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

+ **W.P.(CRL) 2726/2016**

BHIM SINGH BISHT

..... Petitioner

Through: Mr. Santosh Kumar Suman,
Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Harsh Ahuja, Advocate for the
respondents No.1 & 2/ UOI.
Ms. Nandita Rao, ASC along with
ASI D.K. Tyagi, PS-Sonia Vihar, for
the respondents No.3 & 4/ State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

19.09.2016

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Crl.M.A. No. 14514/2016

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 2726/2016

3. Issue notice. Mr. Harsh Ahuja appears and accepts notice on behalf of respondents No.1 & 2, i.e. Union of India and the Central Adoption Resource Authority (CARA). Ms. Rao accepts notice on behalf of the State/ respondents No.3 & 4.
4. The petitioner has preferred this petition to seek a direction to the

respondents that the delivery of his minor daughter, i.e. the victim of child rape may be conducted under the supervision of the respondents. The petitioner also seeks a direction that the DNA test of the child, who may be born alive/ dead, be also got conducted by the respondents. He also seeks a direction that the Child be adopted by the respondent authority. Lastly, the petitioner seeks compensation for himself and his daughter to the tune of Rs.50 Lakhs on account of mental pain and humiliation suffered by him and his family.

5. Ms. Rao, on instructions states that the delivery of the petitioner's daughter shall be got conducted at the Jag Pravesh Hospital, Shastri Park in case the petitioner admits his daughter as an in-patient. She further submits that DNA test of the newly born child shall also be got conducted by the said hospital and the report shall be supplied to the SHO.

6. Learned counsel for the respondents No.1 & 2 submits that in case the petitioner and his minor daughter wish to offer the child to be born for adoption, they may make an application to the CARA for the said purpose and the same shall be actioned without any delay.

7. Ms. Rao submits that the petitioner and his daughter would be entitled to compensation under the Victims Compensation Scheme of the Delhi State Legal Services Authority and in case the petitioner were to apply under the said scheme, action would be taken without any delay.

8. The erstwhile I.O. is present in Court and he has stated that the I.O. shall coordinate between the petitioner and his daughter and the CARA agency so that the process of adoption is undertaken immediately upon the

birth of the child, from the hospital itself and the petitioner and his daughter may not be required to take the child home. He further informs that the present I.O. is W/SI Nisha Rani. She shall also ensure compliance of the orders of the Court.

9. The aforesaid satisfy all the reliefs sought for in the petition.

10. The submission of learned counsel for the petitioner is that the compensation offered under the Victims Compensation Scheme is low keeping in view the rising costs of living.

11. The said scheme is not before this Court and in case the petitioner wishes to take action for revision of the compensation under the said scheme, it shall be open to the petitioner to initiate appropriate proceedings therefor.

12. The petition stands disposed of in the aforesaid terms.

13. A copy of this order shall be supplied to learned counsel for the respondents and shall also be communicated to the Medical Superintendent, Jag Pravesh Hospital, Shastri Park as well as the Delhi State Legal Services Authority.

14. Order Dasti under the signature of the Court Master.

VIPIN SANGHI, J

SEPTEMBER 19, 2016

B.S. Rohella