

#### Conference forCapacity Building of Other Stakeholders forChairpersons and Members of CWC and Member Social Worker& SJPU 20<sup>th</sup>& 21<sup>st</sup>November 2020

&

Conference forPrincipal Magistrates,JJB andCapacity BuildingofOther Stakeholders 21<sup>st</sup>November 2020

# Venue: Delhi Judicial Academy, Dwarka, Sector - 14,

# *New Delhi – 110078*

# India



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| 1.            | Convention on the Rights of the Child, 1989  | http://www.ohchr.org/Documents/Professi<br>onalInterest/crc.pdf  |  |  |
|               |  |  |  |  |
| 1.            | Protocols<br>Optional Protocol to the Convention on<br>the Rights of the Child on the Sale of<br>Children, Child Prostitution and Child<br>Pornography, 2000   | http://www.ohchr.org/EN/ProfessionalInter<br>est/Pages/OPSCCRC.aspx  |  |  |
| 2.            | Protocol to Prevent, Suppress And Punish<br>Trafficking in Persons, especially Women<br>and Children – Supplementing The United<br>Nations Convention Against<br>Transnational Organised Crime, 2000 | http://www.osce.org/odihr/19223?downloa<br>d=true  |  |  |
|               | Declarations   |  |  |  |
| 1.            | Rio de Janeiro Declaration and Call for<br>Action to Prevent and Stop Sexual<br>Exploitation of Children and Adolescents,<br>2008  | https://www.unicef.org/protection/Rio_Dec<br>laration_and_Call_for_Action.pdf                                    |  |  |
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| 2.            | United Nations Standard Minimum Rules for<br>Non Custodial Measures, 1990 (Tokyo Rules)  | https://www.ohchr.org/EN/ProfessionalInte<br>rest/Pages/TokyoRules.aspx  |  |  |
| 3.            | United Nations Standard Minimum Rules for<br>the Administration of Juvenile Justice ("The<br>Beijing Rules") (1985)  | https://www.ohchr.org/documents/professi<br>onalinterest/beijingrules.pdf  |  |  |
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| 1. | Guidelines for Action on Children in the  | http://www.ohchr.org/EN/ProfessionalInter  |  |
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|    | Criminal Justice System Recommended   | est/Pages/CriminalJusticeSystem.aspx   |  |
|    | by Economic and Social Council  |  |  |
|    | Resolution 1997/30 of 21 <sup>st</sup> July 1997  |  |  |
| 2. | United Nations Guidelines for the Prevention<br>of Juvenile Delinquency (Riyadh Guidelines) | https://www.ohchr.org/EN/ProfessionalInte<br>rest/Pages/PreventionOfJuvenileDelinquen<br>cy.aspx |  |
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| 1. | United Nations Resolution on Administration of Juvenile Justice (1997/30)                   | https://www.un.org/documents/ecosoc/res/<br>1997/eres1997-30.htm                                 |  |
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|    | Guidance Paper  |  |  |
| 1. | Guidance Paper on guidance for legislative reform on juvenile justice                       | https://www.unicef.org/policyanalysis/files<br>/Juvenile_justice_16052011_final.pdf              |  |

#### **B. RELEVANT STATUTES**

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#### **E. REPORTS**

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|        | Law Commission Reports  |  |  |
| 1.     | Report No. 263, The Protection of<br>Children(Inter-Country Removal and<br>Retention) Bill, 2016 (2016)         | http://lawcommissionofindia.nic.in/reports/Rep<br>ort263.pdf         |  |
| 2.     | Report No.259, Early Childhood<br>Development and Legal Entitlements<br>(2015)                                  | http://lawcommissionofindia.nic.in/reports/<br>Report259.pdf         |  |
| 3.     | Report No.205, Proposal to amend The<br>Prohibition of Child Marriage Act, 2006<br>and other allied laws (2008) | http://lawcommissionofindia.nic.in/reports/<br>report205.pdf         |  |
| 4.     | Report No.198, Law relating to Witness<br>Identity Protection and Witness Protection<br>Program (2006)          | http://lawcommissionofindia.nic.in/reports/<br>rep198.pdf            |  |
| 5.     | Report No.185, Review of the Indian Evidence Act, 1872 (2003)   | http://lawcommissionofindia.nic.in/reports/<br>185thReport-PartI.pdf |  |
| 6.     | Report No.172, Report on Review of Rape<br>Laws (2000)  | http://www.lawcommissionofindia.nic.in/ra<br>pelaws.htm              |  |
| 7.     | Report No.146, Sale of women and children (1993)  | http://lawcommissionofindia.nic.in/101-<br>169/Report146.pdf         |  |



| 8.  | Report No.132, Need for amendment of the<br>provisions of chapter IX of Code of<br>Criminal Procedure, 1973 in order to<br>ameliorate the hardship and mitigate the<br>distress of neglected women, children and<br>parents (1989) | -   |
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| 9.  | Report No.84, Rape and Allied Offences:<br>Some questions of substantive law,<br>procedure and evidence (1980)   |   |
| 10. | Report No. 69, Indian Evidence Act, 1872<br>(1977)   | http://lawcommissionofindia.nic.in/51-<br>100/Report69.pdf  |
|     | Parliamentary Standing Committee<br>Reports  |   |
| 12. | Report No.240, Protection of Children against Sexual Offences Bill, 2011   | https://www.prsindia.org/sites/default/files/<br>bill_files/SCR_Protection_of_Children_fro<br>m_Sexual_Offences_Bill_2011.pdf |
|     | Other Reports  |   |
| 13. | Justice Verma Committee Report (2013)  | https://www.prsindia.org/uploads/media/Ju<br>stice%20verma%20committee/js%20verma<br>%20committe%20report.pdf                 |

#### **F.PARLIAMENTARY DEBATES**

| Sr. No. | Title  | Source                                      |
|---------|--|---|
| 1.      | Lok Sabha Debate on Criminal Law             | http://164.100.47.132/debatestext/15/XIII/1 |
|         | (Amendment) Bill, 2013                       | <u>903.pdf</u>                              |
| 3.      | Rajya Sabha Debate on Protection of Children | http://rsdebate.nic.in/bitstream/123456789/ |
|         | from Sexual Offences Bill, 2012              | <u>603084/2/PD_225_10052012_p361_p391_</u>  |
|         |  | <u>29.pdf</u>                               |

## **G. GUIDELINES**

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| 1.      | Advisory | guidelines | on | High Court of Delhi | https://delhidistrictco |



|    | Protection of Children from<br>Sexual Offences Act, 2012  |  | urts.nic.in/Circulars/2<br>019/march/5a.pdf   |
|----|---|--|---|
| 2. | Model Guidelines for Foster<br>Care, 2016   | Ministry of Women and<br>Child Development   | http://www.wcd.nic.i<br>n/sites/default/files/FI<br>nal%20Edited_guidel<br>ines.pdf   |
| 3. | Guidelines governing Adoption<br>of Children, 2015  | Ministry of Women and<br>Child Development   | http://www.wcd.nic.i<br>n/sites/default/files/ad<br>option%20guidelines<br>2015_1.pdf   |
| 4. | Guidelines for recording of<br>evidence of vulnerable<br>witnesses in criminal matters                | High Court of Delhi  | http://delhihighcourt.<br>nic.in/writereaddata/u<br>pload/Notification/No<br>tificationFile_LCWC<br>D2X4.PDF  |
| 5. | Guidelines for Sponsorship of<br>children under ICPS  | Central Adoption Resource<br>Authority Ministry of<br>Women & Child<br>Development | http://cara.nic.in/PDF<br>/sponsorship.pdf  |
| 6. | Ministry of Women and Child<br>Development- Guidelines<br>Governing the Adoption of<br>Children, 2011 | Ministry of Women &<br>Child Development   | http://www.wbja.nic.i<br>n/wbja_adm/files/Car<br>a_Guidelines.pdf   |
| 7. | Guidelines for Establishment of<br>Child Friendly Police Stations                                     | National Commission for<br>Protection of Child Rights<br>(NCPCR)                   | http://ncpcr.gov.in/sh<br>owfile.php?lang=1&l<br>evel=1&&sublinkid=<br>1307&lid=1526  |
| 8. | DCPCR Guidelines for<br>Prevention of Child Abuse   | Delhi Commission for<br>Protection of Child Rights                                 | http://delhi.gov.in/wp<br>s/wcm/connect/983d4<br>2804f4cf70fb7e3bf1e<br>0288d2b8/DCPCR+g<br>uidelines+14052014.<br>pdf?MOD=AJPERES<br>&lmod=301782569 |
| 9. | Model Guidelines under Section<br>39 of the Protection of Children<br>from Sexual Offences Act, 2012  | Ministry of Women and<br>Child Development   | https://wcd.nic.in/poli<br>cies/model-<br>guidelines-under-<br>protection-children-   |



|     |                                 |                       | sexual-offences-          |
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|     |                                 |                       | pocso-act2012             |
| 10. | Ministry of Women and Child     | Ministry of Women and | http://sakhi.gov.in/asset |
|     | Development, Detailed           | Child Development     | s/site/main/resource_dir  |
|     | Reference Material for Standard |                       | ectory/1565612340_OS      |
|     | Operating Procedures for One    |                       | <u>C%20SoP_07%20Feb</u>   |
|     | Stop Centre (2017)              |                       | <u>%202019.pdf</u>        |
| 11. | Ministry of Health and Family   | Ministry OfHealth And | https://mohfw.gov.in/sit  |
|     | Welfare, Medico-Legal Care for  | Family Welfare        | es/default/files/953522   |
|     | Survivors/Victims of Sexual     |                       | <u>324.pdf</u>            |
|     | Violence (2013)                 |                       |                           |
| 12. | Model Guidelines under Section  | Ministry Of Women And | https://wcd.nic.in/sites/ |
|     | 39 [Guidelines for the Use of   | Child Development     | default/files/POCSO-      |
|     | Professionals and Experts under |                       | ModelGuidelines.pdf       |
|     | the POCSO Act, 2012 made in     |                       |                           |
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| 2.      | Delhi Victim Compensation Scheme, 2015  |  |
| 3.      | Delhi Witness Protection Scheme, 2015   |  |
| 4.      | Scheme for Financial Sustenance, Education and Welfare of Children, 2014  |  |
| 5.      | Central Victim Compensation Fund Scheme   |  |
| 6.      | Revised Integrated Child Protection Scheme  |  |
| 7.      | A comprehensive scheme for Prevention of trafficking and rescue, rehabilitation and re-<br>integration of victims of trafficking and commercial sexual exploitation |  |
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# I. BENCH BOOK/MANUALS/TOOLKIT

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| 1.      | Bench Book for Adoption by Central Adoption Resource Authority Ministry of Women & Child Development  |
| 2.      | A Guide for District Administration for Implementation of Juvenile Justice Act, 2015<br>and POCSO Act, 2012 by National Commission for Protection of Child Rights   |
| 3.      | User Handbook on Protection of Children from Sexual Offences Act, 2012 by National<br>Commission for Protection of Child Rights   |
| 4.      | Judicial Handbook on Combating Trafficking of Women and Children for Commercial<br>and Sexual Exploitation by United Nations International Children's Emergency Fund<br>(UNICEF) & Ministry of Women and Child Development, Government of India |
| 5.      | Being Safe Online Guideline and standard content for raising awareness among<br>children, parents, educators and general public by National Commission for Protection<br>of Child Rights  |
| 6.      | A Handbook on Counseling for training and skill development of Child Care<br>Institutions by National Commission for Protection of Child Rights   |
| 7.      | Do's and Dont's for Person in Charge of Child Care Institutions by National<br>Commission for Protection of Child Rights  |
| 8.      | Ready Reckoner on The Juvenile Justice (Care and Protection of Children) Act, 2015<br>and Model Juvenile Justice Rules, 2016 by National Commission for Protection of Child<br>Rights   |
| 9.      | Navigational Guide on The Juvenile Justice (Care and Protection of Children) Act, 2015<br>and Model Juvenile Justice Rules, 2016 by National Commission for Protection of Child<br>Rights   |
| 10.     | Living Conditions in Institutions for Children in Conflict with Law Manual 2017   |
| 11.     | Toolkit to Monitor the Rights of Children Alleged to be in Conflict with the Law in<br>Observation Homes  |
| 12.     | Manual of Training on Juvenile Justice System for Police Officials-Department of Women and Child Development  |
| 13.     | Manual on Safety and security of children in schools by National Commission for<br>Protection of Child Rights   |

#### J.CASE LAWS

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| 5.  | BachpanBachaoAndolan v. Union of India and Ors. ( $\P 4$ , 10-12, 14, 16)                   | AIR 2017 SC 754   |
| 6.  | Independent Thought v. Union of India (¶¶ 53-71)  | AIR 2017 SC 4904  |
| 7.  | <i>Re: Exploitation of Children in Orphanages in the State of</i>                           | AIR 2017 SC 2546  |
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|     | 48, 62)   | D.O.D.: 08.01.2020  |
| 8.  | State of Bihar v. Rajballav Prasad (¶¶ 25-29)   | AIR 2017 SC 630   |
| 9.  | <i>Childline India Foundation v. Allan John Waters and Ors.</i> (¶¶ 24-30)                  | 2011(3) SCALE639  |
| 10. | <i>M.C. Mehta</i> v. <i>State of Tamil Nadu</i> (¶ 25-27, 29, 31, 32)                       | AIR 1997 SC 699   |
| 11. | Gaurav Jain v.Union of India(¶¶ 3-5)  | AIR 1990 SC 292   |
| 12. | <i>Vishal Jeet</i> v. <i>Union of India</i> (¶¶ 7-9, 12-14, 17)                             | (1990) 3 SCC 318  |
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| 3.               | Child Welfare Committee v. Govt. of N.C.T. of Delhi(¶¶ 5, 6,           | 152 (2008) DLT 586      |
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| 3.  | Radhakrishna Nagesh v. State of Andhra Pradesh (¶¶ 10, 11)         | Cri. App. No.        |
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| 4.  | <i>Mukarrabv. State of Uttar Pradesh</i> (¶¶ 5, 6, 10, 39, 49)     | 2016 (12) SCALE 379  |
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| 6.  | <i>Abdul Razzaqv. State of U.P.</i> (¶¶ 9, 10, 16)                 | AIR 2015 SC 1770     |
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| 12. | <i>Mor Pal</i> v. <i>State</i> (¶¶ 8, 9)                           | 198 (2013) DLT 487   |
| 13. | Dilipv. State of Madhya Pradesh (¶¶ 17, 18)                        | (2013) 14 SCC 331    |
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| 17. | Abuzar Hossain v. State of West Bengal (¶¶ 2-5)                    | (2012) 10 SCC 517    |
| 18. | Shah Nawaz v. State of U.P. and Anr. (¶¶ 13, 19-21)                | AIR 2011 SC 3107     |
| 19. | Ram Suresh Singh v. Prabhat Singh (¶¶ 8-18)                        | AIR 2009 SC 2805     |
| 20. | Mohan Mali v. State of Madhya Pradesh (¶¶ 6-15)                    | (2010) 6 SCC 669     |
| 21. | Jabar Singh v. Dinesh and Anr. (¶¶ 8, 9)                           | (2010) 3 SCC 757     |
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| 27. | Bhola Bhagatv. State of Bihar(¶¶ 15-17, 20)                        | 1997 (8) SCC 720     |
| 28. | Birad Mal Singhviv.AnandPurohit(¶¶ 14, 17)                         | 1988 Supp SCC 604    |
| 29. | Gopi Nath Ghosh v. State of West Bengal (¶¶ 13, 14)                | AIR 1984 SC 237      |
| 30. | Umesh Chandra v. State of Rajasthan (¶ 27-30)                      | AIR 1982 SC 157      |
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|                      | Shweta Gulati &Ors. v. State NCT of Delhi (¶¶ 10-20)   | 251(2018)DLT667  |
| 3.                   | State v. Rama Dhall(¶¶ 1-5)  | 2018 SCC OnLine Del<br>12540   |
| 4.                   | State (Govt. of NCT of Delhi) v.Kishan(¶¶ 15, 20)  | 2017 (4) JCC 2291  |
| 5.                   | Vikas @ Sonuv. State of NCT of Delhi (¶¶ 7-10)   | 185 (2011) DLT 515   |
| 6.                   | Court On Its Own Motion v Dept of Women and Child  | 2013(3)RCR(Criminal<br>)382  |
| 7.                   | <i>Jitender @ Jituv. State</i> (¶¶ 6, 9, 11, 13, 14)   | 2011 (124) DRJ 1   |
| 8.                   | Dilbahar @ Babuv. GNCT of Delhi (¶¶ 7, 10)   | Cri. Rev. P. No.<br>390/2011<br>Dated 8/11/2011  |
|                      | Other High Court   |  |
| 1.                   | Yuv Raj v. State of Himachal Pradesh (¶ 13, 14)  | 2011(2)ShimLC373   |
| 2.                   | Lakhanlal v State of Madhya Pradesh  | 2004 Cri LJ 3962<br>(M.P.)   |
| (iii)                | Mental Age   |  |
|                      | Supreme Court  |  |
| 1.                   | <i>Eera through Manjula Krippendorfv. State (Govt. of NCT of Delhi) and Ors.</i> (¶¶ 2, 18, 40)  | AIR 2017 SC 3457   |
| (-)                  | Children in need of Care & Protection  |  |
| (c)                  |  |  |
| (C)                  | Supreme Court  |  |
| (c)<br>1.            | Supreme Court  | (2020) 2 SCC 787   |
|                      |  | (2020) 2 SCC 787<br>AIR 2012 Mad 62  |
| 1.                   | Supreme CourtShilpa Mittal v. State (NCT of Delhi)   |  |
| 1.                   | Supreme Court   Shilpa Mittal v. State (NCT of Delhi)   T Sivakumar v Inspector of Police and Ors  |  |
| <u>1.</u><br>2.      | Supreme Court   Shilpa Mittal v. State (NCT of Delhi)   T Sivakumar v Inspector of Police and Ors   High Court of Delhi   Court on its own Motion v State  | AIR 2012 Mad 62<br>W.P. (Cri) 249/2009   |
| <u>1.</u><br>2.      | Supreme Court   Shilpa Mittal v. State (NCT of Delhi)   T Sivakumar v Inspector of Police and Ors   High Court of Delhi  | AIR 2012 Mad 62<br>W.P. (Cri) 249/2009<br>Dated 16/3/2011<br>RPJJ No.1/2019<br>Dated 4/1/2019                |
| 1.<br>2.<br>1.<br>1. | Supreme Court   Shilpa Mittal v. State (NCT of Delhi)   T Sivakumar v Inspector of Police and Ors   High Court of Delhi   Court on its own Motion v State   Other High Courts   Selvi Michel v Child Welfare Committee (¶¶1-8) | AIR 2012 Mad 62<br>W.P. (Cri) 249/2009<br>Dated 16/3/2011<br>RPJJ No.1/2019<br>Dated 4/1/2019<br>(Kerala HC) |
| 1.<br>2.<br>1.       | Supreme Court   Shilpa Mittal v. State (NCT of Delhi)   T Sivakumar v Inspector of Police and Ors   High Court of Delhi   Court on its own Motion v State   Other High Courts  | AIR 2012 Mad 62<br>W.P. (Cri) 249/2009<br>Dated 16/3/2011<br>RPJJ No.1/2019<br>Dated 4/1/2019                |



| (d) | Guardianship of Minor                          |                    |
|-----|--|--------------------|
|     | High Court of Delhi                            |                    |
| 1.  | Geetanjali Dogra v State                       | CM(M) 1140/2018    |
|     |  | Dated 6/9/2019     |
| 2.  | Lavanya Anirudh Verma v State of NCT of Delhi  | 2017 Cri LJ 3179   |
|     |  | (Del)              |
|     |  |                    |
|     | Other High Courts                              |                    |
| 1.  | Selvi Michel v Child Welfare Committee         | RPJJ No. 2/2019    |
|     |  | Dated 4/1/2019     |
|     |  | (Kerala HC)        |
| 2.  | Krishnakumar and Ors v State of Kerala and Ors | 2018 (3) KHC 485   |
| 3.  | Priya Yadav v State of MP and Ors              | 2017 (2) MPLJ 404  |
| >   | Compensation and Counseling                    |                    |
|     | High Court of Delhi                            |                    |
| 1.  | Court on its own motion v Union of India       | W.P. (C) 7927/2012 |
|     |  | Dated 11/12/2017   |
| 2.  | Khem Chand v State                             | Cri. A No. 5/2000  |
|     |  | Dated 7/7/2008     |

| S. No.           | Title   | Citation          |
|------------------|---|-------------------|
| $\triangleright$ | Role of Child Welfare Committee in declaring a child free   |                   |
|                  | for adoption  |                   |
|                  | Supreme Court   |                   |
| 1.               | Union of India and Ors v Ankur Gupta and Ors(¶¶1-17)        | AIR 2019 SC 1316  |
| 2.               | Lakshmi Kant Pandey v Union of India (¶¶1-30)               | AIR 1984 SC 469   |
|                  | Other High Courts   |                   |
| 1.               | Joslyn Couto v State of Goa and Ors (¶¶1-21)                | W.P. No. 780/2019 |
|                  |   | Dated 5/9/2019    |
|                  |   | (Bombay HC)       |
| 2.               | Seema Kumari v Alemanni Enzo Cristian and Ors(¶ 15, 21, 25, | Dated 5/9/2019    |
|                  | 26, 28, 32)   | (Bombay HC)       |
| 3.               | In Re Vineeta Kushwaha                                      | 2018(3)MPLJ422    |
| 4.               | Jaswinder Singh v Florinda Pacitti(¶¶1-9)                   | 2014(4)J.L.J.R.57 |
|                  |   | (Jharkhand HC)    |
| 5.               | Secretary Subhadra MahatabSevaSadan of Kolathia and Anr v   | AIR 2013 Ori 110  |
|                  | State of Orissa (¶1-12)                                     |                   |
| 6.               | St Theresas Tender Loving Care Home v Chairperson Board of  | 2009(4)ALT54      |



