

AT CJ's RESIDENCE

Hon'ble Pritinker Diwaker, Chief Justice
Hon'ble Ashutosh Srivastava, J

A Whats App message was received by one of us (Chief Justice) at 3:25 pm today, whereafter a direction was given to constitute this Bench at 8:00 pm today at the residence of the Chief Justice to hear this matter. An intimation was also given to the office of the learned Advocate General about constitution of this Bench.

At the time of hearing at 8:00 pm, a letter petition has been presented by Sri Ram Kaushik, Advocate, espousing the cause of the prosecutrix (hereinafter referred to as 'X') and giving the details of the gruesome incident and the injuries suffered by 'X'. Apart from bringing certain facts on record, Sri Kaushik has also requested for taking suo moto cognizance in the matter of gruesome gang rape of 'X', who was on duty, inside Saryu Express in the intervening night of 30/31.08.2023 by some unknown assailants. A request has also been made by Sri Kaushik for hearing Union of India and its other wings.

Sri Ram Kaushik has submitted that according to media report, the alleged incident was brought to light when certain passengers, who boarded Saryu Express from Ayodhya Junction at about 4:00 am. He submits that 'X' was found in a deplorable state, in a pool of blood, unable to move herself with a deep cut on her face and injuries. He submits that based on a written complaint on behalf of the brother of 'X', FIR No. 0029 of 2023 on 30.8.2023 u/s 332, 353 and 307 of IPC has been registered. He also submits that looking to the serious as well as physical condition of 'X', Sections 376/376D IPC should have also been added in the FIR.

It has been further submitted by Sri Kaushik that the Railway Authorities have completely failed to implement the various safety measures involving fundamental rights of the women. The present incident clearly shows the utter violation of the certain provisions of the Indian Railways Act. Moreover, the Railway Protection Force have also completely failed in discharge of their duties and responsibilities in giving effect to the rules and

regulations formulated for the protection of passengers. He further submits that the present incident is not only a crime against 'X'/women, but against the entire society and the same destroys the entire psychology of women.

Looking to the seriousness of the matter, this Court thinks it appropriate to direct the office to register this letter as a public interest litigation (criminal).

Accordingly, Registry to register aforesaid letter as a public interest litigation (criminal).

Issue notice to Union of India through its Secretary, Ministry of Railways/Railway Board, New Delhi, Director General of Railway Protection Force (RPF), State of Uttar Pradesh through its Secretary, Ministry of Home and State Commission for Women, Uttar Pradesh.

Notices be issued from the Registry.

Sri Manish Goyal, Addl. Advocate General, assisted by Sri A.K. Sand, learned Government Advocate, Sri J.K. Upadhyay, AGA-I and Sri Amit Sinha, AGA-I has put his appearance on behalf of the State.

Learned ASGI, representing the Union of India may also be duly informed (physically and telephonically) about registration of this PIL.

Put up this matter tomorrow, i.e. on 4.9.2023 at 12:00 noon.

Sri A.K. Sand, learned Government Advocate may also inform the learned ASGI about this matter.

At the time of hearing, learned State counsel shall also place the case diary before the Court. The Investigating Officer is also required to remain present before the Court.

(Ashutosh Srivastava, J) (Pritinker Diwaker, CJ)

Date: 03.09.2023

RK/RKK