

MEMORIAL WRITING COMPETITION BY DAL, PIMR

INDORE, 2022

IN THE HIGH COURT OF KOSHIN, HINDIMAI

WOMEN OF HINDIMAI AND ORS

(APPELLANT)

V

KRISTHISH HOME PAN HINDIMAI AND ORS

(RESPONDENT)

UPON SUBMISSION TO THE HIGH COURT AND ITS

HONOURSHIPS

COMPANION JUSTICES OF THE HIGH COURT OF

HINDIMAI

PETITION FILED UNDER SECTION 376, 375 AND ORS.

MEMORIAL ON BEHALF OF APPELLANT

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ABBREVIATIONS

¶	: Paragraph
CRPC	: Criminal Procedure Code
IEA	: Indian Evidence Act
IPC	: Indian Penal Code
Const.	: Constitution
Ors	: Others
Anr	: Another
V.	: Versus
UOI	: Union of India
Honble'	: Honourable
i.e.	: That is
W.P.	: Writ Petition
PIL	: Public Interest Litigation
HC	: High court
SC	: Supreme Court
NGO	: Non-Governmental Organisation
WOM	: Women of Hindimai
CBI	: Central Bureau of Investigation
FIR	: First Investigation Report
Govt.	: Government
Govts.	: Governments
Ld. C	: Learned Council

Cl	: Clause
WB	: West Bengal
Art.	: Article
Arts.	: Articles
u/a	: Under Article
u/s	: Under Section
u/ss	: Under Sections
S.	: Section
SS.	: Sections

STATEMENT OF JURISDICTION

The court is competent to hear the W.P. u/a. 226 of the const. of Hindimai. As the matter involves the right of women against sexual assault and kidnapping. The rights of the appellant over the const. of Hindimai is satisfied under various circumstances. The Honble' HC has full jurisdiction to hear upon the case.

It is humbly submitted before the Honble' HC of Hindimai, that the court is empowered to hear the case by virtue of art. 226 of the constitution and art. 19 cl (1) with respect to fundamental rights of the constitution. Along with taking in view of SS. 376 and 375 of IPC for sexual assault, S. 106 of IEA, and ors SS. Accordingly.

STATEMENT OF FACTS

1. Hindimai is one of the developing countries and has a population of 1,300 million. Reportedly, there has been 70 rape cases a day due to pandemic outbreak. And due to this abusive environment in the society 20 percent of the total females from each family has been relocated to govt. aided NGOs.

2.. One such religious group is of Canayanos. And it is headed by a person named Meshaline aged 60 years of age. He started his life as a celibacy at an age of 18 years and turned into a religious person at the age of 35 years of age. He is working for women and children who are not mentally, socially and financially supported. This religious group which is headed by Meshaline takes care of all the necessary requirements of children and women such as their education, health and care. He was the one who was behind the ideology of making “Kristish Home Pan Hindimai” for women and children. He took all permissions and necessary formalities with the religious authorities and govts. They even forced many families for religious conversion which creates an uproar in other religious group towards Canayanos.

3. Sefina one of the inmates of Kristish home, alleged that she went to Kristish home since she was 16 years of age and alleged that till date how she was sexually abused by Meshaline and other co-workers of the group. Even though she alleged that the other children were sold to people and higher officials who generally supported Kristish home in public. And the children who were found missing were actually not missing but they were dead. And the parents of those children were made to believed that the children died because of health conditions. And the dead bodies were cremated before sending it to their families.

4. Sefina even lodged a complaint in police station but the police were biased. And Meshaline was in touch with higher authorities and did everything to make forged documents to escape law. Sefina also went on in a hunger strike in front of the legislative assembly to draw the attention of the CM. And also requested CBI to move on with the further inquiry. But the CBI report revealed that there was no such evidence found which could reveal that the children were sexually assaulted. After which Khwaja, a journalist collected all sorts of evidence and along with Sefina father Ramovan joined an NGO, WOM. Soon, this news spread and there were many other inmates of Kristish Home to support Sefina along with inmates of other religious group came up to appeal PIL in HC of Koshin, demanding justice to Sefina and others.

STATEMENT OF ISSUES

1. Whether the case is based on circumstantial evidence?
2. Whether any provision of the law was set aside?
3. Whether PIL is maintainable?

SUMMARY OF ARGUMENTS

[1] Whether the case is based on circumstantial evidence?

It is to be submitted before the Honble' HC that the case is not at all dependent on circumstantial evidences. As there are sufficient facts and evidence which can find the guilt of the respondent accused. According to s. 106 of IEA, circumstantial evidence from which the conclusion is drawn should be fully proved and such evidence should be conclusive in nature. And the facts reveal all the evidences clearly on how the victim was sexually assaulted and how she was not able to stand for herself. The victim's report was not filed by the police officials, neither the CBI report revealed clearly on her basis nor the higher officials went on with her justice. She herself along with other inmates of the Kristhish Home, medias and WOM an NGO assist her in finding all required evidences and supported her for her justice.

[2] Whether any provision of the law was set aside?

Yes, there are certain provisions of law which was kept aside by the police officials and other officials. Those provisions are for kidnapping and abducting a person for lust may be for slavery, injury or any unnatural lust comes under grievous offence under s. 367 of IPC. Furthermore, molestation on a child and defaming the dignity and liberty of a women comes under a. 21 of the Indian Const. along with ss. 376, 375 for sexual assault without consent of the person. SS. 465, 464, 468 of IPC for making forged documents and evidences to escape law. And ss. 91, 172, 173 of CrPC for making police officials biased. And s. 506 of IPC to threaten the victim and her family to take up the case. These all provisions were not at all concluded by the police officials nor by any ors. Higher authorities.

[3] Whether PIL is maintainable?

The W.P. filed u/a 226 of Indian Const. is maintainable. As it clearly says that if any person liberty, right or dignity has been forcefully or intentionally abridged by someone, that person can directly claim PIL under HC. And in this case, the women and children of Kristhish Home rights, liberties and dignity are abridged. And therefore, PIL filed by the victim and other inmates are fair and maintainable in the perforation of justice.

ARGUMENTS ADVANCED

[1] Whether the case is based on circumstantial evidence?