|    | Control and Supervision of Homes (¶1-31)               | (Andhra Pradesh HC) |
|----|--|---------------------|
| 7. | St Theresas Tender Loving Care Home and Ors v P Jamuna | 2003(4)ALD36        |
|    | <i>and Ors</i> (¶¶1-27)                                | (Andhra Pradesh HC) |
| 8. | John Clements and Ors v All Concerned and Ors          | 2003(4)ALT645       |
|    |  | (Andhra Pradesh HC) |
| 9. | In Re RasiklalChhaganlalMetha(¶¶1-18)                  | AIR 1982 Guj 193    |

| S. No.       | Title   | Citation            |
|--------------|---|---------------------|
| $\checkmark$ | Substance Abuse and Child Psychology                    |                     |
|              | Supreme Court   |                     |
| 1.           | BachpanBachaoAndolan v Union of India and Ors (¶1-17)   | AIR 2017 SC 754     |
|              |   |                     |
|              | Other High Courts                                       |                     |
| 1.           | Haricharan Biswas and Ors v State of Tripura            | Cri. P. No. 12/2019 |
|              |   | Dated 8/3/2019      |
|              |   | (Tripura HC)        |
| 2.           | Yeshjeet Singh v State of Jammu and Kashmir (¶¶1-30)    | 2016 (2) JKJ 143    |
| 3.           | Parvez Ahmad Shah v State of Jammu and Kashmir (¶¶1-34) | 2011 (1) JKJ 149    |

| S. No. | Title   | Citation  |
|--------|---|---|
| A.     | Bail  |   |
|        | Supreme Court   |   |
| 1.     | Fathima A. S. v. The State of Kerala  | Special Leave to<br>Appeal (Crl.) No(s).<br>3480/2020 Dated<br>07.08.2020 |
| 2.     | Joy V. S. v. State of Kerala v. Represented by Public Prosecutor                | 2019 SCC OnLine Ker<br>783  |
| 3.     | Sujith v State of Kerala  | Bail Appl. No. 3896 of<br>2018 Order Dated 4th<br>day of July, 2018       |
| 4.     | Pankaj Jain v. Union of India (UOI) and Ors. ( $\P\P$ 15, 17, 23, 31)           | 2018 (3) SCALE 421  |
| 5.     | Hussain and Ors. v. Union of India and Ors. (¶¶ 6-7, 10, 14, 15, 21, 23, 27-28) | 2017 (3) SCALE 460  |
| 6.     | BhadreshBipinbhaiShethv. State of Gujarat and Ors. (¶¶ 15, 19-22)               | AIR 2015 SC 3090  |
| 7.     | Arnesh Kumar v. State of Bihar (¶¶ 10-12)                                       | (2014) DLT 599 (SC)   |
| 8.     | ShyamNarainv. The State of NCT of Delhi (¶¶ 12-21)                              | AIR 2013 SC 2209  |



| AIR 1778 SC 1594<br>CRL.M.C. 1474/2020<br>& CRL.M.As.<br>6330/2020, 6705/2020<br>Dated 05.06.2020<br>WP (C) 5011/2017<br>Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019<br>Dated 28.03.2019 |
|---|
| & CRL.M.As.<br>6330/2020, 6705/2020<br>Dated 05.06.2020<br>WP (C) 5011/2017<br>Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019   |
| & CRL.M.As.<br>6330/2020, 6705/2020<br>Dated 05.06.2020<br>WP (C) 5011/2017<br>Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019   |
| & CRL.M.As.<br>6330/2020, 6705/2020<br>Dated 05.06.2020<br>WP (C) 5011/2017<br>Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019   |
| 6330/2020, 6705/2020<br>Dated 05.06.2020<br>WP (C) 5011/2017<br>Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019  |
| Dated 05.06.2020<br>WP (C) 5011/2017<br>Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019  |
| WP (C) 5011/2017<br>Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019  |
| Order dated 25.11.2019<br>& 27.01.2020<br>Bail A. No. 657 of<br>2019  |
| & 27.01.2020<br>Bail A. No. 657 of<br>2019  |
| Bail A. No. 657 of 2019   |
| 2019  |
|   |
| Dated 28.03.2019  |
|   |
| Bail A. No. 3045 of   |
| 2018  |
| Dated 28.02.2019  |
|   |
|   |
| CRL OP(MD).   |
| No.11883 of 2020  |
| Dated 29/10/2020  |
| (Madras HC)   |
| Misc. Criminal Case   |
| NO. 22615/2020 Dated  |
| 09/09/2020  |
| (MP HC)   |
| First Bail Application  |
| No. 2276 of 2019,<br>decided on 04-03-2020  |
| 2020 SCC OnLineUtt  |
| 121   |
| 121   |
| 2019 SCC OnLine Cal   |
| 1815  |
| R. Cri. A. No. 20 of  |
| 2019  |
| Dated 30.01.2019  |
| Gujarat HC  |
| Bail App. No. 2117 of   |
| 2017  |
| Dated 09.11.2017  |
|   |



|     |   | Bombay HC                    |
|-----|---|------------------------------|
| 8.  | Deepak Nag v State of Haryana (¶¶ 6, 9-10)                    | Misc. Cri Case No.           |
|     |   | 4665 of 2017                 |
|     |   | Dated 16.08.2017             |
|     |   | Chhattisgarh HC              |
| 9.  | Dawalsab @ MurtujasabNalagarv. State of Karnataka (¶¶ 4-6)    | Crl. Petition No.            |
|     |   | 1000325 of 2015              |
|     |   | Dated 4.03.2015              |
|     |   | Karnataka HC                 |
| 10. | Shri AsharamBapuv. State of Rajasthan (¶¶ 20-26)              | 2014 (3) RLW 2407            |
|     |   | (Raj.)                       |
|     |   | Rajasthan HC                 |
| B.  | Examination   | -                            |
| i.  | Victim  |                              |
|     | Supreme Court   |                              |
| 1.  | Sakshi v. Union of India (UOI) and Ors. (¶¶ 18, 22, 27)       | AIR 2004 SC 3566             |
|     |   |                              |
|     | High Court of Delhi   |                              |
| 1.  | Court on its Own Motion vs. State (¶90)                       | III(2018)CCR501(Del          |
| 2.  | <i>State</i> v. <i>Rahul</i> (¶¶ 12, 14, 17, 21, 24, 25)      | (2013) ILR III Delhi<br>1861 |
| 3.  | <i>Virender v. State NCT of Delhi</i> (¶¶ 53-75, 82, 83)      | 2009 SCC Online D            |
|     |   | 3083                         |
|     |   | 5005                         |
| 4.  | Court On its Own Motion v. State and Anr. (¶¶ 3, 4)           | W.P (Crl.) No. 930 of        |
|     | Хин · /   | 2007                         |
|     |   | Dated 14.08.2007             |
| 5.  | <i>SheebaAbidiv. State &amp;Anr.</i> (¶¶ 7, 8, 9, 11, 12, 13) | 113 (2004) DLT 125           |
|     |   |                              |
|     | Other High Courts   |                              |
| 1.  | Smt. Reenu Saini v State of Uttarakhand (¶10)                 | 2018(3)N.C.C.532             |
|     |   |                              |
| ii. | Accused   |                              |
| 1   | Supreme Court   |                              |
| 1.  | Prahlad v State of Rajasthan(¶¶ 9)                            | Crl. A. No. 1794-1796        |
|     |   | of 2017                      |
|     |   | Dated 14.11.2018             |
| 2.  | Raj Kumar Singh v. State of Rajasthan (¶¶ 24-35)              | (2013) 5 SCC 722             |
| 2   | Asraf Ali v. State of Assam (¶¶ 12-17)                        | (2006) 12 SCC 328            |
| 3.  |   |                              |



