

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna

File No. BHRC/Comp.4252/13

**Subject: Minimization of a rape case on a deaf & dumb girl aged 15yrs.**

**Case of :Sh. Sarbi Yadav (Jehanabad)**

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Sri. Sarbi Yadav, vill. Murla Bigha, PS. Ghoshi, Jehanabad had complained to the Commission regarding serious allegations pertaining to investigation of attempted rape by Ramswarup Yadav, a resident of the same village, on his **deaf & dumb daughter (15 yrs.)** on 25.05.2013. Ramswarup Yadav is a **supervisor**, posted in Patna Municipal Corporation (Mithapur, B, Area). The case is registered as Ghoshi PS Case No. 114/13 dt. 02.06.2013 u/s 376/511/IPC.

2. SP, Jehanabad, in his response to the Commission, informed that a Charge-Sheet u/s 354-A /IPC (outraging modesty of girl) has been submitted against the accused on 20.11.2013 after his arrest on 03.10.2013 from Yarpur, Patna residence. DIG, Gaya was directed by the Commission to review the case . DIG, Gaya also reported that there is no need to differ with the findings of SP, Jehanabad.

3. Petitioner had enclosed the medical examination report dated 25.05.2013 of his daughter by Dr. Dhanjay Kumar (just after the incident), which confirmed several injuries on the body of the victim and bleeding from the private parts. **Dissatisfied** with the reports of DIG & SP, the Commission ordered **Sh. Arvind Pandey, IG, Weaker Section (WS), CID, Bihar**, to review the case at his level.

4. IG,WS, CID, has made an in-depth review of the case and informed that the case is **true u/s 376/IPC( Rape) and POCSO, Act, 2012** and that the **investigation suffers glaring inadequacies** like :-

(a) The petitioner informed that the then SHO, Ghoshi, PS had forced him to lodge only a case of attempted rape whereas rape had taken place.

(b) The registration of this case was delayed in the name Panchayati in which the accused did not appear. This was corroborated by **SARPANCH**.

(c) The victim remained in the private hospital from 25.05.2013 to 02.06.2013 and the medical report confirmed injury on face & chest and bleeding from private parts but her Medical examination was not conducted after lodging of F.I.R and statement also not recorded u/s 164, Cr.PC before the court.

(d) The case was not investigated & her statements not recorded by a lady Police Officers in contravention of Cr. PC provision.

(e) Statement of the doctor who had examined the victim was not recorded by the investigating officer.

(f) Victim's cloths were not sent for forensic examination.

5. IG, WS, CID, has ordered for reopening investigation and the investigation to be conducted by the SHO of **Mahila P.S**, Jehanabad, rectification of defects pointed above, calling for explanation from the then SHO, Ghoshi PS & the investigating officer against suspension & departmental proceeding.

6. **Commission orders following actions in the matter:-**

(a) **A compensation of Rs. 1,00,000 (One lakh) be paid to the victim by the Home deptt. in two months for the Human Rights violations she and her family have suffered so far at the hands of state authorities.**

(b) **Mere initiation of a departmental proceeding for the criminal misconduct may not be adequate to meet the ends of justice in the present case. Police Hdqrs. should examine the desirability of lodging a criminal case against the officers concerned for deliberate suppression of evidence to benefit the accused.**

(c) Re-opened investigation of the case to be concluded preferably in two months times so that the Commission could request the Hon'ble High Court, Patna for ordering SPEEDY TRIAL of this case by the special court notified u/s 30 of the Protection of Human Rights Act,1993.

(d) Commission had requested PMC, Commissioner in December, 2013 to inform about action taken against the accused, a Supervisor posted in PMC. The report is yet to be received.

7. Copy of the order be sent to the (i) Principal Secretary, Home Deptt., Bihar (ii) DGP, Bihar (iii) IG,WS, CID, Bihar, & (iv) Commissioner, Patna Municipal Corporation, for sending report to the Commission by 10<sup>th</sup> March, 2015.

Date: 29.12.2014

S.P/DS

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(Neelmani)  
Member