in the country for more advanced medical treatment. Mr. V. Giri on receipt of instructions will be at liberty to mention the matter before the Court.

We have also considered the question of interim compensation to the victim in R.C. case Nos. 8 and 11. On such consideration, as an interim measure, we direct the State of Uttar Pradesh to pay an interim compensation of Rs.25,00,000/- (Rupees twenty five lakhs only) to the victim in R.C. case Nos. 8 and 11. The said compensation will be paid to the mother of the victim by tomorrow (2.8.2019).

We also direct security and protection to the victim in R.C. case Nos. 8 and 11, her lawyer, the mother of the victim, the four siblings of the victim in R.C. case Nos. 8 and 11, Mr. Mahesh Singh, uncle of the victim (younger brother of the victim's father) and the immediate family members of Mr. Mahesh Singh, who lives in Makhi village in Unnao. Such security and protection shall be provided by the Central Reserve Police Force (C.R.P.F.). The Commandant of the C.R.P.F. battalion in Raebareli or in any location near Raebareli where a C.R.P.F. battalion may be located, shall be responsible for providing adequate security and protection in terms of this order. Such security and protection will be provided forthwith and compliance thereof be reported to the Court tomorrow (on 2.8.2019) through the Central Agency.

The standing counsel for the State of Uttar Pradesh will inform the Court as to whether Mr. Mahesh Singh, the uncle of the victim, who is currently lodged

in Raebareli Jail needs to be moved out of the said Jail on account of security reasons. The requested information will be laid before the Court tomorrow (2.8.2019).

Upon hearing Mr. V. Giri, learned *Amicus Curiae*, we are of the view that the frontiers/areas of this suo motu action may be extended to cover questions of victim compensation, victim protection, witness protection and other connected issues. We order accordingly. The learned *Amicus Curiae* would be free to make suggestions in this regard.

The learned *Amicus Curiae* has also suggested that he may be allowed to avail the services of a reputed N.G.O., namely, Bachpan Bachao Andolan founded by Noble Laureate Mr. Kailash Satyarthi. A further suggestion has been made by the learned *Amicus Curiae* that the said N.G.O. Bachpan Bachao Andolan be made a party in the instant proceedings.

While permitting the learned *Amicus Curiae* to avail of the services of the said N.G.O., we defer consideration of the question of impleadment of the said N.G.O. as a party, which question will be taken up at an appropriate stage.

Insofar as the action of the Registry in not taking prompt action on the letter of the family of the victim is concerned, we direct an inquiry to be held by the Secretary General of this Court to find out whether there were any lapses or negligence on the part of any member of the Registry in processing the letter petition in question and placing the same before the Chief Justice on the administrative side. The inquiry to be conducted by the Secretary General will be completed within seven days and will be supervised by a sitting Hon'ble Judge of this Court to be nominated by

the Chief Justice.

List SMW(Cr1.) No. 1/2019 tomorrow (on 2.8.2019).

.....CJI
[Ranjan Gogoi]

.....J.
[Deepak Gupta]

.....J.
[Aniruddha Bose]

New Delhi;
August 1, 2019.

ITEM NOS.4+7

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Suo Motu Writ Petition (Criminal) No. 1/2019

IN RE:

ALARMING RISE IN THE NUMBER OF
REPORTED CHILD RAPE INCIDENTS

With

Transfer Petition (Criminal) Nos. 242-245/2019 (XVI-A)
(FOR ADMISSION and IA No.30538/2019-EX-PARTE STAY)

Date : 01-08-2019 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

By Courts Motion, AOR

Mr. V. Giri, Sr. Adv./A.C.
Ms. Suveni Bhagat, Adv.
Mr. Muthucharan Sundaresh, Adv.
Mr. Amith Krishnan, Adv.

For Petitioner(s)

Mr. D. Ram Krishna Reddy, Adv.
Mrs. D. Bharathi Reddy, AOR

For Respondent(s)

Mr. Tushar Mehta, SG
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Arvind Kumar Sharma, AOR

State of U.P.

Mr. Ranjit Kumar, Sr. Adv.
Ms. Garima Prasad, Adv.
Mr. Sarvesh Singh Baghel, Adv.
Mr. Pranav Kaashyap, Adv.
Mr. Rishi Raj Sharma, Adv.
Ms. Saumya Jaykaran Singh, Adv.
Ms. Harshita Raghuvanshi, Adv.

Dr. Rajesh Pandey, Adv.
Mr. Mahesh Pandey, Adv.
Ms. Yogita Ahuja, Adv.
Ms. Aswathi M.K., Adv. (AOR)

UPON hearing the counsel the Court made the following
O R D E R

SMW(Cr1.) No. 1/2019

In terms of the signed order, list the matter tomorrow (on 2.8.2019).

T.P.(Cr1.) Nos. 242-245/2019

The transfer petitions are allowed in terms of the signed order.

Pending interlocutory applications, if any, shall stand disposed of.

(Deepak Guglani)
Court Master

(Anand Prakash)
Court Master

(signed order is placed on the filie)