| 5. | Naval Kishore Singh v. State Of Bihar (¶ 5)                             | 2004 (2) ALD Cri 806                           |
|----|---|--|
| 6. | Mohan Singh v. Prem Singh and Anr. (¶ 28, 31, 32, 33)                   | (2002)10 SCC 236                               |
| 7. | Basavaraj Patil and Ors v. State of Karnataka (¶ 13)                    | (2000) 8 SCC 740                               |
|    | High Court of Delhi   |  |
| 1. | JankiDassv. State (¶¶ 9-12)   | 1995 CriLJ 217                                 |
|    | Other High Courts   |  |
| 1. | Jeetu Nat and Ors v State of U.P.(¶¶ 39-44)                             | 2018(3)AC R3524<br>Allahabad HC                |
| 2. | LangpoklakpamKiranjit Singh v. The State of Manipur (¶¶ 23, 26, 27, 28) | 2017 SCC Online Mani<br>118 Manipur HC         |
|    | Foreign Judgments   |  |
| 1. | Daniel Johannes Stephanus Van Der Bank v. The State (¶¶ 3, 7)           | 2016 ZASCA 10<br>High Court of South<br>Africa |
| C. | Jurisdiction  |  |
|    | Supreme Court   |  |
| 1. | Kumar Ghimirey v. State of Sikkim (¶¶ 6-14)                             | 2019 SCC OnLine 566                            |
| 2. | LabhujiAmratji Thakur v. State of Gujarat (¶¶ 8-12)                     | 2018 SCC OnLine SC<br>2547                     |
| 3. | Nishu v. Commissioner of Police (¶¶ 2-7)                                | (2014) 12 SCC 446                              |
|    | High Court of Delhi   |  |
| 1. | ACv. State NCT of Delhi (¶¶ 6-16)                                       | 2019 SCC OnLine Del<br>8104                    |
| 2. | Ramesh v. State NCT of Delhi (¶¶ 4-6)                                   | 2019 SCC OnLine Del<br>6692                    |
| 3. | <i>LK v. State NCT of Delhi</i> (¶¶ 6-8)                                | 2018 SCC OnLine Del<br>12250                   |
| 4. | Punam Thakur v State of Haryana(¶¶7-10)                                 | 2017 SCC OnLine<br>P&H 5243                    |
| 5. | PB v. State NCT of Delhi (¶¶ 5-10)                                      | 2017 SCC OnLine Del<br>7802                    |
|    |   |  |



|     |  | 10634                  |
|-----|--|------------------------|
| 7.  | Bimla Devi v. State Govt. NCT of Delhi (¶¶ 2-8)                          | 2017 SCC OnLine Del    |
| , - |  | 11425                  |
| 8.  | Jaishree v. State Govt. NCT of Delhi(¶¶ 4-7)                             | 2015 SCC OnLine Del    |
|     |  | 13649                  |
|     |  |                        |
|     | Other High Courts  |                        |
| 1.  | Sita and Ors. v. The State of Rajasthan and Ors. (¶¶ 7, 8, 10)           | S.B. Criminal Revision |
|     |  | Nos. 488 and 429/2017  |
|     |  | Dated: 01.02.2018      |
|     |  | Rajasthan HC           |
| 2.  | State of A.P. v. MangaliYadagiri(¶¶ 11-14, 18, 19)                       | 2016 CriLJ 1415        |
|     |  | A.P. HC                |
|     |  |                        |
| D.  | Delay in lodging of FIR  |                        |
|     | Supreme Court  |                        |
| 1.  | Nipun Saxena v UOI   | (2019) 2 SCC 703       |
| 2.  | Deepak v. State of Haryana (¶¶ 15, 21, 25, 26, 28, 32)                   | 2015 (4) SCC 762       |
| 3.  | State of Punjab v Gurmit Singh (¶¶ 9)                                    | 1996 (2) SCC 384       |
|     |  |                        |
|     | Other High Court   |                        |
| 1.  | Kamal Prasad Patade v State of Chhatisgarh                               | 2016 (4) RCR           |
|     |  | (Criminal) 629         |
|     |  |                        |
| Е.  | Framing of charges   |                        |
|     | Supreme Court  |                        |
| 1.  | <i>Gaya Prasad Pal</i> v. <i>State</i> (¶¶ 28-30, 32, 34, 35, 45-40, 54) | 2017 ALL MR (Cri) 1    |
|     |  |                        |
|     | High Court of Delhi  |                        |
| 1.  | State v. Om Prakash Etc. (¶¶ 5-10)                                       | Crl. Rev. Petition No. |
|     |  | 289 of 2017            |
|     |  | Dated 31.08.2017       |
| 2.  | State v. Ajay Kumar Verma (¶¶ 8, 12-16)                                  | Crl. Rev. Petition No. |
|     |  | 634 of 2017            |
|     |  | Dated 28.08.2017       |
|     |  |                        |
|     | Other High Courts  |                        |
| 1.  | Punam Thakur v State of Haryana  | Cr. Rev. No. 3462 of   |
|     |  | 2017                   |
|     |  | Dated 6.12.2017        |
|     |  | Punjab and Haryana     |



|     |  | HC  |
|-----|--|---|
| 2.  | Longjam Pinky Singh v. The State of Manipur and Ors.<br>(¶¶ 9-10, 12-17)         | 2017 (5) GLT 74<br>(Gau.)<br>Manipur HC                                   |
| F.  | Appreciation of Evidence   |   |
| i.  | Consensual relationship  |   |
|     | Other High Court   |   |
| 1.  | Sabari @ Sabarinathan @ Sabarivasan v The Inspector of<br>Police (¶¶27-18,31-17) | Criminal Appea<br>No.490 of 2018<br>Dated: 26.04.2019<br>(Mad HC)         |
| ii. | Recording of Evidence of vulnerable witnesses                                    |   |
| 11. | Supreme Court  |   |
| 1.  | Mahender Chawla &Ors. v. Union of India (¶¶ 4, 7-13)                             | 2018(15)SCALE497  |
| 2.  | State of Maharashtra v. Bandu(¶¶ 9-10)   | AIR 2017 SC 5414  |
| 3.  | Ramesh &Ors. v. State of Haryana (¶¶ 35-43)                                      | 2017(1)UC 100   |
| 4.  | Prem Chand v. State NCT of Delhi (¶¶ 2-4)  | SLP(Criminal) 674 of<br>2017.Order dated 13 <sup>th</sup><br>January 2017 |
| 5.  | State Tr. P.S. Lodhi Colony New Delhi v. Sanjeev Nanda (¶¶<br>87-89)             | AIR 2012 SC 3104  |
| 6.  | ZahiraHabibulla H. Shiekh and Another v. State of Gujarat ( $\P$ 41-44)          | (2004)4 SCC 158   |
| 7.  | Sakshi&Ors. v. Union of India (¶¶ 31-34)   | (2004)4 SCC 518   |
| 8.  | Swaran Singh v. State of Punjab (¶ 37)   | (2000) 5 SCC 68   |
| 9.  | State of Gujarat v. Anirudh Singh (¶¶ 26-28)                                     | (1997) 6 SCC 514  |
|     | High Court of Delhi  |   |
| 1.  | State v. Sujeet Kumar (¶¶ 45-57)   | 2013 (2014) DLT 635   |
| 2.  | State v Rahul  | 2013 IV AD (Delhi)<br>745   |
| 3.  | State v. Jai Hind (¶¶ 46)  | 2012 VI AD (Delhi)<br>170   |
| 4.  | <i>Virender v. State NCT of Delhi</i> (¶¶ 53-75, 82, 83)                         | 2009 SCC OnLine De<br>3083  |



| 45.   | DattuRamraoSakhare v State of Maharashtra (¶¶ 5)  | 1997 (5) SCC 341  |
|-------|---|---|
|       | Other High Court  |   |
| 1.    | Manish Arora v U.T. Chandigarh (¶¶ 16, 19-21)   | 2019ALLMR(Cri) 71<br>P and H HC                                   |
| 2.    | Damber Singh Chetri v State of Sikkim(¶¶ 17-26)   | Cr. A. No. 5 of 2017<br>Dated 9.07. 2018<br>Sikkim High Court     |
| (iii) | Evidentiary Value of the Statement of the Victim  |   |
|       | Supreme Court   |   |
| 1.    | Rajesh Patel v. State of Jharkhand (¶ 10-16)  | AIR 2013 SC 1497  |
| 2.    | <i>Childline India Foundation and Anr.</i> v. <i>Allan John Waters and</i><br><i>Ors.</i><br>(¶ 21) | (2011) 2 SCC (Cri) 900  |
| 3.    | Vijay @, Chinee v. State of Madhya Pradesh (¶ 9-15)   | 2010 (7) SCALE 502  |
| 4.    | State of Punjab v. Gurmit Singh and Others (¶9)   | AIR 1996 SC 1393  |
|       | High Court of Delhi   |   |
| 1.    | Jabbar v State (¶ 46-52)  | Cr. A. No. 1444 of<br>2013<br>Dated 30.05. 2018                   |
| 2.    | Virender v State of NCT of Delhi (¶¶41-43, 51-71)   | Cr. A. No. 121 of 2008<br>Dated 29.09.2009                        |
|       | Other High Court  |   |
| 1.    | Yogesh Gopal Chavan and Ors vState of Maharashtra (¶ 26-28)   | Cr. A. No. 530 and 573<br>of 2017Dated<br>14.12.2018<br>Bombay HC |
| 2.    | Damber Singh Chetri v State of Sikkim(¶¶ 27-31)   | Cr. A. No. 5 of 2017<br>Dated 9.07. 2018<br>Sikkim HC             |
| (iv)  | Hostile Witness   |   |
| . /   | Supreme Court   |   |
| 1.    | HemudanNanbha Gadhvi v State of Gujarat (¶¶7, 11)   | JT 2018 (9) SC 412  |
| 2.    | Ramesh and Ors v State of Haryana (¶¶36-46)   | CRI A NO. 2526 OF<br>2014 Dated: 22.11.2016                       |
| 3.    | Rohtash Kumar v State of Haryana(¶¶19, 20)  | (2013) 14 SCC 434   |
|       |   |   |



| (v)                                     | Gender bias and patriarchal perception  |                                |
|---|---|--------------------------------|
|   | Supreme Court   |                                |
| 1.                                      | Dilip v State of MP(¶¶ 8)   | Crl. A. No. 1156 of 2010       |
|   |   | Dated 16.04.2013               |
| 2.                                      | Tukaram and Anr. v. The State of Maharashtra ( $\P$ 8, 9)   | AIR 1979 SC 185                |
| 3.                                      | Rameshwar v State of Rajasthan  | 1952 AIR 54                    |
|   |   |                                |
|   | High Court of Delhi   |                                |
| 1.                                      | Mahmood Farooqui v. State (Govt. of NCT of Delhi) (¶¶ 45-48, 78, 80-86)                           | 243 (2017) DLT 310             |
|   |   |                                |
| 1                                       | Delhi District Court  |                                |
| 1.                                      | State v Ashish Kumar (¶¶ 35)  | SC No. 109/13.                 |
|   |   | Unique Case ID No.             |
|   |   | 02405R0287532011.              |
|   |   | Dated 20.12.2013               |
|   |   |                                |
|   | Other High Court  |                                |
| 1.                                      | Vikas Garg v State of Haryana (¶¶ Order)  | Cr.M.No.23962 of               |
|   |   | 2017                           |
|   |   | Dated 13.09.2017<br>P and H HC |
| 2.                                      | Hari Shanker Chaurasia v State of UP(¶¶ 20-21)  | Crl. A. No. 392 of 1996        |
| ۷.                                      | $\begin{bmatrix} 11art Snunker Chaurasia V State Of OT (\parallel \parallel 20-21) \end{bmatrix}$ | Dated 24.10.2016               |
|   |   | Allahabad HC                   |
|   |   |                                |
| (vi )                                   | Character Evidence  |                                |
|   | Supreme Court   |                                |
| 1.                                      | Narendra Kumar v State  | (2012) 7 SCC 171               |
| 2.                                      | U.P v PappuYunnus and Anr   | 2005 AIR SCC 1248              |
| 3.                                      | State of Maharashtra v Madhukar N. Maridkar   | AIR 1991 SC 207                |
| ( ···                                   |   |                                |
| (vii)                                   | Evaluation of circumstances   |                                |
| 1.                                      | Supreme Court     Sham Singh v State of Haryana   | Crl. A. No. 544 of 2018        |
| 1.                                      |   | Dated 21.08.2018               |
| (viii)                                  | Cross examination of prosecutrix  |                                |
| (,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | Supreme Court   |                                |



| 1.   | DattuRamraoSakhare and others vs. State of Maharashtra (¶¶5 | 1997 (5) SCC 341        |
|------|---|-------------------------|
| 2.   | State of Punjab v. Gurmit Singh and Others (¶23-26)         | AIR 1996 SC 1393        |
|      |   |                         |
|      | Other High Courts   |                         |
| 1.   | Damber Singh Chetri v State of Sikkim(¶¶ 32-33)             | Cr. A. No. 5 of 2017    |
|      |   | Dated 9.07. 2018        |
|      |   | Sikkim High Court       |
| (ix) | Treatment of victim in court                                |                         |
| (1X) | Supreme Court   |                         |
| 1.   | Dilipv. State of Madhya Pradesh                             | (2013) 14 SCC 331       |
| 2.   | State of Punjab v. Gurmit Singh and Others (¶¶ 15-17)       | AIR 1996 SC 1393        |
| 2.   |   |                         |
| (x)  | Test Identification Parade                                  |                         |
|      | Supreme Court   |                         |
| 1.   | Vijay @ Chinee v. State of Madhya Pradesh (¶ 16-19)         | 2010 (7) SCALE 502      |
| 2.   | Ramanath v State of Tamil Nadu (¶¶1)                        | AIR 1978 SC 1204        |
|      |   |                         |
|      | High Court of Delhi   |                         |
| 1.   | Sadaab v State (¶ 18-21, 30-32)                             | Crl. A. No. of 1403 of  |
|      |   | 2012                    |
|      |   | Dated 11.03.2014        |
|      | Other High Courts   |                         |
| 1.   | Dashwanth v State (¶¶49)                                    | Cr. A. No. 234 of 2018  |
| 1.   |   | Dated 10.07. 2018       |
|      |   | Madras High Court       |
| 2.   | Aftab Khan v State of MP (¶ 15-20)                          | Crl. A. No. 653 of 2006 |
|      |   | Dated 28.03.2018        |
|      |   | M.P. HC                 |
|      |   |                         |
|      |   | Cr. O.P. 12148 of 2017  |
|      |   | Dated 15.09.2017        |
|      |   | Madras HC               |
|      | Foreign Courts  |                         |
| 1.   | Perry v New Hampshire                                       | 565 U.S. 228 (2012)     |
|      |   | U.S. Supreme Court      |
| 2.   | Regina v Turnbull (¶ Pg 228-230)                            | [1976] 3 WLR 445        |
|      |   | U.K. Court of Appeal    |
|      |   |                         |



