कार्यालयः— जिला एवं सेशन न्यायाधीश अजमेर

क्रमांक/स्था0/2026/ 36672-36733 दिनांकः— 18/11/26

माननीय राजस्थान उच्च न्यायालय जोधपुर से प्राप्त स्थाई आदेश एवं आदेश की प्रतिलिपि निम्नांकित को आदेश में अंकित निर्देशों की पूर्णरूपेण कठोरता से पालना किए जाने हेतु प्रेषित है। माननीय राजस्थान न्यायालय से प्राप्त आदेश की प्रति जिला न्यायालय अजमेर की वेबसाईट से डाउनलोड की जावेः—

1. समस्त पीठासीन अधिकारीगण अजमेर न्यायक्षेत्र
2. सीनियर सिस्टम ऑफिसर जिला न्यायालय अजमेर को जिला न्यायालय अजमेर की वेबसाईट पर अपलोड करने हेतु।

जिला एवं सेशन न्यायाधीश,
अजमेर 18/11/26

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7480/2024

Naveen S/o Mukesh, R/o Kohrana, Police Station Bahrod Sadar, District Kotputli (Raj.)
(At present confined at District Jail, Alwar)

----Petitioner

Versus

1. State of Rajasthan through Special PP
2. Poonam W/o Narendra Singh R/o Maharajawas, Police Station Bahrod Sadar, District Kotputli (Raj.)

----Complainant/Respondent

For Petitioner(s)	:	Mr. Deshraj Kalwania Ms. Nikita Sharma
For Respondent(s)	:	Mr. Jitendra Singh Rathore-PP Mr. Gaurav Gupta-Asstt.G.A Mr. Sapan Soni

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JUSTICE ANOOP KUMAR DHAND

Order

21/05/2026

Reportable

When money is lost, nothing is lost.

When dignity is lost, everything is lost.

Privacy and dignity of a woman are not separate rights but are constitutionally protected rights under Article 21 of the Constitution of India. Privacy is its shield and dignity is its soul. To breach of one inevitably destroys the other.

A nation is not measured by its GDP or its statutes, but by how it treats its women in their moments of greatest vulnerability at the Police Station, in a court room and on social media.

To lead a dignified life is the minimum constitutional guarantee available to every individual under Article 21 of the

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Constitution of India. When investigation degenerates into humiliation, procedure itself becomes punishment and when the trial transforms into public shaming, then Article 21 of the Constitution stands grossly violated.

1. Privacy has been recognized as one of the essential facets of the liberty guaranteed to citizens. This term 'privacy' has been derived from the Latin word 'privatus' which means private, secret or personal, something distinct from what is public or does not belong to the State.

2. This Court has noticed on several occasions, while hearing bail applications, criminal revision petitions and misc. petitions under Sections 397 or 482 Cr.P.C. and criminal appeals submitted against the judgments of sentence and conviction imposed upon the accused, that private and personal photographs of the parties are in variably appended and annexed with the memo of the petitions, applications and appeals etc.

3. Filing of photographs or videos in CDs or Pendrives depicting private moments or incidents which took place between the parties or any indecent photograph(s) invading privacy of a person, may in certain cases become a traumatic experience for the individual concerned.

4. These photos/videos of private moments, between the couple and other indecent/obscene pictures also end up disclosing the identity of the victim/women.

5. Often, such photographs/videos are produced by the accused or his counsel before the Investigation Officer and/or the Courts by way of application filed in his defence, in order to portray the

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relationship between the parties as consensual and to show that the victim was a consenting party to "those moments".

6. Filing of such photographs depicting private moments between 'girl and boy' or 'man and woman' certainly amounts to an indecent portrayal of the victim (girl/women) and it also constitutes an invasion of her privacy by exposing such material in open to the public at large.

7. Production of such photographs/CD/Pendrives openly by way of annexing them with the petitions by the accused or his counsel or by the Police in charge-sheet results in disclosure of the identity of the victim in public domain. The accused though can rely upon such photographs in his defence but no person can be permitted to place such material openly on record as evidence by attaching or annexing the same with the application, affidavit or memo of petition. Such material is required to be filed only in sealed envelopes.

8. These memo of petitions, charge-sheets, applications travel from the office of Investigating Agency to the concerned Court and as such, there exists every likelihood that such material is viewed by many persons. Such open exposure of annexed material certainly invades victim's Right to Privacy. There are ample chances of misuse of such photographs (material) by any person through sharing or uploading them on social media or on the internet for his/her personal gains with oblique motive. Under such circumstances, the identity of the victim stands exposed which may ruin her life.

The accused, their counsels, the Investigating Officers and the Public Prosecutors are expected to act with utmost sensitivity.

Rehan Counsel

in such like matters. If such photographs or videos are at all required to be placed on the record of the Court, then they are expected to necessarily submit the same in a sealed envelope, so that the identity and privacy of the victim remain protected in every manner.

9. In the instant case also, obscene photographs of the victim have been annexed with the instant petition without being filed in a sealed envelope. Submission of such photographs (material) of the victim exposing her identity invades her privacy and dignity in public.

