

2023 SCC OnLine Del 2190 : (2023) 300 DLT 714

In the High Court of Delhi
(BEFORE ANUP JAIRAM BHAMBHANI, J.)

Saleem ... Petitioner;

Versus

State of NCT of Delhi and Another ... Respondents.

Bail Appln. No. 3635 of 2022

Decided on April 19, 2023

Advocates who appeared in this case:

Sudarshan Rajan, Hitain Bajaj, Rohit Bhardwaj, Ms Samreen, Md. Qamar Ali, Ramesh Rawat and Mahesh Kumar, Advocates, for the Petitioner;

Ms Rebecca M. John, Senior Advocate (Ms Praavita Kashyap and Ms Anushka Baruah, Advocates), for the Petitioner;

Tarang Srivastava, Additional Public Prosecutor for the State with SI Madhu Yadav, PS;

Nitin Saluja, Advocate (DHCLSC) with Ankur Sinha and Saahil Mongia for R-2.

The Judgment of the Court was delivered by

ANUP JAIRAM BHAMBHANI, J.—

The question & factual matrix

1. Does the victim's right to be heard include the obligation to be impleaded as a party respondent in criminal proceedings? That is the question sought to be addressed by this judgment.

2. To understand in what context the question arises, a brief background of the matter would be necessary.

3. The present petition was filed under Section 439 read with Section 482 of the Criminal Procedure Code, 1973 ("CrPC"), seeking grant of regular bail in case FIR No. 320 of 2022 registered under Section 376 of the Penal Code, 1860 ("IPC") and under Section 4 of the Protection of Children from Sexual Offences Act, 2012 ("Pocso Act") at PS Jaitpur.

4. On the first date of hearing on 5-12-2022, while issuing notice on the petition, it was observed that the victim in the subject FIR had been made party respondent in the matter, though her name and particulars had been anonymised or redacted. This, learned counsel for the petitioner said, was done on the specific directions of the Registry of this Court. A report in that regard was called from the Registrar (Filing). Vide report dated 5-1-2023, the Registrar cited Section 439(1-

A) CrPC and practice directions dated 24-9-2019 issued by the Delhi High Court, to say that the petitioner was directed to implead the victim as a party respondent in the present matter in purported compliance and towards implementation of the said statutory provision and the practice directions issued by this Court. In addition, the report also said that "... previously verbal directions were given by Court that the victim/complainant be arrayed in the memo of parties as respondent after hiding the identity of the victim...". Reference was also made to an order made by a Coordinate Bench where the appellant therein was granted permission to implead the complainant as party respondent. The report also said that the same practice was being followed in all matters being filed in this Court relating to victims of sexual offences.

Statutory backdrop

5. So, how has our justice dispensation system perceived the position of a victim in relation to prosecution of a criminal offence thus far?

6. "The travails and tribulations of victims of crime begin with the trauma of the crime itself ...". It was with these words that in *Mallikarjun Kodagali v. State of Karnataka*¹ the Supreme Court highlighted the hurdles that victims face in accessing the criminal justice system after suffering violence visited upon them. The Supreme Court went on to observe that victims can no longer be sidelined; and held that victims have a right to file an appeal against acquittal of an accused without having to seek leave from the court.²

7. Beginning from the conventional position, where only the State had the prerogative to prosecute the offender, based on the notion that a criminal offence was a crime against the people at large, to the view taken in *Mallikarjun Kodagali case*¹, the Supreme Court has now expanded the role of a victim from one that was penumbral to one that is central to criminal proceedings.

8. In its recent verdict in *Jagjeet Singh v. Ashish Mishra*³, the Supreme Court has accorded specific recognition to the rights of a victim, observing that victims "... cannot be expected to be sitting on the fence and watching the proceedings from afar ..."; that victims have "... a legally vested right to be heard at every step post the occurrence of an offence ...; (they have) unbridled participatory rights from the stage of investigation till the culmination of the proceedings in an appeal or revision ..."; and that the mere presence of the State "... does not tantamount to according a hearing to a 'victim' of the crime".

(emphasis supplied)

9. It is therefore clear, that victims of crime can no longer be asked to remain mere spectators, and must be accorded, in the words of the Supreme Court, unbridled participatory rights in the legal proceedings

initiated in relation to the crime alleged to have been committed against them.