| G.   | Delhi Witness Protection Scheme, 2015                                       |   |
|------|---|---|
|      | Supreme Court of India  |   |
| 1.   | <i>NHRC</i> v. <i>State of Gujarat</i> (¶¶ 7-10, 13, 15-17, 19-33, 35-42)   | (2009) 6 SCC 342  |
| 2.   | <i>PUCL</i> v. Union of India (¶¶ 51, 53, 55-60)                            | AIR 2004 SC 456   |
|      | High Court of Delhi   |   |
| 3.   | State v. SidharthaVashisht (¶¶ 95-107)                                      | 201 (2013) DLT 657                                      |
| 4.   | Neelam Katara v. Union of India (¶ 6-15)                                    | (2003) ILR 2 Delhi 377                                  |
| H.   | Forensic Evidence   |   |
| i.   | Defining rape   |   |
|      | High Court of Delhi   |   |
| 1.   | Radhakrishna Nagesh v. State of Andhra Pradesh (¶¶ 26)                      | (2013) 11 SCC 688                                       |
| 2.   | Virender v State of NCT of Delhi (¶¶16-19, 28-30)                           | Cr. A. No. 121 of 2008<br>Dated 29.09.2009              |
| ii.  | Absence of injury   |   |
|      | Other High Courts   |   |
| 1.   | <i>Gurmukh Singh and Ors.</i> v. <i>State of H.P and Ors</i> (¶¶ 39 40, 43) | 2016 SCC OnLine HP<br>620                               |
| iii. | Bone ossification   |   |
| 111. | Supreme Court   |   |
| 1.   | Mukarrab Etc. v. State of Uttar Pradesh (¶¶ 25, 26, 27)                     | 2016 (12) SCALE 379                                     |
|      | State of U.P v Chhoteylal   | AIR 2011 SC 697   |
| 2.   | State Of U.P v. Chhoteylal(¶ 11)  | AIR 2011 SC 697   |
| 3.   | Ram Suresh Singh v Prabhat Singh  | (2009) 6 SCC 681  |
| 4.   | Jyoti Prakash Rai v State of Bihar  | (2008) 15 SCC 223                                       |
|      | High Court of Delhi   |   |
| 1.   | Shweta Gulati v State (NCT of Delhi)  | 2018 SCC OnLine Del<br>10448                            |
| iv.  | DNA test  |   |
|      | Supreme Court   |   |
| 1.   | Dipanwita Roy v. Ronobroto Roy (¶¶ 11, 12)                                  | AIR 2015 SC 418   |
|      | Other High Courts   |   |
| 1.   | Shaktiman v State of Maharashtra  | Cr. A. No. 547 of 2017<br>Dated 29.01.2019<br>Bombay HC |



| v.       | Expert Opinion  |  |
|----------|---|--|
|          | High Court of Delhi   |  |
| 1.       | Virender v State of NCT of Delhi (¶¶31)                                       | Cr. A. No. 121 of 2008<br>Dated 29.09.2009                 |
|          | Other High Courts   |  |
| 1.       | Varun Kumar v. State of Himachal Pradesh (¶¶ 20-25)                           | Cr. App. No. 364 of<br>2014<br>Dated 22.12.2015<br>H.P. HC |
| I.       | Evidentiary value of Medical Evidence   |  |
|          | Supreme Court   |  |
| 1.       | Baliraj Singh v. State of Madhya Pradesh (¶¶ 7, 10, 11, 13, 14)               | 2017 (5) SCALE 319   |
| 2.       | Radhakrishna Nagesh v. State of Andhra Pradesh (¶¶ 15, 18, 25, 28)            | (2013) 11 SCC 688  |
| 3.       | Bhajan Singh @ Harbhajan Singh and Ors. v. State of Haryana<br>(¶¶ 5, 22, 23) | AIR 2011 SC 2552   |
|          |   |  |
| J.       | Mandatory Reporting of Cases  |  |
|          | Supreme Court   |  |
| 1.       | <i>Tessy Jose and Ors. vs. State of Kerala</i> (¶¶9,12-14)                    | AIR 2018 SC 4654   |
|          | Other High Courts   |  |
| 2.       | Sanjeev Kumar vs. State (UT Administration) and Ors. (¶9,12,15,17)            | 2019(1)RCR(Criminal<br>)726 P&H HC                         |
| 3.       | Balasaheb vs. The State of Maharashtra (¶¶2,9-13)                             | 2017(2)RCR(Criminal)<br>534 BOM HC                         |
| 4.       | <i>Kamal Prasad Patade vs. State of Chhattisgarh and Ors.</i> (¶¶20,29,34)    | 2016(4)RCR(Criminal)<br>629<br>Chhattisgarh HC             |
| К.       | Filing of appeal  |  |
| -        | Other High Court  |  |
| 1.       | DineshbhaiRameshbhaiMinamav. State of Gujarat (¶8)                            | 2018 SC<br>OnLineGuj2610                                   |
| <b>T</b> |   |  |
| L.       | Settlement  |  |
| 1.       | <i>Narinder Singh v State of Punjab</i> (¶¶29)                                | 2014(6) SCC 466  |



| 2.         | Gian Singh vs State of Punjab & Anr(¶¶54)  | 2012(10) SCC 303                        |
|------------|--|---|
|            |  |   |
| 3.         | Madan Mohan Aboot v State of Punjab(¶¶5,6)   | 2008 (4) SCC 582                        |
|            |  |   |
|            | High Court of Delhi  |   |
| 1.         | Yash Chaudhrani v State of NCT (¶¶59-70)   | CRL.M.C. 5765 of                        |
|            |  | 2018                                    |
|            |  | Dated 22.04.2019                        |
| 2.         | Steven Sehgal v State of NCT(¶¶6-9)  | CRL. M.C. 2881 of                       |
|            |  | 2014                                    |
| 2          | $V_{\text{rest}} = C_{\text{rest}} + $ | Dated 3.03.2017                         |
| 3.         | Varun Chaudary v State of NCT(¶¶6-9)   | CRL.M.C. 514 of 2014<br>Dated 5.10.2015 |
|            |  | Dated 5.10.2015                         |
|            | Other High Court   |   |
| 1.         | Deepak v State of Haryana (¶¶7-9)  | CRM-M-31825 of 2017                     |
| 1.         |  | Dated 19.01.2018                        |
| 2.         | Munish Garg v State of Haryana   | CRM-M-28032 of 2017                     |
|            |  | Dated 29.09.2017                        |
| 3.         | Sajith S vs. State Of Kerala(¶¶3,4)  | CRL. MC No 7251 of                      |
|            |  | 2016                                    |
|            |  | Dated 7.11.2016                         |
| <b>M</b> . | Sentencing   |   |
|            | Supreme Court  |   |
| 1.         | Sachin Kumar Sighraha v. State of Madhya Pradesh   | AIR 2019 SC 1416                        |
| 2.         | X v State of Maharashtra (¶43)   | Crl. Rev. Pet. No. 301                  |
|            |  | of 2008                                 |
|            |  | Dated 12.04.2019                        |
| 3.         | Mukesh and Ors. v. State NCT of Delhi and Ors(¶¶ 305, 323,   | AIR 2017 SC 2161                        |
|            | 465, 469)  |   |
| 4.         | Ram Iswar Rai v State of Bihar (¶ 5-8)   | Crl. A. No. 188 of 2015                 |
|            |  | Dated 9.11.2017                         |
| 5.         | Satish Kumar Jayanti Lal Dabgar v State of Gujarat   | (2015) 7 SCC 359                        |
| 6.         | Prahlad and Ors. v. State of Haryana   | (2015) 8 SCC 688                        |
| 7.         | Ramnaresh v State of Chattishgarh  | (2012) 4 SCC 257                        |
| 8.         | DayaNandv. State of Haryana (¶ 13)   | AIR 2011 SC 593                         |
| 9.         | Bhim @ Uttam Ghosh v. State of West Bengal (¶ 12)  | (2010) 14 SCC 571                       |
| 10.        | Raju & Anr. V. State of Haryana ( $\P\P$ 9-11)   | 2010 (3) SCC 235                        |
| 11.        | Bacchan Singh v State of Punjab  | (1880) 2 SCC 684                        |
| 12.        | Macchi Singh and Ors v State of Punjab   | 1983 AIR 957                            |