[¶1] It is humbly submitted before the honble' HC that as per the facts and evidences the case doesn't have any circumstantial evidences. All the evidences as per the facts are clear up to the point to find the guilt of the accused (respondent). The facts clearly shows that the Kristhish Home Pan Hindimai run by respondent, is not actually religious work they do. And because of which, the members of the religious group and the head took undue advantage of them being in their campaign and selling them to all the higher officials and police officers who supports Kristhish Home and respondent. And there can't be any such clear evidence about it as there are many victims who belong to Kristhish Home and experienced all such brutality with them. There should be some principles laid to conclude circumstantial evidences. And that principle is laid down on the eyes that to conclude evidence as circumstantial evidence the primary requirement for convincing the accused is that the mental distance between may be or must be out to be bridged. And the conviction can't be recognised on vague conjectures. The circumstances should be conclusive only in the hypothesis of the guilt of the accused.¹ And hence, similarly to this case, it doesn't depend on circumstantial evidence. Because there are no such issues of doubts are arising.

[¶2] The presence of the accused at the time of occurrence of crime is not at all necessary. Eye witness and complaint lodged by the police officers and their inquiry matters a lot in finding clear evidence. It was held that there is no hard and fast rule that simply because that there is no witness other than the victims doesn't mean that the whole facts and evidences of the case should be neglected and discarded.² Even though there is no such injury found doesn't mean it should be neglected.

[¶3] To prove the charge of criminal conspiracy the prosecution is required to establish that two or more persons agreed to do or caused to be done. It is immaterial whether the illegal act is the ultimate object is merely incidental in an object.³

1. Vijay Bahadur Kaur V. State of UP, 10th Feb, 2014

2. Ram Niwas V. The state 1995

3. Vaibhav Jain V. The state of UP, 28 Sep, 2020

[1.1] A child of minor age was sexually assault by religious people

[¶4] It is to be submitted before the honble' HC that in this case a clear case of must be and may be has not been bridged. The accused were clear on actually what they were doing. The facts clearly reveal that the accused were selling them for sexual purposes and raped them many a times. And this clearly says that if any person under any institution, workplace or managing any campaign uses children for sexual purpose or have sexual assault with children shall be prosecuted with not more than 10 years of imprisonment and may also extent to life imprisonment and liable for fine.⁴ And such hypothesis shows the guilt of the accused and not his innocence.

[¶5] The offences such as absconding any minor child or any women more than 5 days or above 24 hours comes under offensive action.⁵ The children were minors and respondent has forcefully absconded them, their mouth was shut and there were no other options for anyone to come up and speak. Because the guardians or the parents of the victims sent their children to learn something good in life. But the head of the campaign were sexually abusing the children. The primary consent that many children were dead and their parents were told that they are found missing. But actually, they died due to sexual assault.

[1.1.1] Sefina was one of the witness and victim.

[¶6] It is to be submitted before the honble' HC that there is nothing such facts which says about circumstantial evidence, and there were many victims and one such victim and a witness of Kristhish Home was Sefina(appellant). Who actually sees and tolerate everything that were going inside the religious campaign by respondent and his supporters and members. She also alleged that many a times respondent has raped her.

[¶7] The courts may not concentrate too much on such improvements. The purpose is to primarily and clearly sift the chaff from the grain and find out the truth from the testimony of the witness. Where it does not affect the crore of prosecution of case, such discrepancy should not be attached undue significance. The improvements or materials of the fact must relate to the clarity of the facts as given under this case.⁶

4. POSCO Act, 2012

5. Vijay Bahadur Kaur V. State of UP 10th Feb, 2014

6. State V. Mahender 26 March, 2014

[¶8] Unfortunately, in our society, the rape victims are increasing and are treated worse than the perpetrator of the crime. The victim is innocent and she has been subject to forceful sexual abuse. A victim of rape is treated like a pariah and ostracised from society. Even after the case is lodged and FIR is recorded, the police more often than not, question the victim like an accused.⁷

[¶9] Whoever, prints or publishes the name or any matter which may make known the identity of any person against whom an offence shall be punished with imprisonment of either description for a term which may extend two years and shall also be liable to fine.⁸

[1.1.2.] POSCO Act would be maintainable.

[¶10] The provision defining the offence of sexual assault against children under POSCO Act must be look at a victim's perspective. And even if there is an intention of having sexual connection or penetration then even without skin-to-skin contact will come under the offence.⁹ Under this the SC held that offender acquitted under POSCO Act and outraging the modesty of the women comes under grievous offence u/s IPC.¹⁰

[¶11] In the given case, the facts clearly reveal that Kristhish Home works for unsupported and weaker financial women and children. And there were many victims who were below 16 years of age and some children lose their life because of sexual assault with them. One of them was appelland who was one of the inmates of Kristhish home and a victim. She was 16 years of age and now she is 35 years of age. And it's a clear case of child abuse under POSCO Act.

[¶12] This provision says that whoever touches the breast, vagina, anus, penis or makes the child touches the same of other person who can be anyone, known or unknown or does any other act with sexual intent which involves physical contact with or without penetration is said to commit sexual assault under POSCO Act.¹¹

7. Nipun Saxena V. Union Ministry of Home 11th Dec, 2018

8. Sexual Assault under POSCO Act

9. POSCO Act, 2012

10. S. 354 of IPC

11. S. 7 of POSCO Act

[¶13] The similar case happened in Malapurram district with a 16 years old boy by a religious head of age 49 years. The case was filed under POSCO Act, and the police incharge charged the charge sheet and FIR against the offenders in Pandikkad.¹²

[1.1.3.] Section 376 and 375 would be maintainable.

[¶14] It is to be humbly submitted before the honble HC, s. 376 and 375 are maintainable under this case. The case laws and the facts clearly reveal that the offenders are punishable u/ss. 376 and 375 of IPC. It is to be noted that if the victim is strong enough to deal with the circumstances happened with her, then there is another point where she can manage to run behind the courts and police station and have a support of her family then the situation can be different. But the situation where the victim identity is being disclosed in front of medias and in front of others that person should be prosecuted under this section.¹³

[¶15] It tells that whoever do sexual assault with a minor child or any women or whoever punishes or prints any identity of the victim has done an offence shall be prosecuted with two years of imprisonment and can extend more with fine.¹⁴ And the police in charge on having complaint shall file the FIR within 24 hours with medical reports and having sufficient evidence to find the guilt under judicial custody.¹⁵

[¶16] This witness found was on the basis of victims' experience. And the respondents were not called upon by the police incharge for further inquiry and neither any such investigation was done which is a heinous offence under IPC and the cross-examination of the respondents were neglected and wasn't recorded and the testimony of the respondent was not cross-examined and nor was investigated.¹⁶

[¶17] It is a non bailable offence it means it is not bailable and bail can't be granted under this s. and the trial court cannot forward bail for offence done under this s.¹⁷

12. Religious leader under POSCO Act.

13. Nipun Saxena V. UOI Ministry of Home Affairs 11th Dec, 2018

14. Vaibhav Jain V The state, 28th Sep, 2020

15. S. 172 and 173 of CrPC

16. S. 161 of CrPC

17. SS. 376 and 375 of IPC. (State of Karnataka V. M. Balakrishna 18th April, 1980)

[1.2.] FIR was not filed for the missing children.

