

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE:
ROHINI COURTS, DELHI

40/41 - 40212
40003 - 40004
No. Genl.I/F. 3(A)/N-W & N/RC/2022 Delhi, dated 05/12/2022

Sub: Order dated 01.11.2022 passed by the Hon'ble Supreme Court of India in Contempt Petition (Civil) No. 555/2022 in Special Leave Petition (Crl.) No. 5073/2011 titled " Eega Soumya vs. M. Mahender Reddy & Ors. " .

Letter bearing No. 6660-6672/DHC/Gaz/G-2/Judgment/2022 dt. 29.11.2022 along with the copy of order dated 01.11.2022 passed by Hon'ble Supreme Court of India in Contempt Petition (Civil) No. 555/2022 in Special Leave Petition (Crl.) No. 5073/2011 titled " Eega Soumya vs. M. Mahender Reddy & Ors. " is being forwarded for information and necessary action/compliance to:-

1. All the Ld. Judicial Officers (DHJS & DJS), North-West and North District, Rohini Courts, Delhi.
2. The Dealing Official, Computer Branch, Rohini Courts, Delhi for uploading the same on WEBSITE.
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Seema Maini

(SEEMA MAINI)

Principal Judge, Family Court
Officer In-charge, General Branch
North-West & North District
Rohini Courts Complex, Delhi

Encl: As above

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION (C) NO.555 OF 2022
IN
SPECIAL LEAVE PETITION (CRL.) NO.5073 OF 2011

EEGA SOUMYA

PETITIONER(S)

VERSUS

M. MAHENDER REDDY & ORS.

ALLEGED CONTEMNORS/
RESPONDENT(S)

O R D E R

The present contempt petition seeks to highlight the conduct on part of the alleged contemnors in willfully violating the mandatory directions issued by this Court. The directions which are put in focus are those which were issued in the decision delivered in *State of Karnataka by Nonavinakere Police vs. Shivanna alias Tarkari Shivanna* - (2014) 8 SCC 913. Para 10 of said decision reads as under :

"10. On considering the same, we have accepted the suggestion offered by the learned counsel who appeared before us and hence exercising powers under Article 142 of the Constitution, we are pleased to issue interim directions in the form of mandamus to all the Police Stations-in-Charge in the entire country to follow the directions of this Court which are as follows:

10.1. Upon receipt of information relating to the commission of offence of rape, the investigating officer shall make immediate steps to take the victim to any Metropolitan/preferably Judicial Magistrate for the purpose of recording her statement under Section 164 CrPC. A copy of the statement under Section 164 CrPC should be handed over to the investigating officer immediately with a specific direction that the contents of such statement under Section 164 CrPC should not be disclosed to any person till charge-sheet/report under Section 173 CrPC is filed.

10.2. The investigating officer shall as far as possible take the victim to the nearest Lady Metropolitan/preferably Lady Judicial Magistrate.

10.3. The investigating officer shall record specifically

Signature/Name of the
JUDGE
DATE: 2024.11.01
10:40:30 AM
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22/12/22
6660-6672

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. /DHC/Gaz/G-2/Judgment/2022

4ent
Dated: 29th November, 2022.

From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.

To,

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
3. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
4. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
5. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
6. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
7. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
8. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.
9. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
10. The Principal District & Sessions Judge (South -West), Dwarka Courts Complex, New Delhi.
11. The Principal District & Sessions Judge-cum-Special Judge (PC Act) (CBI), RACC, New Delhi.
12. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.
13. The Principal Judge (HQ), Family Courts, Dwarka, New Delhi.

Sub: Order dated 01.11.2022 passed by Hon'ble Supreme Court of India in Contempt Petition (Civil) No. 555/2022 in Special Leave Petition (Crl.) No. 5073/2011 titled "Eega Soumya vs M. Mahender Reddy & Ors."

Sir/Madam,

I am directed to request you to kindly download the Order dated 01.11.2022 passed by Hon'ble Supreme Court of India in Contempt Petition (Civil) No. 555/2022 in Special Leave Petition (Crl.) No. 5073/2011 titled "Eega Soumya vs M. Mahender Reddy & Ors." from the official website of Supreme Court of India and circulate the same amongst all the Judicial Officers working under your respective control for information and necessary compliance.

Yours faithfully,



(Surender Pal)
Deputy Registrar (Gazette-IB)
for Registrar General.

the date and the time at which he learnt about the commission of the offence of rape and the date and time at which he took the victim to the Metropolitan/preferably Lady Judicial Magistrate as aforesaid.

10.4. If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the investigating officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate.

10.5. Medical examination of the victim : Section 164-A CrPC inserted by Act 25 of 2005 in CrPC imposes an obligation on the part of investigating officer to get the victim of the rape immediately medically examined. A copy of the report of such medical examination should be immediately handed over to the Magistrate who records the statement of the victim under Section 164 CrPC."

On a similar issue the matter was again dealt with by this Court in *A vs. State of Uttar Pradesh and Another* - (2020) 10 SCC 505, in which after referring to the decision of this Court in *Shivanna alias Tarkari Shivanna (supra)*, it was observed thus :

"19. Thus, merely because the charge-sheet was filed by the time the High Court had passed the order [*Chinmayanand v. State of U.P.*, 2019 SCC OnLine All 6594] in the present matter, did not entitle Respondent 2 to a copy of the statement under Section 164 CrPC.

20. That apart, the reason that weighed with the High Court in placing reliance on the decision [*Raju Janki Yadav v. State of U.P.*, 2012 SCC OnLine All 856 : (2012) 6 All LJ 486] of the Division Bench of the High Court rendered in the year 2012 which was before the directions were passed by this Court in *Shivanna [State of Karnataka v. Shivanna, (2014) 8 SCC 913 : (2014) 6 SCC (Cri) 420]* was completely incorrect. As logical extension of the directions passed by this Court, no person is entitled to a copy of statement recorded under Section 164 CrPC till the appropriate orders are passed by the court after the charge-sheet is filed.

21. The right to receive a copy of such statement will arise only after cognizance is taken and at the stage contemplated by Sections 207 and 208 CrPC and not before. The application of Respondent 2 was, therefore, rightly rejected by the Additional Sessions Judge and the order so passed did not call for any interference by the High Court."

It is alleged by the contempt petitioner that in violation of directions issued by this Court in the aforesaid decisions, a

ITEM NO.15

COURT NO.1

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

CONMT.PET.(C) No. 555/2022 in SLP(Cr1) No. 5073/2011

EEGA SOUMYA

Petitioner(s)

VERSUS

M. MAHENDER REDDY & ORS.

Respondent(s)

(With IA No. 9478/2022 - EXEMPTION FROM FILING AFFIDAVIT and IA
No. 94210/2022 - EXEMPTION FROM FILING PAPER BOOKS)

Date : 01-11-2022 This petition was called on for hearing today.
CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Ms. Tanya Agarwal, Adv.
Mr. Shashank Singh, Adv.
Mr. Anil Kumar, AOR

For Respondent(s) Mr. R. Basant, Sr. Adv.
Mr. S. Udaya Kumar Sagar, AOR
Ms. Sweena Nair, Adv.

Mr. Siddhartha Dave, Sr. Adv.
Mr. Kumar Vaibaw, Adv.
Ms. Devina Sehgal, AOR
Ms. Vidhi Thaker, Adv.
Mr. S. Uday Bhanu, Adv.

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

The contempt petition is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, also stands disposed of.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

(Signed Order is placed on the file)