10. The Hon'ble Apex Court in the case of **Nipun Saxena and Anr. Vs. Union of India and Ors.** reported in **(2019) 2 SCC 703** has held in para 50.5 and 50.6 as under:-

> "50.5. The police officials should keep all the documents in which the name of the victim is disclosed, as far as possible, in a sealed cover and replace these documents by identical documents in which the name of the victim is removed in all records which may be scrutinised in the public domain.
>
> 50.6. All the authorities to which the name of the victim is disclosed by the investigating agency or the court are also duty bound to keep the name and identity of the victim secret and not disclose it in any manner except in the report which should only be sent in a sealed cover to the investigating agency or the court."

11. No person can print or publish in electronic or social media, or annex obscene photographs/videos of any victim/girl/women in any manner whatsoever, which can lead to the victim being identified, exposed or defamed in front of the public at large.

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Disclosures, exposure of such photographs/videos of the victim/girl/women can spoil her present and future life. Such open exposure may tarnish her dignity and may adversely affect her present or prospective marital life. Hence, it is expected from the accused and the Police that such obscene photographs of females should not be produced in open files. If at all the prosecution or the defence, want to place reliance on such photographs/videos, then such material ought to be produced on record in sealed cover along with the case files.

12. In the considered opinion of this Court, the following mechanism is required to be evolved and followed in the situations where the accused or the Police or any other party to the litigation, places obscene photographs/videos on the record, the Office/Registry of this Court and the Trial Courts of the State:-

(i) The Registry must carefully scrutinize all filings relating to sexual offences, to ensure that the anonymity and confidentiality of the prosecutrix/victim/survivor is strictly maintained and the name, parentage, address, social media credentials and photographs of the prosecutrix/victim/survivor must not be disclosed in the filings made in court, including in the memo of parties;

(ii) The Registry must ensure that such particulars do not get reflected in the cause-list of the court in any manner;

(iii) The name, parentage and address of family members of the prosecutrix/victim/survivor— through whom the prosecutrix/victim/survivor could be identified — must not be disclosed in the filings, including in the memo of parties, even if

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they are accused in the case, since this may indirectly lead to the identification of the prosecutrix/victim/ survivor;

(iv) Since redaction of the identifying particulars of the prosecutrix/victim/survivor from the FIR, chargesheet, proceedings before the trial court and other similar records, is the duty and obligation of the authorities/court that prepare such documents; and insofar as the proceedings before this court are concerned, making complete redaction in each of those documents may not be feasible, it is also directed that the files/paper-books/e-portfolio of matters relating to sexual offences filed in this court must not be provided to any person other than the parties to the litigation, to the prosecutrix/victim/survivor and their respective counsel, after due verification of the identity credentials of such persons;

(v) At the stage of scrutiny of the filings, in the event the Registry finds that the identity credentials of a prosecutrix/ victim/ survivor are disclosed in the memo of parties or anywhere else in the filings, such filings must be returned to counsel who have filed the same, to undertake requisite redactions, before the filings are accepted;

(vi) Furthermore, the Investigating Officer must also inform the prosecutrix/victim/survivor that they have the right to free legalaid/representation in accordance with the mandate of the Hon'ble Supreme Court passed in Delhi Domestic Working Women's Forum vs. Union of India & Ors (W.P. (C) No. 362 of 1993);

(vii) If the parties wish to cite in court any identifying particulars of the prosecutrix/victim/survivor, including

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photographs or social media communications etc., such party may bring the same to court in 'sealed cover'; or file the same in 'sealed cover' or in a 'pass-code locked' electronic folder and share the pass-code only with the concerned Court Master.

viii. The foregoing directions are not intended to be exhaustive; and at the stage of scrutiny, the Registry is expected to apply its mind to any peculiarities of a given case, with the aim and intent of scrupulously applying the directions of the Hon'ble Supreme Court passed in Nipun Saxena vs. Union of India (W.P. (C) No. 565 of 2012).

13. In the considered opinion of this Court, the private moments between the couple ethically should not be photographed or recorded in videos by any of such couples and even, if any of them captures or records such moments and produces the same in public domain to expose the other party, he/she should be prosecuted for such act, strictly in accordance with law.

14. The Registrar (Judicial) is directed to place the matter from administrative side, before the Hon'ble Chief Justice for passing appropriate orders, in the form of Standing Order/Circular/Notification/Practice Directions, to the Registry of Trial Courts and of this Court, both at the Principal Seat at Jodhpur and Bench at Jaipur, with regard to the suggestions mentioned at serial number (i) to (viii) of para 12 of this order, so as to remain careful in future and to prevent the parties to misuse such objectionable photographs/videos in Court record. In case any party to the litigation seeks to place such photographs/videos on the record, it must be ensured that such material is filed separately in a sealed envelope only.

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15. The Registrar General is also directed to circulate a copy of this order to all the Judicial Officers posted in different Courts throughout the State of Rajasthan.

16. Let a copy of this order be also sent to the Additional Chief Secretary, Department of Home, Director General of Police, Principal Law Secretary, Director of the Department of Prosecution with a direction to inform all the stakeholders and Station House Officers of all the Police Stations in the State of Rajasthan not to enclose/annex any obscene photographs/videos of any victim/girl/women openly in any Court file or record. If at all any such material is required to be submitted, then the same shall be submitted only in sealed envelopes.

17. Now reverting back to the instant case at hand, according to the factual report of the SHO, PS Behror, Kotputli, the report of the FSL analysis of the video in the appended Pendrive has not been received till date. The Superintendent of Police, Alwar is directed to send a letter to the Director, FSL to provide the FSL report expeditiously.

18. List after four weeks.

(ANOOP KUMAR DHAND),J

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