[¶18] It is to be humbly submitted before the Honble' HC that, FIR of all the missing girls were not reported by the police officers. The facts reveal that the respondent was selling girls and women to all the businessmen and other officers who were supporting Kristhish Home. And such were actually not missing but were dead due to sexual assault with them. And the parents of the missing children were made to believe that the children die due to illness or any other health issues.

[¶19] As per CrPC, ss. 169, 170, 173 and 190(1) reveals that police officer under cognizable offence under the order of magistrate should file the charge sheet against the accused. There is no such power to the magistrate even though to either expressly or implicitly. When a cognizable offence is reported to the police officer they may after investigation take action under CrPC¹⁸ and if the police officer thinks that the evidence is not sufficient to find the guilt of the respondent then the police officer should send the respondent to the judicial custody under the charge sheet filed by the victim.¹⁹ And the officer in charge should file charge sheet and take up required actions,²⁰ and should file the report to the magistrate without fail.²¹ And can go ahead with bail only if it is a bailable offence with the consent of the magistrate.²²

[¶20] If the magistrate disagrees with the report, then he can pass an order to the police officer for further investigation and to file charge sheet.²³ The provision in s. 169 of CrPC deals with the police officer to take the accused to the magistrate and present himself under judicial custody if there are no sufficient grounds on evidence. It depends upon the magistrate to either disagree or agree and whether to decide for further investigation or not.²⁴

18. ss. 169 and 170 of CrPC.

19. s. 170 of CrPC.

20. s. 173 of CrPC.

21. s. 190(1) of CrPC

22. s. 173 of CrPC.

23. s. 156(3) of CrPC

24. Abhinandan Jha and Ors. V. Dinesh Mishra 17th April, 1967

[¶21] The reference assumes that the documents made by the police officers are records of the act of public officers, and submitted by them as required by law. S. 157, 168 and 173 of CrPC are public documents within the meaning of s. 74 of IEA. And that any person has a right to inspect it under s. 76 of IEA and should have a copy of the document as per this provision.²⁵ But in this case, the police officers didn't even file charge sheet or FIR against the respondent and held the inquiry and neither reported it to magistrate.

[¶22] And the magistrate should direct the police officer to produce the file in front of the court.²⁶ The cardinal issue which requires adjudication in the instant petition is nature of the power conferred on the court or any officer incharge of a police station u/s. 91 of CrPC.²⁷ Which says that the police in charge should file a case accordingly and should report it to the competent magistrate for desirable investigation, justice and inquiry. If not, then the magistrate shall pass a summon to call it to magistrate for reporting.

[1.2.1.] Many of the children were found missing.

[¶23] It is to be submitted before the honble' HC that, the children those who were found missing were actually dead because of sexual assault with them. The victims' parents were made to believe that the children were having illness or health issues because of which they died.²⁸

[¶24] The inquiry of the police officers was not proper. Even after knowing all the evidences and the facts they didn't find the truth behind the whole scenario. It was held that there is no hard and fast rule that simply because the prosecution witness doesn't explain the clear evidence behind the whole scenario the whole evidence should get discarded.²⁹ The case is divided into two parts the women and children those who are raped and secondly the children those who were raped and abduct under POSCO Act. And if any such case arises then the female magistrate under the coverage of cameras may encounter with the victims for further investigations and facts.³¹

25. Arumugam and Ors. V. Karrupayi 30th April, 1897

26. Vimal V. State and anr. 1st September, 2016

27. Ram Niwas V. The State 10th November, 1995

28. refer para 18.

29. Nipun Saxena V. UOI Ministry of Home 11th December, 2018

[1.3.] CBI investigation report.

[¶25] It is to be submitted that as per the facts and issues, CBI took the case to resolve the issues. But as per the reports of CBI, the reports were told to be unclear under rape and abduction. But it is a clear scenario that, if as per the facts and evidence if the police officers are biased then it is obvious that the CBI reports are also fake and doesn't contain any scenes. Because if the victims have come up with a case of sexual assault and abduction then it is obvious that they are confident on exactly something wrong has happened with them. There should not be any unclear doubts regarding the facts and evidences.

[¶26] And if the FIR report or forensic reports are found fake then it can be come under punishable offence.³⁰ And if furtherly, the offence seriousness is increasing, he may not be liable for bail. But under such circumstances bail can be formulated if not greivous.³¹

[¶27] The reports of the police officers should be under the cognizance of the judicial magistrate within the particular interval of time. But the CBI investigation report and the police report were not been recorded under the judicial magistrate. And there is no doubt that the police officers along with CBI officers made fake evidence knowing that's its false and tried to make it true.³²

[¶28] Because once the judicial magistrate gave any decision on the basis or against the matter, then the magistrate can't revoke or take back his statement. Eventually there is no good ground to quash the proceedings. A magistrate while taking cognizance of an offence on complaint shall examine upon the oath of the complainant and the witness present. Or if required the offence shall be recording in writing and shall be signed by the victim and the witness on prosecution of the evidences.³³

[¶29] Including all the facts and evidences of the facts and issues of the case along with the relevant factors and matters, it is clear beyond any reasonable doubt that the facts and evidences are clearly revealed without any unclear doubts.

30. s. 34 of IPC

31. Gaurav Sharma V. The state of Haryana 5th November, 2020

32. s. 200 of IPC

33. BR Ramachandra V. The state of MP, 13TH August 2018

[1.3.1.] Forged documents were made to escape law.

[¶30] Since the parties has to enter into the cognizance of the offence all such documents and evidential documents were made fake in order to escape from law. And the magistrate should prosecute the police officers and other higher authorities to make u/ss. 419, 420, 464, 465, 467, 468 and 471 of IPC. Because such all documents are made on the basis of compromises.³⁴

[¶31] S. 157 enacts that if information received from or otherwise, the police officer in charge of the police station has reason to suspect the commission of the offence which is empowered to investigate by the police officer.³⁵ And the police officer shall for with the same report to the magistrate to take cognizance of such offence upon a police record and shall go ahead with the trial.³⁶

[¶32] S. 168 directs that a subordinate police officer who has made an investigation shall report result of such investigation to the officer in charge. Because the investigation and the report of FIR should be completed by the police officer and the same has to be forwarded to the magistrate. Because releasing of the accused on regular bail under cognizable offence is not fair enough.

[¶33] The police records and the investigation file keep a record of the police work and the accused is not entitled to call for such diary.³⁷ But the accused can be called for presenting himself in front of the judicial magistrate only if there is trial going on and then the accused has to answer on the basis of records of police officers. Because neither in criminal law nor in evidence act the personal rights of the citizens doesn't provide any such things which can give the records of the police officers in hand of the third person. A right to inspect the documents in however given under the provisions of the law and anyhow we have to adhere to it.³⁸ Which lies to the legislature which can directly give right to the citizens about inspecting under protection and likely to inspect the public documents.

34. Joginder Jaura an ors V. The state of Punjab 6th April, 2016

35. Arumugam and Ors V. Karrupayi 30th April, 1897

36. refer para 22

37. s. 172 of CrPC.

38. s. 74 of IEA.

[¶34] Even the medical reports were forged and the other documents were made forged. Action of abduction and sexually assault of a minor children and other women are cognizable offence. Because anyhow the facts reveal that the reports are missing. There is neither a report nor any further investigation.³⁹ The respondent was one of the main head of Kristhish Home who did sexual assault with many girls and women and sold them to the persons supporting the respondent. But such serious and grievous offence was not happening under the lights of everyone. These all are happening on a darker side where no one should get to know the scenario under the religious home.

[¶35] The respondent killed many inmates of Kristhish Home because those children died due to sexual assault by them and might be in order to remove all the evidences from the body, he just told that those children are dead because of some other sickness. The respondent brain washed the parents and made them believe that their children died due to health condition. But one such inmate was the victim and also a witness who saw each and everything in front of her eyes.

[¶36] And submitting of forged documents under the magistrate shall be prosecuted u/s IPC. And such person has committed forgery and has played with the integrity of the children and women.

[2] Whether any provision of the law was set aside? Whether child witness in reliable?

[¶37] Yes, there are many provisions related to abduction, kidnapping, sexual assault with children and women, making forged documents, rights of the women and children. All these things were formulated which abridged the rights and integrity of the citizens.⁴⁰

[¶38] The FIR in this case has not been lodged under s. 313 of the IPC which provides for punishment for kidnapping and states whoever indulge in any sort of kidnapping of any person from India shall be prosecuted under this section with an imprisonment of 7 years or more. If the child whether male or female of minor age has been taken anywhere else without the consent of the parents comes under kidnapping under the provisions of IPC.⁴¹ The provision under s. 359 and 361 of IPC would be lodged under this case.⁴²

39. SS. 464 and 465 of IPC (Asha V PK Joseph 29th May, 2019)

40. Indian Constitution law and philosophy

41. S. 361 and 359 of IPC

42. . Smt. Salika Praveen and ors. V. State of UP 25th June, 2021

[¶39] Direct proof of common intention is seldom available and therefore, such intention can only be inferred from the circumstances appearing from the proved facts of the case. However, to bring home the charge of common intention the prosecution has to establish by evidence whether direct or circumstantial that there were plans of meetings of mind of all the accused person to commit any crime.

[¶40] It is a settled principle that the child witness can be a competent witness provided statement of such witness is reliable, truthful and is corroborated by other prosecution evidence. The court in such cases can safely rely upon the statement of the child witness and it can form the basis for conviction as well. Further the evidence of the child witness should depend upon the circumstances of the case.

[¶41] The only precaution that the magistrate should bear in mind is that such type of evidences is reliable under some cases but if it talks about all the other circumstances of the case, then it should see upon the depth of the case before finding reliability under child witness. But as an instance under such cases, it would be reliable.⁴³

[¶42] Acts done by two or more person with common intention and if that offence is either of kidnapping, sexual assault or any other cognizable offence shall be prosecuted even though there is no such clear evidence.⁴⁴ And every such police officer under such case shall make day by day reports of the investigation and shall report it to the magistrate before the extent of the required period of time.⁴⁵ Investigating officer shall be communicated by the former and ask for all the informational report made by the police in charge and the failure of it could be reliable under provisions of law.⁴⁶

[¶43] Section 2(h) of the CrPC defines investigation and it includes all the proceedings under the code for the collection of evidence conducted by a police officer who is authorised by the magistrate in this behalf. During investigation, the police have to make a record of the inquiry done under s. 172 of CrPC. And after the investigation done the police has to send the accused for trial in front of the magistrate.⁴⁷ And everything has to be sent to the magistrate whatever is been found against the accused or respondent. And the same has to be reported accordingly.⁴⁸

43. Md. Ibraz Alam V. The state of Sikkim 24th July, 2018

44. S. 34 of IPC

45. Quashing and clubbing of FIRs.

46. Irfan V. State of Karnataka 1st June, 2016

47. Mukesh Son of Bal Mukund, Heera Lal V. State of UP 3rd June, 2005

48. S. 173 of CrPC

[¶44] The accused has to be charged for kidnapping and sexual assault of minor girls and women under s. 359 of IPC. There is no such case of kidnapping without forceful conduct. And therefore, forceful intention was there with common intention of hurting someone physically, socially and mentally. And so, minors witness along with other facts evidences, the respondents should be found guilty.⁴⁹

[2.1] NGOs and medias assist the victims to resolve their issues.

[¶45] It is to be submitted before the honble' HC, that after hearing all the appeals and news regarding the victims who were sexually assaulted for many years because of which many of them lose their lives the NGOs and medias try to assist and support the victims to resolve their issues. And WOM an NGO decided to support the victim and give her justice.

[¶46] When once the magistrate has taken cognizance and without there being any reason and without there being any request by anybody, the file has to be reported and send to the magistrate. It is to be further submitted that the records said to have been produced clearly goes to show that the magistrate has referred the complaint to the police under s. 156 of CrPC for investigation after taking cognizance and should record the sworn statement that the accused won't be having any reference or matter of investigation to put back.

