

234

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE
WEST DISTRICT, TIS HAZARI COURTS, DELHI

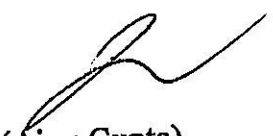
No. 39547-39626
/Circulation/Genl./West/THC/2024

Dated, Delhi the 11/12/24

Sub.: - Order Dated 28.11.2024 passed by Hon'ble High Court of Delhi, New Delhi in
Case Bail Application No. 1230/2024 Titled as Preeti Vs. State & Anr.

Forwarded copy of Endorsement Letter No. 48279/Genl./HCS/2024 Dated 09.12.2024
received along with copy of Letter No. 86114/Crl. Dated 06.12.2024 Bearing Diary No. 4704
Dated 07.12.2024 of Hon'ble High Court of Delhi, New Delhi, copy of Order Dated 28.11.2024
of Hon'ble High Court of Delhi & Memo of Parties in Case BAIL APPLN. No. 1230/2024 Titled
as Preeti Vs. State & Anr., on the subject cited above, from Branch Incharge, General Branch,
Central District, Tis Hazari Courts, Delhi for information and immediate compliance/necessary
action to:-

1. All the Ld. Judicial Officers of West District, Tis Hazari Courts, Delhi.
- ✓ 2. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the
concerned dealing Officer/Official to upload the same on Centralized Website of Delhi
District Courts as well as on the Website of West District.
3. P.S. to the Ld. Principal District & Sessions Judge, West District, Tis Hazari Courts,
Delhi.
4. The R&I Branch, West District, Tis Hazari Courts, Delhi with the request to upload the
same on LAYERS.


(Ajay Gupta)
District Judge (Commercial Court) -05/
Officer Incharge General Branch,
West District, Tis Hazari Courts, Delhi

Enclosure:- As above.

Disposed of

c/f
12/12/24

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 86114/K.

Dated 06/12/24

From:
The Registrar General,
High Court of Delhi,
New Delhi.

4704

To

1. The Ld. Principal District and Sessions Judge (HQs), Tis Hazari Courts, Delhi.
2. The Ld. ASJ-06, (West) Tis Hazri Courts, Delhi or Successor Court or Ld. Duty MM or Link Court or Duty Judge.
3. The PA to Worthy Registrar General, High Court of Delhi, New Delhi.
4. The Superintendent, Central Jail, Tihar, Delhi.
5. The Office of Minister (Social Welfare) Govt. of NCT of Delhi, 7th Level, Delhi Secretariat, ITO, New Delhi- 110002, Tel. Nos. 23392116/2117
6. E.Mail : moh.delhi@gov.in
7. The Secretary, Govt. of India, /Bharat Sarkar, Ministry of Home Affairs, NDCC-II Building, Jai Singh Road, New Delhi.
8. The Branch Manager, UCO Bank, High Court of Delhi, New Delhi (Copy of order is related to AASRA Fund, Therefore the same is being sent to you for your kind perusal).
9. The SHO/AO/IO Police Station, Nangloi, Delhi.
10. The Secretary, DSLSA, Patiala House Courts, New Delhi.
11. The Secretary, DSLSA, Rouse Avenue Courts, New Delhi.
12. The Secretary, DSLSA, Tis Hazari Courts, Delhi.
13. E.mail: dslsa@delhi.gov.in
14. The State E.Mail : dlicprosecutiondelhipolice@gmail.com
15. The Director, AIIMS, Delhi.
16. The Medical Superintendent, AIIMS, Delhi.

OTC/Gent./west

www

PD 283 (west)
10/12/2024

URGENT/OUT AT ONCE

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI
48279 Genl HCS 2024
Dated, Delhi the 09 DEC 2024

forwarded alongwith its enclosures for kind information & necessary action to :-

- 1.) of the Ld. Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi
- 2.) Ahmed in the Court of Ld. Principal District & Sessions Judge (HQs), Delhi

In-charge
General Manager, Central District
Tis Hazari Courts, Delhi

09/12/24

Encls: As above.

Disposed of

IN THE HIGH COURT OF DELHI AT NEW DELHI

No. 86114/K1.

Dated 06/12/24

From:

The Registrar General,
High Court of Delhi,
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4704

To

1. The Ld. Principal District and Sessions Judge (HQs), Tis Hazari Courts, Delhi.
2. The Ld. ASJ-06, (West) Tis Hazari Courts, Delhi or Successor Court or Ld. Duty MM or Link Court or Duty Judge.
3. The PA to Worthy Registrar General, High Court of Delhi, New Delhi.
4. The Superintendent, Central Jail, Tihar, Delhi.
5. The Office of Minister (Social Welfare) Govt. of NCT of Delhi, 7th Level, Delhi Secretariat, ITO, New Delhi- 110002, Tel. Nos. 23392116/2117
6. E.Mail : moh.delhi@gov.in
7. The Secretary, Govt. of India, /Bharat Sarkar, Ministry of Home Affairs, NDCC-II Building, Jai Singh Road, New Delhi.
8. The Branch Manager, UCO Bank, High Court of Delhi, New Delhi (Copy of order is related to AASRA Fund, Therefore the same is being sent to you for your kind perusal).
9. The SHO/AO/IO Police Station, Nangloi, Delhi.
10. The Secretary, DSLSA, Patiala House Courts, New Delhi.
11. The Secretary, DSLSA, Rouse Avenue Courts, New Delhi.
12. The Secretary, DSLSA, Tis Hazari Courts, Delhi.
13. E.mail: dlsa@delhi.gov.in
14. The State E.Mail : dncprosecutiondelhipolice@gmail.com
15. The Director, AIIMS, Delhi.
16. The Medical Superintendent, AIIMS, Delhi.