10. On the other hand however, it is also noticed that insofar as sexual offences are concerned, it is the unequivocal statutory mandate inter alia in Section 228-A IPC, Sections 23, 33(7) and 37 of the Pocso Act and Sections 327(2) and 327(3) CrPC that the identity of a victim must be kept confidential. Apart therefrom, in its decision in *Nipun Saxena v. Union of India*⁴, the Supreme Court has emphasised the requirement of maintaining confidentiality of a victim of a sexual offence, in the widest possible terms, inter alia in the following words : (SCC pp. 711-712, 716, 723-724, paras 11, 12, 25, 50 and 50.1-50.9)

“11. Neither IPC nor CrPC define the phrase ‘identity of any person’. Section 228-A IPC clearly prohibits the printing or publishing ‘the name or any matter which may make known the identity of the person’. It is obvious that *not only the publication of the name of the victim is prohibited but also the disclosure of any other matter which may make known the identity of such victim*. We are clearly of the view that the phrase ‘matter which may make known the identity of the person’ does not solely mean that only the name of the victim should not be disclosed but it also means that the identity of the victim should not be discernible from any matter published in the media. *The intention of the law makers was that the victim of such offences should not be identifiable so that they do not face any hostile discrimination or harassment in the future.*

12. A victim of rape will face hostile discrimination and social ostracisation in society. Such victim will find it difficult to get a job, will find it difficult to get married and will also find it difficult to get integrated in society like a normal human being. Our criminal jurisprudence does not provide for an adequate witness protection programme and, therefore, the need is much greater to protect the victim and hide her identity. *In this regard, we may make reference to some ways and means where the identity is disclosed without naming the victim. In one case, which made the headlines recently, though the name of the victim was not given, it was stated that she had topped the State Board Examination and the name of the State was given. It would not require rocket science to find out and establish her identity. In another instance, footage is shown on the electronic media where the face of the victim is blurred but the faces of her relatives, her neighbours, the name of the village, etc. is clearly visible. This also amounts to disclosing the identity of the victim. We, therefore, hold that no person can print or publish the name of the victim or disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.*

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25. Dealing with Section 327 CrPC in *State of Punjab v. Gurmit Singh*⁵) this Court held as follows : (SCC pp. 404-405, para 24)

'24. ... The courts should, as far as possible, avoid disclosing the name of the prosecutrix in their orders to save further embarrassment to the victim of sex crime. *The anonymity of the victim of the crime must be maintained as far as possible throughout.* In the present case, the trial court has repeatedly used the name of the victim in its order under appeal, when it could have just referred to her as the prosecutrix. We need say no more on this aspect and hope that the trial courts would take recourse to the provisions of Sections 327(2) and (3) CrPC liberally. Trial of rape cases in camera should be the rule and an open trial in such cases an exception.'

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50. In view of the aforesaid discussion, we issue the following directions:

50.1. No person can print or publish in print, electronic, social media, etc. the *name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.*

50.2. In cases where the victim is dead or of unsound mind the name of the victim or her identity should not be disclosed even under the authorisation of the next of kin, unless circumstances justifying the disclosure of her identity exist, which shall be decided by the competent authority, which at present is the Sessions Judge.

50.3. FIRs relating to offences under Sections 376, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB or Section 376-E IPC and the offences under POCSO shall not be put in the public domain.

50.4. In case a victim files an appeal under Section 372 CrPC, it is not necessary for the victim to disclose his/her identity and the appeal shall be dealt with in the manner laid down by law.

50.5. The police officials should keep all the documents in which the name of the victim is disclosed, as far as possible, in a sealed cover and replace these documents by identical documents in which the name of the victim is removed in all records which may be scrutinised in the public domain.

50.6. All the authorities to which the name of the victim is disclosed by the investigating agency or the court are also duty-bound to keep the name and identity of the victim 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 the court.

50.7. An application by the next of kin to authorise disclosure of identity of a dead victim or of a victim of unsound mind under Section 228-A(2)(c) IPC should be made only to the Sessions Judge concerned until the Government acts under Section 228-A(1)(c) and lays down criteria as per our directions for identifying such social welfare institutions or organisations.

50.8. In case of minor victims under POCSO, disclosure of their identity can only be permitted by the Special Court, if such disclosure is in the interest of the child.

