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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 1352/2015

COURT ON ITS OWN MOTION

..... Petitioner

Through : Mr. Manoj Ohri, Sr. Adv. as
Amicus Curiae.

versus

STATE & ORS

.... Respondents

Through : Mr. Rahul Mehra, Standing
Counsel with Mr. Satyakam,
ASC and Mr. Tushar Sanu,
Adv.

Mr. Sunil Kumar Gupta, Adv.
Mr. Sumer Sethi, Adv. with
Mr. Sanjeev Jain, Member
Secretary and Mr. Naveen
Gupta, Additional Secretary,
DSLISA.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

05.12.2017

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1. Pursuant to the directions made by us on the last date of hearing, Prof. Mrinal Satish and Dr. Aparna Chandra, professors of National Law University of Delhi have handed over a brief which is taken on record. Certain sensitive issues regarding the women prisoners who are lodged in Jail No.6, Central Jail, Tihar have been pointed out in this report.

2. One of the issues flagged in this brief is with respect to the aspect of several women prisoners, who have been arrested and chargesheeted for the commission of offences such as rape under Section 376(1); kidnapping with rape; gang rape; kidnapping with gang rape and voyeurism under Section 354(c) of the Indian Penal Code.

We are informed by Prof. Mrinal Satish that some of these prisoners, who have been charged, are standing trial for commission of these offences, which is completely contrary to law.

4. We are informed that this information has been ascertained from the charge sheets which were available with the prisoners or production warrants wheresoever they have been issued by the court to the Central Jail, Tihar.

5. In order to enable this court to take a holistic view, it is necessary that Prof. Mrinal Satish and Dr. Aparna Chandra shall have access to the records of the trial courts. Time is sought to place details of these prisoners and the cases in which they have been implicated in order to facilitate this court to pass a meaningful order in this case.

6. Let such information be filed before the next date of hearing.

7. We are informed by Mr. Manoj Ohri, Id. Senior Counsel and amicus curiae in the matter that the committee appointed by the order of this court has examined the matter and its report is ready. Let this report be brought on record.

List on 12th December, 2017.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

DECEMBER 05, 2017

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