[¶47] Subject to provision of this chapter, any magistrate of the first class, and any magistrate of the second class specially empowered in this behalf that upon receiving a complaint of facts which constitute such offence.⁵⁰ A magistrate taking cognizance of an offence on complaint shall examine upon an oath the complaint and witness present, if any, and the substance of such examination shall be reduced to writing and shall be signed by the complainant, witness and the magistrate.⁵¹ And while the filing of complaint and while trial and even after it the names or identity of the victims and witness should not be disclosed neither by the magistrate, police nor my the medias or any NGOs.⁵² And therefore, even though any third person is coming in between case or trial the identity or any sort of personal identification even by the forensic experts it should not get disclose.

49. State of Orissa V. Gangadhar Behuria 22nd February, 1991

50. S. 190 of CrPC

51. S. 200 of CrPC

52. BR Ramachandra V. State by Mandya Rural Police 13th August, 2018

[¶48] In compliance to it, whether medias are allowed to see the judgement? It is to be humbly submitted before the HC that SC recently passed a judgement that if the medias and other reporters want to assist any of the victims to give them justice, it depends upon them whether to support the victim or not. But disclosing of the facts, identification of the victim is not allowed by the SC and even seeing the trial is been abolished. And medias can't come up under court room to see upon the trial.⁵³

[¶49] The medias reported that, allegations of conducting post mortem report and submitting wrong report u/ss 193, 201, 120, 205, 297, 420, 464, 465, 468, 471 and 34 of IPC shall be prosecuted under these provisions accordingly.⁵⁴

[2.1.1.] There were many other inmates who raised with the victim.

[¶50] It is to be humbly submitted before the honble' HC that, apart from the appellant there were many other inmates of Kristhish Home Pan Hindimai and many other religious groups where same scenario was going on with children and women. The facts alleged that after appellant came up for her justice in court, the other women and girls got that courage to come up for themselves.

[¶51] It is to be submitted that s. 366 of IPC says that whoever kidnaps any person or marry anyone against her will, or forcefully have intercourse shall be prosecuted with 10 years of imprisonment or more.⁵⁵ But police did not go with further investigation or proceedings. And if it was done, then the magistrate should ask for FIR or to present the accused in front of the magistrate. But nothing was done. Because the documents and the evidence were fake and everything was erased accordingly to escape from law.⁵⁶

[2.2] Police officials were biased.

[¶52] It is to be humbly submitted before the HC that, after filing a complaint by the appellant no action was taken by the police officers. All the documents made by the police officers were fake. Even the CBI report was fake. Because the respondent gave bars to all the officers to get rid of the law. And he was selling girls and women to those business men and other officers who were wealthy and were supporting him.

53. Joginder Jaura and ors V. State of Punjab and anr 6th April, 2016

54. Gaurav Sharma V. state of Haryana 5th November, 2020

55. A Subramaniam V. State by rep 11th February, 2016

56. Musha Mian V. State of Bihar 3rd May, 2013

[¶53] It is to be submitted that, if the police officer in charge is not sending FIR of the case within 10 days, then the magistrate shall pass a summon for police in charge to come with up the report and to report the investigation file.⁵⁷ If a witness refuses to say the answers of the questions or if any person who is called upon to produce documents that is in possession. In this case, the Superintendent of Police did not produce the records that were called for, obedience to the summons u/s 91 of the CrPC by the Id. Magistrate.⁵⁸ But before proceeding it is imperative for the court to give reasonable opportunities for the person to produce documents. And even after all these things and investigation if the FIR is not signed or sent to the magistrate then the summon will be sent to the police in charge to present in front of the magistrate.⁵⁹

[¶54] The complainant appearing in person arguing if s. 91 of CrPC doesn't envisage the issuance of notice to the opposite side and the power u/s 91 of CrPC is vested with the court which the court can exercise at any time during the pendency of the trial. Undisputedly, the court can pass an order in the facts the circumstances of the case, keeping in view the necessity and desirability of the document in situation.⁶⁰

[¶55] The investigating officer carried out investigation in the matter and should submit final report before the trial court or Id. Magistrate. After filing of the chargesheet the police officer should send the report to the magistrate if not then the magistrate shall send the report to the magistrate.⁶¹ Whenever any court or any officer in charge of police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial, or other proceedings, under this code by or before such court officer. Such court may issue a summons or such officer a written order.⁶²

[¶56] Hence, the word Magistrate means sending the accused in front of the Id. Counsel for trial. Investigating officer too has no power to proceed s. 169 of CrPC. Only the officer in charge has the power to work under this section. But the police officer can work under this only if he has filed FIR and has sent the report to the Id. Magistrate and the accused for trial.⁶³

57. S. 91 of CrPC

58. S. 349 of CrPC

59. The SP of Police V The Judicial Magistrate Court 2008

60. refer with S. 172 of IPC

61. Young Indian V. Subramaniam Swamy and anr 12th July, 2016

62. Vimal V State of anr 1st September, 2016

63. Yunus and ors V. State of UP and anr 10th September, 2013

[2.2.1] Section 91 and 169 of CrPC is maintainable.

[¶57] It is to be submitted before the honble' HC that, s.91 is maintainable but s. 161 is not maintainable. From the narration of facts and issues of the case, the file of the police officer has been pending before the judicial magistrate u/s 91 of CrPC. It is a requirement of the police in charge to send the file and FIR report to the magistrate for further investigation.⁶⁴

[¶58] And if it is not submitted then the judicial magistrate may pass a summon to the police officer.⁶⁵ But such all procedures were not done because the FIR and file was not filed. And the police and other officers were actually biased. Because of which they made forged documents and file to get rid from the law.⁶⁶

[¶59] But before moving on with s. 91 of CrPC, s. 349 of CrPC of bringing the summon in power in failure of producing the document is necessary. The argument advanced by the complainant cannot be taken into consideration in isolation and needs to be considered with the combined effect of the exercise of the power of s. 91 of CrPC. In such a scenario the plea of the complainant appreciating the order passed by the trial court without giving any notice or opportunity of hearing to the opposite side that too in criminal case would be only violation of natural justice.⁶⁷

[¶60] No case diary was submitted and later on report of s. 173 of CrPC was submitted on which action is taken by the court. This is clear defiance of order of court under s. 169 of CrPC. On part of investigating officer, a confusion may arise in the mind of the magistrate when such provisions are allowed. In this the magistrate has no role to play in the report u/s 169 of CrPC. And if the cognizance failed i.e., if the investigating officer failed to prove the file or inquiry then the magistrate may go ahead with further proceedings.⁶⁸

[¶61] While compelling with the s of 169 of CrPC, it is necessary to take into account one more s.⁶⁹ Under it the court if on pursual of the evidence on record forms, an opinion that the person who was released early u/s 169 of CrPC, if the respondent is found guilty then the magistrate may go against him.