50.9. All the States/Union Territories are requested to set up at least one 'One-Stop Centre' in every district within one year from today."

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(some emphasis in original; some supplied)

11. In the backdrop of the foregoing decisions of the Supreme Court, the statutory provisions that are relevant for consideration in the present case may be noticed. These are extracted hereinbelow for ease of reference:

Section 2(wa) CrPC : re definition of "victim"

"'victim' means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression 'victim' includes his or her guardian or legal heir;"

Section 24(8) CrPC : re appointment of a Public Prosecutor

"(8) The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor:

Provided that the court may permit the victim to engage an advocate of this choice to assist the prosecution under this sub-section."

Section 439(1-A) CrPC : re right of victim to be heard:

"439. Special powers of High Court or Court of Session regarding bail.—(1) *

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(1-A) The presence of the informant or any person authorised by him shall be obligatory at the time of hearing of the application for bail to the person under sub-section (3) of Section 376 or Section 376-AB or Section 376-DA or Section 376-DB of the Penal Code, 1860.

(2) *

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(emphasis supplied)

12. The relevant portion of practice directions dated 24-9-2019 issued by the Delhi High Court in line with the requirements of Section 439(1-A) CrPC, may also be extracted:

" * * *

In order to ensure better and effective compliance of the above provisions, Hon'ble the Chief Justice has been pleased to direct as under:

- (a) Before granting bail to a person who is accused of an offence triable under sub-section (3) of Section 376 or Section 376-AB or Section 376-DA or Section 376-DB of the Penal Code, 1860, the High Court or the Court of Session shall give notice of the application for bail to the Public Prosecutor within a period of fifteen days from the date of receipt of the notice of such application; and
- (b) The courts shall ensure that the investigating officer has, in writing as per Annexure A, communicated to the informant or any person authorised by her that her presence is obligatory at the time of hearing of the application for bail to the person under sub-section (3) of Section 376 or Section 376-AB or Section 376-DA or Section 376-DB of the Penal Code, 1860. *Annexure A shall be filed by the IO along with the reply/status report to such bail application and the courts shall make all endeavour to ensure presence of the informant or any person authorised by her..."*

(emphasis supplied)

Submissions of counsel

13. To obtain better assistance on the question, this Court appointed Ms Rebecca M. John, learned Senior Counsel as amicus curiae on 16-1-2023 to address this Court on whether there is a requirement (either statutory or by judicial pronouncement) of impleading the victim as party respondent beyond the requirement of giving intimation to them under Section 439(1-A) CrPC read with Delhi High Court Practice Directions dated 24-9-2019 and hearing them in the matter.

14. Pursuant to the above, this Court has heard the learned amicus curiae; Mr Sudarshan Rajan, learned counsel for the petitioner; Ms Meenakshi Dahiya, learned APP appearing for the State; as also Mr Nitin Saluja, learned counsel appearing for the complainant.

15. Ms John submits that as matters stand, there is no requirement, either statutory or by way of any judicial pronouncement, that a victim must be made party respondent to criminal proceedings; adding however, that in certain cases — such as those involving sexual offences⁶, offences under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ("SC-ST Act")⁷, where

closure reports are filed by the prosecution⁸, etc. — though issuance of notice to victims/complainants/informants and affording them a right to be heard is mandatory, that does not amount to a requirement of impleading them as parties. Ms John therefore submits, that beyond the aforesaid situations, where the victim's right to be heard was already recognised, the decision in *Jagjeet Singh case*³ now mandates that a victim has the right to be heard at every stage of a criminal proceedings; but that a requirement of impleading a victim as party respondent is not based in law.

16. Ms John adds though, that a possible advantage of impleadment, could be that the victim would then have knowledge of the contents of the petition, and would be able to contest the same more effectively; stating however, that that benefit could also be given to the victim if the practice directions are tweaked to incorporate the requirement of service of a copy of the petition upon the victim.

17. On the point of anonymisation of the identity of victims in sensitive matters such as sexual offences, it is Ms John's submission, that Section 228-A IPC loses meaning if the FIR itself contains the name of the victim, which is why considering the stigma that victims often face, in *Nipun Saxena case*⁴ the Supreme Court has issued certain directions including for anonymisation of the case file in sexual offences. Ms John submits that, there are times when there is no anonymisation of the victim at all in the petitions filed; or the parentage/address of the victim is revealed in the memo of parties to a petition; not to mention that documents annexed with the petitions often give away the whole picture, often revealing not only the name/parentage/address of the victim but at times by even annexing photos of the victim.

