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

+ W.P.(CRL) 2504/2016

GULSANAM

..... Petitioner

Represented by: Mr. Joginder Tuli and Mr.
Ashu K. Sharma, Advocates.

versus

STATE (NCT OF DELHI) & ORS

..... Respondents

Represented by: Ms.Nandita Rao, Additional
Standing Counsel for the State
with Inspector Dinesh Kumar
Sharma, PS Kamla Market.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

29.11.2016

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1. This petition was filed by the petitioner, who is an accused in case FIR No.167/2016 under Sections 363/365/366A/368/370/370A/372/373/376/342/343/109/120B/34 IPC, Sections 4, and 17 of the Protection of Children from Sexual Offences Act, 2012 (in short 'POSCO Act'), Sections 23/26 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (in short 'JJ Act') and Sections 3/4/6/7 of the Immoral Trafficking Prevention Act (in short 'ITP Act') registered at PS Kamla Market alleging that she has falsely been implicated and was not even at the place of incident. She further alleged that the prosecutrix had been employed as a maidservant at Kotha No.59, G.B. Road at the instance of one person Gautam who was working with the petitioner. She also alleged that she had sent a complaint to the Commissioner of Police against SI Padam Singh Kashyap and SI Ramesh

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and other police officials of PS Kamla Market on 23rd August, 2016 seeking transfer of investigation to Crime Branch as the officers concerned were demanding bribe from the petitioner and on refusal thereto falsely implicated her.

2. When the matter came up before this Court learned counsel for the petitioner submitted that the respondent Nos. 4 and 5 had sought bribery from the petitioner which was shared by respondent No.3 and since the demands were not met the petitioner was falsely implicated. This Court vide order dated 29th August, 2016 noted that though the allegations of false implication are not substantiated in view of the statement of the prosecutrix recorded under Section 164 Cr.P.C. however, the allegations in respect of demand of bribe were required to be inquired into and thus a vigilance inquiry was directed to be conducted.

3. A vigilance inquiry has been conducted and a report submitted by the DCP, Legal Cell, Police Headquarters.

4. During the course of the vigilance inquiry the petitioner, the three officers and the two other witnesses, that is, Naseem Jahan @ Asha and Santosh Sedhai were examined. It was revealed that a raid was conducted on the information supplied by Ms. Santosh Sedhai, Investigator of NGO namely Rescue Foundation on 14th July, 2016 with regard to an information about forced/minor prostitution being carried out at Kotha No.59, First Floor, G.B. Road. The investigating team comprised of SHO Kamla Market Inspector Lalita Rawat, SI Ramesh Chand, HC Sarvesh, Constable Ajay and Woman Constable Suman. Thus Inspector Dinesh Kumar and SI Padam Singh were not even party to the raiding team. The raiding team was also

accompanied by Ms. Hema Khatri from the Rescue Foundation. While rescue was being conducted one girl 'K' was also found to be present in a scared condition whose statement was recorded. On medical examination 'K' was found to be a minor.

5. W.P. Crl. No.2/2016 was filed before the High Court at Sikkim seeking production and custody of 'K' by her father alleging her forcible confinement at Nirmal Chhaya. One of the advocates in the said petition is same as one in the present petition. The girl was transferred to Sikkim and kept in a shelter home where she is being taken care of and the father of the girl who had filed the writ petition for her production and custody expressed his inability to take care his daughter and stated that since he was not wanting his daughter he sent her to Delhi to search for employment. Thus the girl has been kept in care and custody at the shelter home.

6. During the course of inquiry all material witnesses were examined and it was found out that the allegations of demand of money were not substantiated. Though it was found that a floor was purchased by the wife of SI Padam Singh in the year 2014, for which a departmental inquiry has been initiated against SI Padam Singh however, the same has no concern with the allegations in the present petition.

7. The present petition is thus dismissed with a cost of ₹10,000/- to be paid to the Delhi High Court Legal Services Committee within four weeks. In case the cost is not deposited by the petitioner, the same will be recovered in accordance with law.

MUKTA GUPTA, J.

NOVEMBER 29, 2016/'vn'

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