64. The SP V. The Judicial Magistrate court, 2008

65. S. 91 of CrPC

66. Young Indian V. Subramaniam Swamy and anr 12th July, 2016

67. Vimal V. state of anr 1st September, 2016

68. Yunus and ors V. State of UP and anr 10th September, 2013

69. UOI V. Bhavesh Jayantilal shah and ors, 4th march, 2016

[¶62] It is clear that when a magistrate applies his mind to the contents of a complaint before him for the purpose of proceeding under IPC and the provisions of the code following it, he is taking cognizance of an offence as held. The position regarding the case in which magistrate accepts a report u/s 169 of CrPC is different.

[¶63] On an analysis of the various ss. It appears that a report u/s 169 of CrPC and the magistrate agreeing it, are under chapter which relates to information to the police and their power to investigate.⁷⁰ The second ground with which the court is concerned at the moment deals as the capacity in which the magistrate acted when the magistrate accepted the police report u/s 169 of CrPC.⁷¹

[¶64] S. 169 of CrPC relates to the power of officer in charge of the concerned police station to release the accused person when deficient. But here in the current scenario there is no deficient of any circumstances.⁷² All that section stipulates that if the accused is released upon bonds then the accused has to be send to the magistrate for trial.⁷³ Even after all these formalities, the police officer has to record the FIR and shall report it to magistrate.⁷⁴ But in this case, all these was not done, because the police officers were biased and without any further inquiry put a stay in the investigation on the basis of deficient in evidence.⁷⁵

[¶65] Whereas, s. 91 of CrPC envisage the production of documents or other things which is required or desirable for the purpose of any investigation, inquiry, trial or other proceedings, under this code. If the court is satisfied that such documents are essential and required at a relevant stage of proceedings. Then the police in charge have to bring up the required materials in court.⁷⁶

[¶66] It is also required that the genuineness of the documents has to be proved beyond any reasonable doubt by the police in charge.⁷⁷ In such a scenario, not taking the plea of the arguments on the side of appellant and only hearing on the basis of the respondent would be a mere violation of a. 21 of the const.

70. Chapter XIV of CrPC

71. S. 195 (b) of CrPC

72. Kamlapati Trivedi V. The state of WB 13th December, 1978

73. S. 170 of CrPC.

74. S. 173 of CrPC

75. refer para 52 and 53

76. Shahnaj Taj Md. Hashmi V. The senior inspector of police and anr 5th May, 2017

77. Sam Pitroda @ Satyanarayan V. Dr. Subramaniam Swamy and anr 12th July, 2016

[2.2.2] Section 172 and 173 of CrPC is maintainable.

[¶67] In this case, s. 172 and 173 of CrPC is maintainable. Because of these ss. Deals with police incharge to make sufficient records of the case and file a FIR and submit it before the court. But in this case, nothing such happened because, police officials didn't inquire properly about the case because they were biased by the respondent and they declared that they didn't find any sufficient evidence to file the case.⁷⁸

[¶68] If there is any contradiction or any inconsistency arising in the evidence then the court can use the entries made in the diaries for the purpose of contradicting the police officer provided in s. 172 of CrPC. The trial court may send diaries and may not use them as evidence, but to aid it in an inquiry or trial.⁷⁹

[¶69] Even s. 169 of CrPC is not maintainable in this case.⁸⁰ And so, the court should ask for sufficient entries keeping in side s. 169 of CrPC.⁸¹ Because a witness should be cross-examined before moving on with trial. And such contiguous should brought up in front of the court under the provision of CrPC if any issues are rising out with the evidence.⁸²

[¶70] It is to be submitted that neither the police officer nor the court can interfere with the respondent issues and answers. But if there is a requirement of asking any questions, the police officer with the consent of the court can go ahead with police custody or judicial custody for betterment of the evidence.⁸³ It firstly says that police officer should make their case diaries or special diaries containing entries of FIR and investigation.

[¶71] It is clear that the diaries referred to it in s. 172 shall be send to magistrate for further investigation and for trial. It lays down that the police officer making such document shall be signed by the complainant and shall be in writing.⁸⁴ And an important provision also deals with that if when investigation is not completed within 24 hrs, it provides for production of accused before a magistrate and ask for remand.⁸⁵

78. refer para 52 and 53 (issue 2)

79. Balak Ram V. State of Uttarakhand and ors 19th April, 2017

80. refer issue 2.2.1.

81. Kirpal Singh Randhawa and anr. V. State of Punjab and ors. 6th May, 2011

82. s. 54 of CrPC

83. s. 161 of CrPC

84. Haji Md. V The state 31st May, 1957

85. s. 167 of CrPC

[¶72] The proper maintenance of a case diary u/s. 172 is intended to safeguard not only the accused, but to insulate the investigating agency itself from unjustifying attacks. The failure on the part of investigating officer for not observing the mandatory evidence and making a record of it under s. 172 of CrPC would amount to serious lapse and it results in diminishing the value and credibility of such investigation that may be undertaken.⁸⁶ And the case diaries should include correct date and time when the file was made and the charge sheet was filed and should not mention delay dates or any other date resulting in interpolation.

[¶73] The above-mentioned provisions are to be read conjointly.⁸⁷ It is evident from subsection 2 of the a. that the trial court has unfettered power to call for and examine the entries in the police diaries maintained by the investigating officer. i.e., it is a very important safeguard.⁸⁸ The legislature has composed complete trust in the court which is conducting the inquiry or the trial. If there is any inconsistency or contradiction arising in the evidence, the court can use the entries made in the diaries for the purpose of contradicting the police. It can't be denied that the court trying the case is best guardian of interest of justice.⁸⁹

[¶74] The appellant has claimed an unfettered right to make roving inspection of the entries made by the police officer under s. 172 of CrPC.⁹⁰ For instance in the case diary there might be a note as regards the identity of the informant who gave some information which resulted in investigation into a particular aspect.⁹¹

[¶75] It is within the experience of the judge of this court that much misconception exists in these provinces as to the use which can be made by a court or by an accused person or his agents of the diaries which are kept by police officer u/s 172 of the CrPC. Or which in the provinces are known as special diaries.⁹² It is within our special knowledge that some session judges and magistrates have decided criminal cases by conviction or by acquittal of the accused or statement which are found in the special diaries.