18. Ms John submits, that if a victim is impleaded as a party respondent to a matter, even if the name and other particulars are anonymised, the chances are high that it may lead to "jigsaw identification" of the victim, that is to say third persons may be able to put together the victim's identity from various elements found in various parts of the filings.

19. Mr Rajan concurs in the submissions made by the learned amicus, to say that the requirement is only of affording to the victim a right of hearing and though there is no requirement in law that a victim must be impleaded as a party to the proceedings, victims are often arrayed as such only on the insistence of the Registry.

20. On the other hand, Mr Saluja however submits, that victims must be made party respondents to the petitions. His main contention is that at times victims are not intimated about the filing of petitions and are therefore unable to sufficiently contest the same at the first hearing on point of ad interim relief. Mr Saluja suggests that the

requirement for impleadment as party respondent may be balanced with that of protecting identity, by mandating anonymisation of the name/address/parentage of victims of sexual offences, to ensure that the victims are aware that a petition has been filed and that they will get a copy of the petition and will be able to contest the same. Mr Saluja also relies on certain statutory provisions to submit that since victims, especially of sexual offences, have a right to legal aid, which illustrates that they have a role to play in criminal proceedings.

21. In the course of hearing, Ms Dahiya points out that as per directions issued by a Division Bench of this Court (of which the undersigned was a member) vide orders dated 25-11-2019 *Reena Jha v. Union of India*⁹ and 27-1-2020 in *Reena Jha v. Union of India*⁶, the application of Section 439(1-A) CrPC has been extended to cases under the Pocso Act, instead of restricting the same only to the specified sexual offences under the IPC; which may be borne in mind while deciding the question at hand.

22. Learned APP has stressed on the mandatory nature of the intimation required to be sent to victims/complainants/informants under Section 439(1-A) CrPC, as explained in a decision of a Coordinate Bench of this Court in *G. v. State (NCT of Delhi)*¹⁰ in the following words: "It is clear that (the) victim/complainant/informant has to be heard. This is the mandate of law.", further observing that "... non-issuance of notice to the complainants/informants/victims is not merely a procedural lapse, but is clearly contrary to the unequivocal legislative mandate as also the declared and settled law".

Discussion & conclusions

23. On a conspectus of the foregoing therefore, on the one hand, there is the unbridled right of a victim to participate in all criminal proceedings relating to the crime; and on the other hand, insofar as sexual offences are concerned, there is also a legal mandate that the victim's identity must be kept confidential.

24. It is accordingly necessary for this Court to explore as to how these two legal mandates must be effectuated, so that one does not negate the other.

25. It must be noticed that the mandate of *Jagjeet Singh case*³ is that the victim has unbridled participatory rights in criminal proceedings, which is not to say that the victim must replace or substitute the state as the prosecuting agency; nor that the victim must be placed as an impleaded party to the proceedings so as to make the victim answerable in all aspects.

26. Furthermore, notice must also be taken of the fact that Section 439(1-A) CrPC requires the court to hear a victim at the stage of considering bail petitions and other similar matters; and nowhere does

that provision require that the victim be made a party to such proceedings.

27. The essential tenet is that a criminal offence takes the colour of an affront to the society as a whole, for which the offender may face very serious consequences, including prison terms or even the capital sentence. This is why, the State machinery, including the police and the Public Prosecutor, are engaged to investigate and prosecute criminal offenders; and it is the Public Prosecutor, who is responsible for or in charge of the case.¹¹ Through the Public Prosecutor, the State calls witnesses, contests and argues the matter, and may even seek withdrawal of proceedings against an accused.¹²

28. The merit in putting the State in charge of prosecuting criminal offences is inter alia that the State being distanced from the actual commission of the offence, is presumed to be impartial towards discovery of the truth in relation to the commission of the offence and of the perpetrator thereof; for which reason, even if the victim turns hostile in a case and supports the innocence of the accused, the prosecution may yet be continued at the hands of the State and the court may yet convict the accused. Indeed, the victim of an offence may thirst for conviction, for which reason the State, through the Public Prosecutor is expected to be fair, present the case with detachment, without harbouring any anxiety to secure a conviction by any means.

29. The role of the victim, even on being afforded the right to be heard, however must vary with the context and the stage of criminal proceedings. In relation to bail proceedings for e.g. the victim may assist the court in clarifying relevant facts, such as any threats received by the victim or other witnesses; or the possibility of evidence tampering; or even flight risk. However, the victim would have no role in determining, say, the necessity of custodial interrogation, which would be the job of the investigating agency.

30. To reiterate, the right to be represented and be heard is distinct from the right or the obligation to be a party to criminal proceedings.

31. Indeed, there may be times where a victim may not seek a hearing before the court, and making a victim a party to the proceedings, mandating them to appear and "defend", so to speak, various proceedings that the State or the accused may initiate, may cause additional hardship and agony to the victim.

32. In a recent decision in *X v. State of Maharashtra*¹³, the Supreme Court had issued directions to its Registry to ensure that in sensitive matters, "... if the name of the prosecutrix is revealed in the petition, the same is returned to the learned counsel for redacting the name before the matter is cleared for being placed before the court for appropriate orders". In another matter, taking exception to the name of the victim being mentioned in the judgment of the Sessions Court, in

its order dated 30-6-2021 made in *Birbal Kumar Nishad v. State of Chhattisgarh*¹⁴, the Supreme Court has made observations as to the necessity of anonymisation of the names of victims noting that "... It is well established that in cases like the present one, the name of the victim is not to be mentioned in any proceeding. We are of the view that all the subordinate courts shall be careful in future while dealing with such cases".

33. Upon a conspectus of the foregoing, this Court is persuaded to draw the following conclusions, which it is made clear, are restricted to criminal matters relating to or arising from or concerning sexual offences:

33.1. There is no requirement in law to implead the victim, that is to say, to make the victim a party, to any criminal proceedings, whether instituted by the State or by the accused.

33.2. In accordance with the mandate of the Supreme Court in *Jagjit Singh case*³, a victim now has unbridled participatory rights in all criminal proceedings in relation to which the person is a victim, but that in itself is no reason to implead a victim as a party to any such proceedings, unless otherwise specifically so provided in the statute; Section 439(1-A) CrPC mandates that a victim be heard in proceedings relating to bail, without however requiring that the victim be impleaded as a party to bail petitions.

33.3. In light of the decision of the Supreme Court in *Jagjit Singh case*³, Section 439(1-A) CrPC must now be expanded to include the victim's right to be heard even in petitions where an accused seeks anticipatory bail; a convict seeks suspension of sentence, parole, furlough, or other such interim relief.

33.4. To obviate any ambiguity, though Section 439(1-A) CrPC makes the "presence of the informant" obligatory at the time of hearing, what is clearly mandated thereby is the right of the victim, whether through the informant or other authorised representative, to be effectively heard in the matter. If necessary, legal-aid counsel may be appointed to assist in representing the victim; and the mere ornamental presence of the victim, or their representative, without affording them an effective right of hearing, would not suffice.

34. Furthermore, as a sequitur to the above, this Court issues the following directions:

34.1. It is directed that the Registry must carefully scrutinise all filings relating to sexual offences, to ensure that the anonymity and confidentiality of the prosecutrix/victim/survivor is strictly maintained.

34.2. To be more specific, in order to maintain confidentiality as aforesaid, the following must be done:

34.2.1. The name, parentage, address, social media credentials and photographs of the prosecutrix/victim/survivor must not be disclosed in the filings made in court, including in the memo of parties.

34.2.2. Though, if the foregoing direction is scrupulously followed, the identifying particulars would not appear in the cause list, by way of abundant caution, the Registry must ensure that such particulars do not get reflected in the cause list of the court in any manner.

34.2.3. The name, parentage and address of family members of the prosecutrix/victim/survivor — through whom the prosecutrix/victim/survivor could be identified — must not be disclosed in the filings, including in the memo of parties, even if they are accused in the case, since this may indirectly lead to the identification of the prosecutrix/victim/survivor.

34.2.4. Since redaction of the identifying particulars of the prosecutrix/victim/survivor from the FIR, charge-sheet, proceedings before the trial court and other similar records, is the duty and obligation of the authorities/court that prepare such documents; and insofar as the proceedings before this Court are concerned, making complete redaction in each of those documents may not be feasible, it is also directed that the files/paper/books/e-portfolio of matters relating to sexual offences filed in this Court must not be provided to any person other than the parties to the litigation, to the prosecutrix/victim/survivor and their respective counsel, after due verification of the identity credentials of such persons.

34.2.5. At the stage of scrutiny of the filings, in the event the Registry finds that the identity credentials of a prosecutrix/victim/survivor are disclosed in the memo of parties or anywhere else in the filings, such filings must be returned to counsel who have filed the same, to undertake requisite redactions, before the filings are accepted.

34.2.6. To obviate the dissemination of identifying particulars to any other person or agency even within the High Court, it is further directed that all service to be effected upon the prosecutrix/victim/survivor shall only be through the investigating officer in accordance with practice directions dated 24-9-2019 and not through the process serving agency, though a copy of the petition or application must be served upon the prosecutrix/victim/survivor.

34.2.7. In effecting service as aforesaid, the investigating officer must remain in "plain clothes" so as to avoid any unwarranted attention.

34.2.8. Furthermore, the investigating officer must also inform the prosecutrix/victim/survivor that they have the right to free legal aid/representation in accordance with the mandate of the Supreme Court in *Delhi Domestic Working Women's Forum v. Union of India*¹⁵

34.2.9. If the parties wish to cite in court any identifying particulars of the prosecutrix/victim/survivor, including photographs or social media communications, etc. such party may bring the same to court in "sealed cover"; or file the same in "sealed cover" or in a "pass-code locked" electronic folder and share the pass-code only with the Court Master concerned.

34.3. The foregoing directions are not intended to be exhaustive; and at the stage of scrutiny, the Registry is expected to apply its mind to any peculiarities of a given case, with the aim and intent of scrupulously applying the directions of the Supreme Court in *Nipun Saxena case*⁴.

34.4. Lastly, the directions issued above may be summarised by way of written instructions/note/notification by the Registrar General of this Court; and be circulated to the Principal District and Sessions Judges, Delhi in their respective jurisdictions and to the Commissioner of Police, Delhi.

34.5. The Registrar General is directed to bring this judgment to the notice of the Chief Justice for framing of appropriate practice directions or notice or notification, as may be deemed appropriate, in line with the mandate with the directions of *Nipun Saxena case*⁴.

35. This Court records its appreciation for the invaluable assistance rendered in the matter by Ms Rebecca M. John, learned Senior Counsel as amicus curiae.

36. The question posed is disposed of in the above terms.

¹ *Mallikarjun Kodagali v. State of Karnataka*, (2019) 2 SCC 752 : (2019) 1 SCC (Cri) 801 cf. paras 2, 9, 74, 75;

² Also cf. Proviso to Section 372 CrPC

³ *Jagjeet Singh v. Ashish Mishra*, (2022) 9 SCC 321 : (2022) 3 SCC (Cri) 560 at paras 22, 23 and 24.2

⁴ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703 : (2019) 1 SCC (Cri) 772 cf. paras 11, 12, 25, 50

⁵ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384 : 1996 SCC (Cri) 316

⁶ *Reena Jha v. Union of India*, 2020 SCC OnLine Del 1389

⁷ cf. Sections 15-A(3) and 15-A(5) SC-ST Act, *Hariram Bhambhi v. Satyanarayan*, 2021 SCC OnLine SC 1010 : (2021) 8 SCR 855 cf. paras 14, 17, 21

⁸ cf. Section 173(2)(ii) CrPC, *Bhagwant Singh v. State (NCT of Delhi)*, (1985) 2 SCC 537 : 1985 SCC (Cri) 267 cf. para 4

⁹ *Reena Jha v. Union of India*, 2019 SCC OnLine Del 12412

¹⁰ *G. v. State (NCT of Delhi)*, 2020 SCC OnLine Del 629

¹¹ cf. Sections 301(1), 302 CrPC

¹² cf. Section 321 CrPC

¹³ *X v. State of Maharashtra*, 2023 SCC OnLine SC 279 cf. para 40

¹⁴ *Birbal Kumar Nishad v. State of Chhattisgarh*, 2021 SCC OnLine SC 3464

¹⁵ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14 : 1995 SCC (Cri) 7 cf. para 15

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