

ITEM NO.13 Court 10 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(CrI.)No(s).3727-3728/2021

(Arising out of impugned final judgment and order dated 02-03-2021 in WPCRL No. 404/2021 09-03-2021 in CRLMA No. 3693/2021 passed by the High Court Of Delhi At New Delhi)

X Petitioner(s)

VERSUS

THE STATE (GOVT. OF N.C.T. OF DELHI) & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.61743/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.61741/2021-EXEMPTION FROM FILING O.T. )

Date : 21-05-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Abhay Kumar, AOR  
Mr. Pankaj Kr. Jaiswal, Adv.  
Mr. Milind Kumar, Adv.  
Mr. Vishal Nautiyal, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Looking to the subject and the facts in controversy, in the first place, it is ordered that henceforth, the name of the petitioner shall be masked in the entire record and shall not be disclosed in any report or the copies of proceedings or in any form of communication by any person except by the authorities concerned dealing

with the relevant inquiry, investigation and the judicial procedure. Wherever necessary, she shall only be referred as Ms.X.

In this matter, the petitioner seeks interference by this Court in the orders dated 02.03.2021 and 09.03.2021, as passed by the High Court of Delhi in W.P.(Cr1.) No.404/2021 and Cr1.M.A. No.3693/2021 respectively.

We have noticed that by the order dated 09.03.2021 that was passed on the application that was filed after disposal of the Writ Petition, the High Court took note of all the background aspects and the rival submissions and thereafter, at the given stage, considered it appropriate that the petitioner be lodged at Kasturba Gandhi National Memorial Trust, Bhaktawapur and directed that the Chairperson CWC-10 Alipur shall ensure adequate safety, protection and education of the petitioner.

As per the averments in the present petition, the petitioner has repeatedly asserted that she had 'escaped' from where she has lodged under the order of the High Court (page E of the Synopsis and as also paragraph I at page Nos. 9-10 of the petition).

While taking up this matter, we have, in a first place, posed a query to the learned counsel for the petitioner with reference to the aforesaid averments as to where the petitioner is putting up at present?

Learned counsel for the petitioner has responded with the submissions that though the petitioner had earlier escaped but, on 28.04.2021, she surrendered and is at present lodged at the very same Nari Niketan as ordered by the High Court. Though these events and assertions are not found on the record of this petition but learned counsel submits that such facts have been stated in the synopsis for urgency listing of this matter, as moved on 12.05.2021.

Having regard to the circumstances of the case, we have expressed reservations in entertaining the matter against the considered orders passed by the High Court on 02.03.2021 and 09.03.2021; and have observed that if at all there is any requirement of seeking further order, the only appropriate course for the petitioner is to approach the High Court that had passed the said orders.

Upon our expressing reservations thus, learned counsel for the petitioner seeks permission to withdraw with liberty to move appropriate application before the High Court.

Having regard to the totality of the circumstances, permission granted.

The Special Leave Petitions are dismissed as withdrawn with liberty, as prayed.

All submissions of the parties are left open, to be considered by the High Court.

Pending application(s), if any, stand disposed of.

(NEETU KHAJURIA)  
COURT MASTER

(BEENA JOLLY)  
COURT MASTER