

IN THE HIGH COURT OF JHARKHAND AT RANCHI
WP(PIL) No. 1227 of 2024

The Court on its own motion

..... **Petitioner**

Versus

The State of Jharkhand and Others

.... ... **Respondents**

CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE NAVNEET KUMAR

For the State : Mr. Ashutosh Anand, AAG-III

Order No.01/Dated: 4th March 2024

The incident of sexual assault on 45-year old Brazilian national who was on a motor-bike tour with her husband has been reported in the newspapers.

2. In the morning, Mrs. Ritu Kumar, a practicing advocate of this Court who is incidentally holding the post of the President of the Advocate's Association tendered copies of the news reports published in Kalimpong News, Aurangabad Samachar, Dainik Bhaskar and some news portals.

3. It is stated at the Bar that a First Information Report has been lodged into the aforementioned incident of gang rape against seven accused persons and few of them have been arrested by the police. This has also been brought to our notice that the Jharkhand Legal Services Authority has already taken steps for providing legal and other help to the victim of the crime (hereinafter referred to as "X").

4. The incidents of crime of any kind against a foreign national may have serious national and international repercussion including impacting the tourism economy of the country. A sex-related crime against a foreign women is likely to bring adverse publicity against the country and thereby tarnishing the image of India across the globe. As we read from the newspaper reports, "X" is Spanish speaking person but it is not known whether there is the facility of translator with the help of whom her statement was recorded. Furthermore, in view of the amendments made in the Code of Criminal Procedure and emphasis on scientific investigation in cases of offences relating to rape, there is urgent need to seek a report from the Superintendent of Police at Dumka as to the progress of investigation so far conducted in the matter.

5. Our attention has also been drawn to *suo motu* petition vide WP(C) No. 3283 of 2023 in which this Court recorded widespread incidents of crime against women and a response thereon from the Police Department is awaited.

6. Therefore, this Court takes *suo motu* cognizance of the aforementioned incident of gang rape and directs the Registry to institute a *suo motu* writ petition in which the following persons shall be arrayed as party-respondents:

- (i) Chief Secretary, Government of Jharkhand, at Project Building, PO and PS Dhurwa, District-Ranchi
- (ii) Home Secretary, Government of Jharkhand, at Project Building, PO and PS Dhurwa, District-Ranchi
- (iii) Director General of Police, Government of Jharkhand, at Project Building, PO and PS Dhurwa, District-Ranchi
- (iv) Superintendent of Police, Dumka

7. The respondent no. 4 shall file response by 7th March 2024.

8. Mrs. Ritu Kumar, the learned counsel shall assist the Court in this matter.

9. The Registry shall provide a copy of the newspaper reports and this order to the learned *Amicus*.

10. Mr. Ashutosh Anand, the learned AAG-III who is present in the Court accepts notice on behalf of the respondents.

11. Post this matter on 07th March 2024.

(Shree Chandrashekhar, A.C.J.)

(Navneet Kumar, J.)