

Dg vs The State Nct Of Delhi & Ors on 20 March, 2024

Author: Swarana Kanta Sharma

Bench: Swarana Kanta Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P. (CRL) 559/2024 & CRL.M.A. 5144/2024
8915/2024
DG

THE STATE NCT OF DELHI & ORS.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA
OR

% 20.03.2024

1. The instant petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 („Cr.P.C.) has been filed on behalf of petitioner seeking following prayer:

"....a. Declare that printing or publishing in print, electronic, social media, etc., the name of the petitioner/accused or even in a remote manner disclose any facts which can lead to the petitioner/accused being identified and which should make petitioner/accused's identity or any matter in relation to any such proceedings known to the public at large, during inquiry, pre-charge and trial, without any permission of the Hon'ble Court, as in ANNEXURES P-3 to 2J, is violative of the fundamental rights guaranteed to the This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 22/03/2024 at 09:24:09 petitioner/accused under Articles 14, and 21 of the Constitution of India;

b. Declare that the Ld. Lower Court shall mandatory comply with the mandate of section 327 (2) of the CrPC and conduct the proceedings of cases involving offence of rape or of an offence under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of I.P.C in-camera at every stage, be it inquiry, trial or otherwise;

c. Declare that the Ld. Lower Court shall not upload the judicial orders of cases involving offence of rape or of an offence under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of I.P.C online and shall also not manifest or publish the name of the accused/petitioner or even in a remote manner disclose any facts which can lead to the accused/petitioner being identified by the public at large, by its cause lists and other judicial records available both online and offline;

d. Restrain printing or publishing in print, electronic, social media, etc., the name of any person accused/petitioner of rape or an offence under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of I.P.C., or even in a remote manner disclose any facts which can lead to the accused/petitioner being identified and which should make accused/petitioner's identity or any matter in relation to any such proceedings known to the public at large, during inquiry, pre-charge and trial, by any person, without any permission of the Hon'ble Court, is violative of the fundamental rights guaranteed to the petitioner/accused under Articles 14 and 21 of the Constitution of India;

e. Declare in general by issuing necessary directions that no person can print or publish in print, electronic, social media, etc., the name of the person accused of rape or of an offence under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of I.P.C., or even in a remote manner disclose any facts which can lead to the accused being identified and which should make accused's identity or any matter in relation to any such proceedings known to the public at large, without following the due procedure of law;

f. Declare that in FIRs and chargesheet relating to offences punishable under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of I.P.C., the name of the accused or even in a remote manner disclose any facts which can lead to the accused being identified and which should make accused's identity or any matter in relation to any such proceedings known to the public at large, without following the due procedure of law. This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 22/03/2024 at 09:24:09 public at large shall not be put in the public domain, without following the due procedure of law;

g. Declare that the Ld. Lower Courts and police officials should keep all the particulars in the documents regarding the name and details of identity of the person accused of rape or of an offence under Sections 376, 376A, 376AB, 376B, 376C, 376D,

376DA, 376DB or 376E of I.P.C., masked or hidden, as far as possible, from the public domain;

h. Declare that all the authorities, including the Hon'ble Courts, to which the name of the person accused/petitioner of rape or of an offence under Sections 376, 376A, 376A8, 3768, 376C, 376D, 376DA, 376D8 or 376E of I.P.C., is disclosed by the investigating agency or otherwise, are also duty bound to keep the name and identity of the accused/petitioner secret and not disclose it in any manner, except in the report which should only be sent in a sealed cover to the investigating agency or police; Declare, it would be appropriate that the judgment of every come relating to offences under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of I.P.C., should not disclose the name of the accused/petitioner ;

J. Issue a writ of mandamus or any other writ, order or direction, to the respondent no. 1 to frame appropriate guidelines to protect the dignity, reputation and privacy of the petitioner or the persons accused of above-mentioned offences, till the end of the trial and proven guilty;

k. Issue a slew of appropriate guidelines, unless they are aptly framed by the respondent no. 1, to protect the dignity, reputation and privacy of the persons accused of offence of rape or offences punishable under Sections 376, 376A, 376AB, 3768, 376C, 376D, 376DA, 376DB or 376E of I.P.C., till the end of the trial and proven guilty;

l. Issue a writ of mandamus or any other writ, or order or direction, directing respondents to take down/remove ANNEXURES P-3 to 2J, including urls/links mentioned in ANNEXURE-P-4 forthwith from the worldwide web/mobile or computer applications/portals; m. To restrict the discussion, reports, articles, observations published on electronic/online media in a distorted or in any manner prejudicial to the petitioner till the completion of trial and proven guilty and that too with the permission of the court; and.."

2. Issue notice. Ms. Nandita Rao, learned ASC accepts notice on behalf of State and seeks time to file Status Report. Let the same be filed before the This is a digitally signed order.

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3. List on 08.08.2024.

4. In the meantime, learned counsel for the petitioner will also ensure that the word „Lower Court used in the petition or the paperbook will be immediately amended and instead of using the word „Lower Court , he will use the word „Trial Court . Let the petition be amended before the next date

of hearing.

5. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J MARCH 20, 2024/zp Click here to check corrigendum, if any This is a digitally signed order.

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