| 13. | Dagdhu and Ors v State of Maharashtra   | 1977 AIR 1579               |
|-----|---|-----------------------------|
| 101 |   |                             |
|     | High Court of Delhi   |                             |
| 1.  | Babulal v. State (N.C.T. of Delhi)  | Crl. A. 291 of 2020         |
|     |   | Dated 20.04.2020            |
|     |   |                             |
|     | Other High Courts   |                             |
| 1.  | Rabbu alias Sarvesh v State of MP (¶¶36, 57-63)                                     | Crl. A. No. 6748 of         |
|     |   | 2018                        |
|     |   | Dated 17.01.2019            |
|     |   | Jabalpur HC                 |
| 2.  | Sarang MalhariPawar v State of Maharashtra(¶6)                                      | Crl. A. No. 171 of 2018     |
|     |   | Dated 27.07.2018            |
|     |   | Bombay HC                   |
|     |   |                             |
| (i) | Aggravating and Mitigating Factors  |                             |
|     | Supreme Court   |                             |
| 1.  | X v State of Maharashtra (¶¶73)   | Crl. Rev. Pet. No. 301      |
|     |   | of 2008                     |
|     |   | Dated 12.04.2019            |
| 2.  | VasantaSampatDuparev. State of Maharastra(¶¶ 4, 5, 9)                               | AIR 2017 SC 2530            |
|     | Prahlad v State of Rajasthan (¶¶12)   | Crl. A. No. 1794-1796       |
|     |   | of 2017<br>Dated 14.11.2018 |
| 3.  | Remerchattam Dashuath Bonato and One y. State of Mahamashtur                        | AIR 2015 SC 2170            |
| 3.  | Purushottam Dashrath Borate and Ors. v. State of Maharashtra<br>(¶¶ 22, 23, 25, 38) | AIR 2013 SC 2170            |
| 4.  | Parminder alias Ladka Pola v. State of Delhi (¶¶ 15, 16)                            | AIR 2014 SC 1035            |
| 5.  | <i>Shankar KisanraoKhadev. State of Maharashtra</i> (¶¶ 19, 20, 21, 28)             | (2013) 5 SCC 546            |
| 6.  | State of Madhya Pradesh v. Babulal (¶¶ 19, 20, 23-27)                               | AIR 2008 SC 582             |
| 7.  | State Of U.P v. Chhoteylal(¶ 28)  | AIR 2011 SC 697             |
|     | High Court of Delhi   |                             |
| 1.  | <i>Gaya Prasad Pal</i> v. <i>State</i> (¶¶ 76, 83-86)                               | 2017 ALL MR (Cri) 1         |
| N.  | Compensation to the Victim and Rehabilitation                                       |                             |
|     | Supreme Court   |                             |
| 1.  | Nipun Saxena and Ors. vs. Union of India  | 2018 (11) SCALE 350         |
| 2.  | <i>Tekanv. State of Madhya Pradesh</i> (¶¶ 7, 15, 16, 18, 19)                       | AIR 2016 SC 817             |
| 3.  | In Re: Indian Woman says gang-raped on orders of Village                            | AIR 2014 SC 2816            |
|     | <i>Court published in Business and Financial News</i> (¶ 17, 18, 19)                |                             |



| 4.  | <i>The Chairman, Railway Board &amp;Ors.</i> v. <i>Mrs. Chandrima Das</i><br>& <i>Ors.</i> (¶¶ 43, 44) | AIR 2000 SC 988                             |
|-----|--|---|
| 5.  | Shri Bodhisattwa Gautam v. Miss Subhra Chakraborty (¶¶ 18, 20)   | AIR 1996 SC 922                             |
| 6.  | Delhi Domestic Working Women's Forum v. Union of India<br>(UOI) and Ors. (¶¶ 16, 17, 18)               | (1995) 1 SCC 14                             |
|     | High Court of Delhi  |   |
| 1.  | Raj Kumar v. State   | Cri. A. No. 187 of 2018<br>Dated 03.12.2019 |
| 2.  | Chattu Lal v State(¶¶ 27-30)   | Cri. A. No. 524 of 2017<br>Dated 27.11.2018 |
| 3.  | <i>Gaya Prasad Pal</i> v. <i>State</i> (¶¶ 124, 125, 127, 128)   | 2017 ALL MR (Cri)                           |
| 4.  | Vikas Yadav v. State f U.P.  | CRL.A.910/2008<br>D.O.D: 06.02.2015         |
|     | Special Court  |   |
| 1.  | State of Assam v. Sri Khiren Das (¶¶ 21, 22, 28)   | Special Case No.2/2016<br>D.O.D: 05/09/2017 |
| (i) | Delhi Victim Compensation Scheme, 2015   |   |
| . , | Supreme Court of India   |   |
| 1.  | <i>Parivartan Kendra</i> v. <i>Union of India</i> (¶¶ 10, 12, 13, 16, 18-21)                           | (2016) 3 SCC 571                            |
| 2.  | <i>Tekanv. State of MP</i> (¶¶ 14, 15, 17-19)  | AIR 2016 SC 817                             |
| 3.  | Ankush Shivaji Gaekwad v. State of Maharashtra (¶¶ 29, 42, 62)   | AIR 2013 SC 2454                            |
|     | High Court of Delhi  |   |
| 1.  | <i>Deepak Rai</i> v. <i>State</i> (¶ 43, 51, 52)   | 2016 (3) JCC 1710                           |
| 2.  | Gaya Prasad Pal v. State (¶¶ 57, 59, 71, 87, 124-128)  | 235 (2016) DLT 264                          |
| (j) | Miscellaneous Guidelines   |   |

#### **K.SUGGESTED READINGS**

- (i)
- Recording of evidence of vulnerable witnesses



| 1. | Witness Intimidation  | Brendan O'Flaherty<br>and RajivSethi | 39 J. Legal Stud. 399<br>(2010)  |
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| 2. | The Mosaic Art: Cross-Examination and<br>the Vulnerable Witness                         | Louise Ellison                       | 21 Legal Stud. 353<br>(2001)   |
| 3. | Prosecuting Child Sexual Assault Cases:<br>Are Vulnerable Witness Protections<br>Enough | Anne Cossins                         | 18 Current Issues<br>Crim. Just. 299 (2006)                                    |
| 4. | Robust and Raring to Go?': Judges'<br>Perceptions of Child Witnesses                    | Fiona E. Raitt                       | Journal of Law and<br>Society, Vol. 34, No. 4<br>(Dec., 2007), pp. 465-<br>488 |

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