

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.343 of 2020

Arising Out of PS. Case No.-219 Year-2019 Thana- DARBHANGA District- Darbhanga

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ANGELA LEE HICKS Aged about 51 Years (Female) Wife of Jeffrey Delane Hicks, mother of Victim minor girl, having permanent address at, resident of 5410, 18th Avenue North, Saint Petersburg, Florid 33710, United States of America and currently residing at 193/317, Koolpuntville-7, So 18, A. Maueng, Mae Hia, Chiang Mai, Thailand.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Darbhanga. Bihar
3. The Superintendent of Police, Darbhanga. Bihar
4. The Officer Incharge, Town Police Station, Darbhanga. Bihar
5. The Investigating Officer, Town P.S. Case No. 219 of 2019 dated 12.09.2019 Bihar
6. The Ministry of Home Affairs, Government of India through Union of India. Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashish Giri, Adv
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 23-06-2020

Heard learned counsel for the petitioner, however, there is no representation on behalf of State of Bihar for successive two days.

2. Petitioner who is an American Citizen has filed this criminal writ petition for issuance of a direction to record the statement of her minor daughter who was subjected to sexual assault and sexual harassment while staying at Darbhanga by the accused person as disclosed in FIR giving rise to Darbhanga



Town PS Case No. 219 of 2019 dated 12.09.2019 under sections 354A, 354D, 504 & 506 of IPC. After suffering the ordeal petitioner alongwith her victim minor daughter went to Thailand at Chiang Mai for therapy of her daughter where they are currently residing and from where they will be moving back to United States of America. In spite of her best efforts and representations to the concerned authorities, no step was taken for recording the statement of the victim minor girl by the Investigating Officer (I.O)/Police officials and as such petitioner prays that the statement of her minor victim daughter be recorded under Section 164 of Cr.P.C by a Court through Video Conferencing for which necessary permission for recording her statement through Video Conferencing from the American Embassy in Chiang Mai, Thailand, was obtained and arrangement was made for the victim to go to Indian Embassy through Indian Consulate in Chiang Mai, Thailand.

3. Petitioner has enclosed a letter dated 08.05.2020 of Ministry of Home Affairs, Govt. of India, in which it has been stated that there is no legal bar in getting the statement of victim recorded through Video Conferencing. A treaty on mutual legal assistance in criminal matters is existing between India and Thailand. The treaty provided for mutual legal assistance in



connection with investigation, prosecution and other proceedings related to criminal matters. The letter dated 08.05.2020 of Ministry of Home Affairs, Govt. of India is reproduced hereinbelow:-

“No. 25014/32/2020-LC
Government of India
Ministry of Home Affairs
IS Division-II/Legal Cell

Major Dhyan Chand National Stadium,
2nd Floor, Opposite India Gate, New
Delhi-110001

Dated, the 5th May, 2020

Office Memorandum

Subject: Request of US national Ms Angela Hicks regarding recording of testimony of her minor daughter in the case FIR No. 219/2019 registered in Town Police station, Darbhanga (Bihar).

The undersigned is directed to refer to E mail dated 3rd Feb, 2020 from High Commission of Chiang Mai, Thailand and this Ministry's OM dated 9th March, 2020 regarding recording of testimony of Ms Sarah Hicks daughter of Ms Angela via video conferencing.

2. The instant case pertains to an alleged case of sexual abuse and sexual harassment of Miss Sarah Hicks, daughter of Ms. Angela and Jef Hicks, who are currently residing in Chiang Mai Thailand. In view of the fact that the victim voluntarily intends to depose through VTC before Hon'ble Court and there is express consent of her parents, there is no legal bar in getting her testimony deposited through VTC.

To Shri Pravin Kumar Ral, JS(Pers), MEA, South Block Room No. 73, New Delhi-110001	(M.K Chahar) Under Secretary to the Government of India Tele No. 011-2307 0164
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Copy to;

1. Shri S Inbasekar, Director (South), JNB, Room No. 3005, MEA New Delhi-110001: For information with the request to take necessary action.”



4. The District & Sessions Judge, Darbhanga, is directed to depute a lady Judicial Magistrate-1st Class, Darbhanga, to record the statement of the victim minor girl under Section 164 of Cr.P.C through Video Conferencing at 11:00 am on 29.06.2020, in the language of child i.e. English, on which date the victim girl shall be present in the Indian Embassy, Chiang Mai, Thailand, through the counsel, Consulate of India, through Chiang Mai, Thailand on Monday i.e. 29.06.2020 for recording her statement through Video Conferencing. The Mobile No. of counsel for the petitioner Mr. Ashish Giri is provided (9709555575), who can be consulted to facilitate the Video Conferencing.

5. After recording the statement of the victim girl under Section 164 of Cr.P.C, same may be transmitted to the court where the case is pending alongwith audio/video recording.

6. With the aforesaid direction, this application is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	25.06.2020
Transmission Date	25.06.2020

