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

+ W.P.(C) 5011/2017

REENA JHA AND ANR

..... Petitioners

Through

Mr. Sidharth Aggarwal, Mr. Gautam
Khazanchi, Mr. Ashish Kumar & Mr.
Shreyas Raniwala, Advocates.

versus

UNION OF INDIA AND ORS

..... Respondents

Through

Mr. Sanjay Ghose, ASC for GNCTD with
Ms. Urvi Mohan & Mr. Naman Jain,
Advocates.

Mr. Sumer Kumar Sethi & Ms. Dolly
Sharma, Advocates for DSLSA alongwith
Mr. Kanwaljeet Arora, Member
Secretary, DSLSA.

Mr. Ajay Dignpaul, Advocate for R-3
alongwith Ms. Tanushree Luthra,
Member Secretary, NCPCR.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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27.01.2020

1. Mr. Sidharth Aggarwal, learned counsel appearing for petitioners points-out that Practice Directions dated 24.09.2019 as referred to in order dated 25.11.2019 are based upon amendments to Section 439 Code of Criminal Procedure 1973 (Cr.P.C.) and apply to aggravated forms of sexual offences under Section 376(3), 376-AB, 376-DA and 376-DB of Indian Penal Code 1860 (IPC). The Practice Directions however do not apply to cases under the Protection of Children from Sexual Offences Act ('POCSO Act'). He further draws attention to Section 40 of POCSO Act read with Rule 4(11) & 4(12)(viii) of the Protection of Children from Sexual Offences Rules,

2012 ('POCSO Rules).

2. It is the submission of counsel for the petitioners that Practice Directions dated 24.09.2019 or directions to the same effect should also be extended/made applicable to offences under POCSO Act.
3. Counsel points-out however that an issue in relation to POCSO offences may arise in cases where the crime has been perpetrated by a close family member; in which case, issuing notice or giving information to such family member in line with the Practice Directions, would not serve any purpose. Mr. Aggarwal suggests that in such cases notice be issued to the concerned Child Welfare Committee and a copy of such notice/information be also sent to Delhi State Legal Services Authority ('DSLISA').
4. We see merit in the submission made by Mr. Aggarwal. Accordingly, we direct that the provisions of Practice Directions dated 24.09.2019 shall *mutatis mutandis* also apply to offences under POCSO Act.
5. We further direct that the present order shall be read in conjunction with order dated 25.11.2019; and both orders shall be circulated to all District Judges in Delhi, who will be responsible to bring the same to the notice of the concerned criminal courts dealing with POCSO matters under their respective jurisdictions and to ensure that the same are implemented.
6. We also direct the National Commission for Protection of Children Rights ('NCPCR') and State Commission for Protection of Children Rights ('SCPCR') to ensure that they comply with the mandate of Rule 6 of POCSO Rules in relation to monitoring and implementation of the provisions of the POCSO Act, strictly and faithfully.
7. In view of the above, Mr. Aggarwal submits that no further orders are required to be passed in the present Public Interest Litigation.
8. Accordingly, the present petition is disposed of, with the court recording its appreciation for the valuable assistance rendered by Mr. Aggarwal, other

learned counsel for the parties and the officials who appeared in the matter, including Mr. Kanwaljeet Arora, Member Secretary DSLSA and Ms. Tanushree Luthra, Member Secretary NCPCR.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

JANUARY 27, 2020

ck /

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