86. Haji Md. V. The state by rep. 31st May, 1957

87. s. 172 and 173 of CrPC

88. S. 172 of CrPC

89. Anand Prakash and Anr V. state and anr. 2nd November, 2017

90. Queen-Empress V. Mannu 13th July, 1987

91. Mukesh Son of Bal Mukund heera lal, V. State of UP The principal 3rd June, 2005

92. S. 172(3) of CrPC.

[¶76] There may be an issue raised that whether after filing of the report by the police officer a person who is not an accused should be summoned in the case or not?⁹³ It was held that at the stage of taking cognizance the provision of s. 190 of CrPC would be applicable. As per this provision the magistrate takes cognizance of the offence happened and passed an issue to the accused.⁹⁴ And at this stage the magistrate will decide whether to make issue against the person whose name has been filed in charge sheet. And for this the magistrate has to take the instance of the FIR and the investigating sheet for further inquiries.⁹⁵

[¶77] It is to be submitted that, while considering various provisions of CrPC, the court held that the investigating charge sheet is not filed within the meaning of the provision.⁹⁶ i.e., the investigation remains pending. It was also observed that making a proper investigating report should not be taken away. And even if the charge is not filed the prayed for justice in front of judicial custody should not be barred.⁹⁷

[¶78] The preliminary report which is filed by the police incharge is the only final report submitted to the judicial magistrate. And there is no final report filed by the police officer or striking of the names of the accused after filing the charge sheet before. The charge sheet filed before and first is the only final report which the police officer should sent to the magistrate.⁹⁸ This section gives power to the court without any fetters being put in it with regard to the stage and the manner in which it should be exercised. The FIR file of the police in charge should contain not only the complaint filed by the appellant but also should contain medical reports and other investigation materials.⁹⁹

[¶79] If any breach is found in the investigation under the provision of CrPC, it would be decided by the court and the earliest charge sheet should be presented in front of the magistrate at the earliest possible time.¹⁰⁰ And it should be completed without any further delay. If it's is delayed then the police in charge would be altered.¹⁰¹

93. S. 173 of CrPC

94. S. 204 of CrPC

95. Balbir Singh and anr V. state of Haryana 15 May, 2012

96. s. 167 (2) of CrPC

97. Reeta Nag V. State of WB and ors 13th August, 2009

98. A. Mohan V. state by rep 22nd December, 2011

99. Bandi Kottaya V. state and ors. 10th August 1965

100. Balwinder Singh V. State of Punjab and ors. 18th December, 2009

101. J. Jayalalitha V. State rep by 10th January, 2005

[2.3] Accused threatened the victim's family.

[¶80] It is to be submitted before the Honble' HC, that the accused family was threatened by the respondent to take up the case and set aside. The respondents threatened the victim's family and also threatened other families for not taking up the case. Having had a vast and wide experience in administering criminal justice, this court is on complete agreement with the counsel for the appellant as it has come across the hundreds of cases where the substantial offences are such which are non-cognizable and cognizable that the police incorporate an offence under s. 506 of IPC.¹⁰¹

[¶81] The ingredients of offence of criminal intention depends upon the majority of the circumstances of the case. Such as threatening of any person or intentionally causing any physical injury to anyone, comes under s.503 of IPC. Though the necessity of making an offence is cognizable in a particular depends upon the degree of the need for such preventive measures but at the same time it is necessary to reasonably safeguard the liberty of the people without undue inference by the police.¹⁰²

[¶82] S. 3 of this probation of offenders' act, which they have already referred to above says that if any person is found guilty of the offence coming under the scope of that s. and no previous conviction is proved against the respondent and the respondent is found guilty is of opinion has having regard to the circumstances of the case, including the nature of the offence and the character of the offender. And the magistrate has stated that the offender has committed an offence under this section.¹⁰³

[¶83] The state govt. also has the power to declare the offence under this provision for threatening and mentally harassing someone else.¹⁰⁴ But I don't give any power to amend any law under CrPC.¹⁰⁴ Hence, in our opinion no notification can now be made u/s 10 of CrPC.¹⁰⁵ The offence u/s. 506 of CrPC is punishable with imprisonment for two years. But it is non-cognizable according to schedule 2. By notification, u/s. 10 of CrPC s. 506 of IPC is considered cognizable and non-bailable offence.¹⁰⁵

101. Narendra Kumar V. State and anr 13th January, 2004

102. Syed Salim V. MJ Simon and anr 22nd March, 1990

103. S. 503 and 506 of IPC

104. S. 10 of CrPC

105. Ganeshan V. State rep 21st December, 2011

[2.3.1.] Section 506 of IPC for threatening.

[¶84] The second limb of the limb of the argument advanced by the Id. Counsel for the petitioner that the complaint itself is not made out on the ingredients of the S. 506 of IPC. The threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom threat is launched doesn't feel threatened actually.

[¶85] Now, this court has to prove whether to decide whether the offence punishable under s. 506 of IPC are proved beyond the reasonable doubt. Now it is appropriate to incorporate essential ingredients of s. 506 of IPC. Accused has threatened complainant, his person, property, or reputation or the person or reputation of any one in whom he is interested. On considering oral and documentary evidence as well as the judgment passed by both the courts before, hence the judgment of conviction and sentence passed by the courts should be confirmed.¹⁰⁶ And the court observed that proving the intention of the appellant to cause alarm or compel doing abstaining from some act, and not mere utterance of words is a prerequisite of successful conviction.¹⁰⁷ Intention was found that the respondent threatened the victim because of a reason behind it.¹⁰⁸

[¶86] However, in the present case, apart from an offence u/s 504 of IPC, an offence u/s 506 of IPC has also found to have been committed. Although in the first schedule appended to the CrPC, 1973. This s is mentioned to be a non-cognizable offence, this s. was made cognizable and non bailable.¹⁰⁹ Briefly the facts stated that case is alleged are that the detenu was habitually indulging in the acts committed grave and dangerous offence such as attempt to commit sexual assault and threatening.¹¹⁰

[¶87] Therefore, this threatening is a potential threat to maintenance of public order. There is no bail, and is restricted. Therefore, in order from public order.¹¹¹ And those who have committed such offence is strictly abridging under law. And are under consideration of the law.

106. P. Palaniviel V. Inspector of Police 29th June, 2011

107. Pankaj Chaudary and anr. V. State of Uttarakhand and ors 3rd September, 2003

108. refer para 80

109. S. 504 of IPC

110. Rakesh Kumar Shukla V. State of UP and anr 24th December, 2014

111. Fathima AL Ahmoodi V. The state of Telangana 4th July, 2019

[3] Whether PIL is maintainable?

