

ITEM NO.304

COURT NO.9

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 W.P. (Cr1.) No.3/2015

IN RE: PRAJWALA LETTER DATED 18.2.2015
VIDEOS OF SEXUAL VIOLENCE AND RECOMMENDATIONS

Date : 20/03/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) By Post

Ms. Aparna Bhat, Adv.
Mr. P. Ramesh Kumar, Adv.
Ms. Tanim Kishore, Adv.

For Respondent(s)

For CBI/MHA/Delhi

Mr. Maninder Singh, ASG
Mr. S.A. Haseeb, Adv.
Ms. Gunwant Dara, Adv.
Mr. Ajay Sharma, Adv.
Mr. R. Balasubramanian, Adv.
Mr. T.A. Khan, Adv.
Mrs. Sushma Suri, Adv.
Mr. D.S. Mahra, Adv.
Mr. B.V. Balaram Das, AOR

Tamil Nadu

Mr. B. Balaji, Adv.
Mr. R. Rakeshsharma, Adv.
Ms. R. Shase, Adv.

Telangana

Mr. Neeraj Kishan Kaul, ASG
Ms. Atreyi Chatterjee, Adv.
Mr. P. Venkat Reddy, Adv.
Mr. Sumanth Nookala, Adv.
for M/s. Venkat Palwai Law Associates

Uttar Pradesh

Mr. Ravi Prakash Mehrotra, AOR
Mr. Vibhu Tiwari, Adv.

West Bengal

Mr. Kabir Shankar Bose, Adv.
Mr. Anip Sachthey, AOR

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

Pursuant to our order dated 13th March, 2015, the CBI has filed a status report in a sealed cover which we have received in Court today and have gone through the contents thereof.

From the status report, it is quite clear that in fact 12 video clips were received out of which three of them were repetitive. Effectively, nine video clips were received by the CBI. The CBI has since registered eight regular cases and one preliminary enquiry on 12th March, 2015.

With regard to six regular cases registered by the CBI, investigations are going on and the photographs of the culprits have already been shared/being shared with the Director General of Police of all States, the National Crime Records Bureau, the State Crime Records Bureau, CBI Home Page, Doordarshan and National/Regional Dailies. Apart from this, the CBI has also announced a reward of Rs.1,00,000/- for providing information leading to the identification/apprehension of each suspect.

It is further stated in the status report that with regard to RC No. 7, the suspects have been identified by the State police and an FIR was registered by the State Police. The suspects were arrested and were subsequently

granted bail. We direct transfer of this case being Crime/FIR No.323 of 2015 registered in Sadar Police Station, Sitapur for further investigations to the CBI.

Mr. Ravi Prakash Mehrotra, learned counsel appearing for the State of Uttar Pradesh has no objection in transfer of this case to the CBI. He further states that the State police will extend all necessary cooperation to the CBI in the investigations.

It is submitted by the learned Additional Solicitor General that about three months time is required to complete the investigations in this case.

We make it clear that the CBI is entitled to carry out any further investigations and to file a report under Section 173(8) of the Code of Criminal Procedure, 1973.

As regards, RC No.6, it is stated that the possible suspects have been identified and necessary steps are being taken to apprehend them.

With regard to the preliminary enquiry, it is stated that the offence appears to have been committed outside India and the accused has perhaps been sentenced to imprisonment. Steps are being taken by the CBI to confirm this.

It is submitted by the learned counsel for the petitioner that the petitioner's statement has not yet been recorded in the matter. Learned Additional Solicitor General has taken note of this submission and

will discuss the matter further with the investigating officer in the CBI.

It is also submitted by the learned counsel for the petitioner that once the victims have been identified, their statements may be recorded with the assistance of the qualified social workers or counsellors, as the case may be, and/ or medical professionals.

Learned Additional Solicitor General has also taken note of this and will pass on this submission to the investigating officer in the CBI who will take necessary steps in this regard, as advised.

It is also brought to our notice that on the question of identifying the person or persons who have uploaded the video clips, the matter has been referred to the Computer Emergency Response Team - India and necessary steps are being taken to nominate a nodal officer in this regard. "Google" has also been requested to assist in the identification of the persons who have uploaded the video clips.

It is submitted that some sites have already been blocked at the instance of the Ministry of Home Affairs, Government of India. Learned Additional Solicitor General submits that a detailed affidavit will be filed in this regard within one week.

Insofar as the investigations by the CBI are concerned, three months' time is granted to them to carry

out the investigations. However, a status report should be filed after four weeks.

As far as the State of Telangana is concerned, the affidavit has been filed by the Assistant Commissioner of Police. We have gone through the affidavit filed by the Assistant Commissioner of Police and it appears that immediate steps were taken as soon as the complaints were received from the petitioner. We are satisfied with the investigations that have been made by the local police although learned counsel for the petitioner submits that no progress has been made in the investigation.

Mr. Neeraj Kishan Kaul, learned Additional Solicitor General submits that investigations are still in progress. It may take some time to complete the investigations.

Looking to the steps already taken by the police and the State of Telangana, the costs awarded by this Court by the order dated 13th March, 2015 are waived.

On the next date of hearing, the State of Telangana will also inform us about the progress made in the investigations.

In spite of our earlier order dated 13th March, 2015, there is still no one present on behalf of the State of Odisha. Costs have also not been deposited.

We cannot appreciate this total lack of concern by the State of Odisha. Accordingly, we direct the presence

of the Chief Secretary of the State of Odisha on the next date of hearing.

List the matter on 10th April, 2015.

The Registry should send a copy of this order to the Chief Secretary of the State of Odisha and the Standing Counsel for the State of Odisha forthwith.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER