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राष्ट्रीय मानव अधिकार आयोग, भारत
NATIONAL HUMAN RIGHTS COMMISSION, INDIA

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NHRC calls for report from the Government of Uttar Pradesh on the relief and rehabilitation of a man acquitted as innocent in a rape case 20 years after his conviction; details of action against the erring public servants also called (05.03.2021)

New Delhi, 05th March, 2021

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The National Human Rights Commission, NHRC, India on the reported acquittal of a man in a rape case twenty years after his conviction, has observed that it seems to be a case of non- application of the Section 433 Cr PC by which the Sentence Review Board, under the law needs to reconsider review of the sentence awarded by the court, with a view to commute the sentence. It said that in many such cases there may be prisoners older than 75 years of age dying in the jails, which clearly depicts ineffectiveness of the Sentence Review Board. The Commission taking suo motu cognizance of the media report has observed that the contents thereof, if true, amount to violation of human rights of the victim.

Accordingly, it has issued notices to the Chief Secretary and Director General of Police, Uttar Pradesh calling for a detailed report in the matter. The report must include the action taken against the public servants responsible in this case and steps taken for the relief and rehabilitation of the victim to compensate up to some extent for the trauma, mental agony and social stigma he has suffered during these years. The response is expected within 6 weeks.

According to the media report carried on the 2nd March, 2021, a 23 year old man was sentenced to life imprisonment by a trial court in a rape case. He has been declared innocent by the Allahabad High Court after twenty years. During this period, every member of his family had died. His conduct in the jail was always found good, but his application for furlough was not allowed to attend the cremation of his father. He was not even allowed to attend his brother’s funeral.

The victim was reportedly accused of rape, criminal intimidation and sexual exploitation of a woman belonging to Scheduled Caste in 1999, and during the trial of the case by a lower court in Lalitpur District, he was found guilty. In the year 2003, he was moved to Agra Central Jail where his conduct was always good. In the year 2005, he decided to challenge the verdict of the lower court and approached the High Court. After completing a period of fourteen years, the victim moved Mercy Plea and the prison authorities stepped in. The State Legal Services Authorities helped him in preferring an appeal in the High Court and on 28.01.2021, a Division Bench of the Allahabad High Court declared him, not guilty.

The High Court in its judgment, reportedly, observed that the FIR in the matter was lodged three days late and there were no injuries on the private parts of the woman, who was said to have been thrashed. There was motive on the part of the complainant as there was a land dispute between the parties, and the FIR was also lodged by the husband and father-in-law of the alleged victim and not by her. The High Court has, reportedly, stated in its order that in view of the facts and the evidence on record, it is apparent that the accused had been convicted wrongly hence, the trial court's judgment and the impugned order is reversed and the accused is acquitted.

Apart from this, reportedly, the High Court has also ordered the Law Secretary of the State of Uttar Pradesh to impress upon the District Magistrates to re-evaluate the cases for remission after fourteen years of incarceration as per mandate of Sections 432 and 433 CrPC even if the appeals are pending in the High Court.

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