

ITEM NO.18

COURT NO.4

SECTION X

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

Writ Petition (Criminal) No.113/2016

KAUSHAL KISHOR

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH AND ORS.

Respondent(s)

(With appln.(s) for ad-interim orders and bringing on record the additional facts and permission to file additional documents)

Date : 17/11/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY

Mr. Fali S. Nariman. Sr. Adv. (A.C.)
Mr. S.C. Sharma, Adv.

For Petitioner(s) Mr. Kislay Pandey, Adv.
Mr. Ankur Gogia, Adv.
Mr. Ankur Kapoor, Adv.
Ms. Manju Jetley, AOR

For Respondent(s) Mr. Kapil Sibal, Sr. Adv.
Mr. S. Wasim A. Quadri, Adv.
Mr. Nizam Pasha, Adv.
Mr. Jubair Ahmad Khan, Adv.
Mr. H.R. Khan Suhel, Adv.
Mr. Zaid Ali, Adv.
Mr. Tamim Qadri, Adv.
Mr. Mudasir Nabi, Adv.
Mr. Samar Khan, Adv.
Mr. Syed Mustafa, Adv.
Ms. Mumtaz, Adv.
Mr. Bilal Khan, Adv.
Mr. Anil Thomas, Adv.
Mr. Lakshmi Raman Singh, AOR

Mr. Ravi Prakash Mehrotra, AOR
Mr. Vibhu Tiwari, Adv.

Mr. Maninder Singh, ASG
Mr. Mukesh Kumar Maroria, AOR
Col. R. Balasubramanian, Adv.
Mr. P. Gautam, Adv.
Ms. Aarti Sharma, Adv.
Mr. Prabhas Bajaj, Adv.

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

In pursuance of the notice issued, the respondent No.2 had entered appearance on 8th November, 2016 and sought time to file the counter affidavit. Today, the counter affidavit has been filed and brought on record.

In course of hearing, Mr. Kapil Sibal, learned senior counsel appearing for the respondent No.2, has submitted that if by any statement made by the respondent No.2 the petitioner has felt insulted or humiliated, the said respondent shall file an unconditional apology supported with an affidavit. The affidavit stating unconditional apology be filed within two weeks hence.

At this juncture, Mr. Fali S. Nariman, learned Amicus Curiae has submitted that for the purpose of this case, unconditional apology may be accepted, but the questions framed by this Court vide order dated 29th August, 2016, and the deliberation made on 8th November, 2016, regard being had to the notes submitted by him, should be debated and a decision be rendered so that before anyone, who holds a public office or authority, makes a statement, would be careful in respect of a victim, especially a victim of rape or molestation.

At this juncture, Mr. Kislay Pandey, learned counsel appearing for the petitioner would submit that the State Government should get the petitioner's daughter admitted in any Kendriya Vidyalaya (Central School) situated in vicinity.

Mr. Ravi Prakash Mehrotra, learned counsel appearing for the State of U.P. has submitted that steps shall be taken to get the victim admitted in the Kendriya Vidyalaya within a month. Mr. Maninder Singh, learned Additional Solicitor General appearing for the Union of India has submitted that if the State Government bears the expenses, the Union of India shall see to it that the victim is admitted in the school, which is near to the petitioner's house. Needless to say, the expenses shall be borne by the State of U.P. The petitioner, who is the father of the victim, shall indicate the choice within a week hence. The school administration where the girl shall be admitted shall see to it that she is treated with respect, for the dignity of a woman is absolutely uncompromisable with any kind of thought or concept or idea, which some time notioned in fancy.

The controversy does not end here. The unconditional apology to be submitted by the respondent No.2 will be considered by this Court for the purpose of acceptation. That apart, as the questions framed by this Court have been of significance and are required to be debated, we would request Mr. Mukul Rohatgi, learned Attorney General for India to assist the Court. Mr. Maninder Singh, learned Additional Solicitor General undertakes that he will convey the learned Attorney General about the order passed by this Court and assist him accordingly.

Let the matter be listed on 7th December, 2016, for the purpose of filing of the necessary affidavit by the respondent No.2 and consideration thereof.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master