[¶88] It is to be submitted before the honble' HC that, the plea regarding maintainability of the PIL was accordingly considered by a divisional bench.¹¹² The issue to the maintainability of PIL and the defences available to the parties contesting it. PIL is actually what gives the right to the individual if any of their rights or liabilities got infringed in any of the way. PIL was an invocation essentially to safeguard and protect the human rights of those people who were unable to protect them. PIL should not be allowed to degenerate to become PIL or private inquisitiveness litigation.¹¹³

[¶89] While commenting on the maintainability of PIL and on the locus standi of the party invoking it. And no one can raise questions on the maintainability of the PIL if raised for W.P. And the parties should hear the trial and the proceedings.¹¹⁴

[¶90] Dealing with this case, the power of the HC is not confined only till W.P. of quo warranto u/a 226. But to other directions also. But if it's shown that if it's showing the relevant factors implied from the very nature of the duties entrusted to Public Service Commission, u/a 30 of the const. have not been considered by the state govt. in selecting and appointment the HC can invoke it's wide and extraordinary powers u/a 226 of the const.¹¹⁵

[3.1.] Article 32 is maintainable

[¶91] Writ in India is a formal order of the court directing the authorities if there is a violation of the F.Rs by the govt authority of a body. Under which a person can file a W.P to bring back their rights and liberties which someone has abridged. It can be done by directly approaching HC or directly approaching SC u/aa. 226 and 32 of the const.¹¹⁶ There can be any sort of W.P. filed by anyone under any categories. May be under bail, criminal law, civil law, IPR, taxes etc.

112. People's welfare Society J and K V. State of J and k and ors, 30th October, 2007

113. Jaleel PP.V. PK Muralikrishnan 2011

114. A. 320 of the const.

115. Indian const. law and philosophy

116. Right to approach SC

[¶92] The writ of habeas corpus could be taken from judge to judge. But that is no longer correct in view of the decision of civil court. The writ of habeas corpus can be made successive to each one of those courts.¹¹⁷ And therefore, there lies the maintainability of the a. 32 of the const.

[¶93] It is defined as the heart and soul of the const.¹¹⁸

[3.2.] Court is bound to uphold the case.

[¶94] It is to be submitted before the honble' HC that as per the facts and circumstances of the case, court is competent to uphold the case. There has been some difference of judicial opinions in regard to character and is competent for habeas corpus. In so far as a condition, habeas corpus is maintainable u/a. 226 of Indian const.¹¹⁹

[¶95] A petition under PIL can be considered as a criminal proceeding or a civil proceeding and the appeal can go till the SC also under the provisions of the const.¹²⁰ And in the latter case, and in either case an appeal is competent to the SC.¹²¹ And an appeal lies to the SC from any judgement, decree, or final order in civil proceeding in HC.¹²²

[¶96] Broadly, that the decision has been proceeded on the consideration that a W.P. in habeas corpus is not a judgement. Which can no longer be accepted in a W.P. u/a. 226 of the const. and therefore, the court would be totally bound to uphold the case.¹²³

[3.2.1] Article 226 is maintainable in this case.

[¶97] PIL is a greatest tool which can be used with a great care. It is effectively used as an effective weapon in the armony of law for delivering of social justice to the citizens.¹²⁴ U/a. 226 of the const. it is the judgment which is given by HC. Where a person who rights has been abridged can directly approach to HC without any hesitation.¹²⁴

117. Quashing and clubbing of FIRs.

118. Indian Const. law and philosophy

119. Ram Kumar Pearay lal V. District Magistrate 28th May, 1985

120. Right to const. remedies

121. A. 133 of the const.

122. A. 134 of the const.

123. W.P. and criminal law

124. Rubi V. state of UP and ors 24th August, 2020

[¶98] Power to issue writ is not only vested in the hands of SC but is also vested in the hands of HC. It is established that the remedy u/a 226 of the const. of India is a discretionary solution which means on its own will and the HC has always its discretion to refuse or to grant such grievance in certain circumstances even though a legal have been infringed.¹²⁵

[3.3.] Freedom to live with dignity and honour.

[¶99] A. 21 of the const. ensures that every person right to life and personal liberty. Both the terms life and personal liberty has been given a very expensive and wide amplitude covering a variety of rights. The expression personal liberty doesn't mean arrest, detention or false or wrongful statement. The SC held that it encompasses those rights and privileges that have been long been recognised as being essential to the orderly pursuit of happiness of free men.¹²⁶

[¶100] But to protect the rights people must have been an alternative to force them. With great power comes great personality. People use these rights as a weapon of harassment and PIL become the industry of vested interest.¹²⁷ The plea regarding the PIL is considered to as a maintainability of people's right and liberty.¹²⁸ People whose rights and integrity got infringed shall approach directly to HC without any hesitation for their justice, even though it belongs to criminal law.¹²⁹

[¶101] A. 19-21 of the const. deals with Right to life with dignity and honour and liberty.¹³⁰ And in this the first and the foremost thing is right to women and children in workplace and in any institution. And the court has declared that sexual harassment with a woman or anyone under any workplace or any institution is a mere violation of 14, 15 and 21 of the Indian const.¹³¹ These rights has been formulated only for the rights of the women and children.¹³²

125. Quashing and clubbing of FIR by SP u/a 32.

126. Rights to const. remedies

127. Right to life and personal liberties

128. People's welfare society j and k V. state of j and k and ors 30th October, 2007

129. a. 226 of the const.

130. Right to life and personal liberty

131. PIL

132. Sexual Harassment of woman at workplace act, 2013

PRAYER

Wherefore in the light of the issues raised, argument advanced and authorities cited, it is humbly prayed that this Honble' Court may be pleased to adjudge and declare:

1. The case is not based on circumstantial evidence
2. The respondent had sexual assault with women and children
3. Provision for rape, child abuse, kidnapping, filing of FIR was set aside
4. Police officials were biased
5. Forged documents were made to escape from law.
6. Respondent threatened the victims family to take up the case.

AND PASS ANY OTHER ORDER OR DIRECTION THAT THIS HON'BLE COURT MAY DEEMED IN THE INTEREST OF JUSTICE, EQUITY AND GOOD CONSCIENCE.

ALL OF WHICH HUMBLY PRAYED

COUNSELS FOR THE PETITIONER