17.Mr. Amjad Khan and Sumit Kumar, Counsels for the
Petitioner, Chamber No. F-303, LCB, Karkardooma Courts,
Complex, New Delhi-110032, Oh. 8920952108

18.The Counsel for the petitioner E.Mail :
Corporatelawyer.dhc@gmail.com

19. Mr. Santosh Kumar Tripathi, Standing Counsel (Civil), Govt.
of NCT of Delhi, Chamber No. 423, High Court of Delhi,
Mobile No. 9818112250

20. Mr, Santosh Tripathi, Standing Counsel (Civil) E.Mail :
segctd@gmail.com

21.Ms. Sowjhanya Shankaran, Ld. Amicus Curiae, E.Mail:
sowjhanya.shankaran@gmail.com

BAIL APPLICATION NO. 1230/2024

Preeti

.....Petitioner

V E R S U S

State and Anr

.....Respondent

Petition under Section 439 Cr.P.C. read with section 482 Cr.P.C. for grant
of regular bail in case relating to FIR No. 568/2022, Under Sections : 376/307/34
IPC and Section 4/17 of POCSO Act, registered at Police Station, Nangloi, Delhi.

Sir,

I am directed to forward herewith for immediate compliance/ necessary
action a copy of judgment/ order dt. 28.11.2024 passed in the above case by
Division Bench of Hon'ble the Chief Justice and Hon'ble Mr. Justice Manoj
Kumar Ohri of this Court.

Other directions are contained in the enclosed copy of order.

Yours faithfully

Admn. Officer Judl. (CrI. II)
for Registrar General

Encl: Copy of order dated 28.11.2024
and memo of parties.

IN THE HIGH COURT OF DELHI, AT NEW DELHI
BAIL APPLICATION NO OF 2024

IN THE MATTER OF:-

PREETI..... PETITIONER

VERSUS

STATE & ANR.RESPONDENTS

(FIR No. 568/2022, Registered at P.S. Nangloi, U/s-
376/34 of IPC & 4/17 of POCSO Act)

MEMO OF PARTIES

PREETI, (Aged About 24 Years)

W/o Sh. Jai Prakash,

R/o Plot No. S-3/183, Kh. No. 98/14/1, F/F,

Swaran Park, Mundka, Delhi

.....PETITIONER

VERSUS

STATE

Through S.H.O.,

Nangloi, New Delhi,

Prosecutrix 'S'

Through S.H.O.,

Nangloi, New DelhiRESPONDENTS

Place: New Delhi

(Bail Petitioner)

Dated:08.03.2024

(In J.C. Since 17.07.2022)

Through:

Amjad
D/7479/17

Amjad Khan & Sumit Kumar,

Advocate(s) (D/7479/17),

Ch. No. F-303, LCB,

Karkardooma Court's Complex,

New Delhi- 32, Ph: 8920952108,

Corporatelawyer.dhc@gmail.com

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1230/2024

PREETI

.....Petitioner

Through: Ms. Ritika Singh and Mr. Raj
Narayan Singh, Advocates

versus

STATE & ANR.

.....Respondents

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil) for GNCTD
with Karn Bhardwaj and Mr. Rishabh
Srivastava, Advocates

Mr. Laksh Khanna, APP with
Ms. Smriti Maheshwari & Ms. Diksha
Suri, Advocates for the State with
W/SI Khushboo, W/SI Ritu,
P.S. Nangloi.

Mr. Sarfaraz Khan, Mr. Mirza Amir
Baig and Mr. Abdul Wahid,
Advocates for DSLSA with
Mr. Rajeev Bansal, Member
Secretary and Mr. Abhinav Pandey,
Secretary (Litigation), DSLSA

Ms. Sowjanya Shankaran, Advocate
(Amicus Curiae) for R-2/victim.

Mr. Kartikeye Dang and Ms. Nimisha
Manon, Advocates for R-2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

28.11.2024

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1. The present proceedings arise in the context of bail application filed by the petitioner-accused pertaining to FIR bearing No. 568/2022, registered at Police Station Nangloi, Delhi, for offences punishable under Sections 376/307/34 of the Indian Penal Code, 1860 ('IPC') and Sections 4/17 of the

Protection of Children from Sexual Offences Act ('POCSO Act').

2. Although the bail application filed by the petitioner-accused came to be disposed of by the learned Single Judge vide order dated 06.11.2024, however, the matter has been placed before the Division Bench in light of the nature of allegation of rape accompanied by forcible ingestion of toilet cleaner to the victim. The latter had resulted in child victim's undergoing multiple surgeries including *tracheostomy* and advise of special diet, however, the child victim's family is unable to meet the recurring expense. The reference order also notes that the compensation awarded to the child victim so far being inadequate, the response of Govt. of NCT of Delhi (GNCTD) was sought.

3. Notably, Vitriolage is one of the most vicious forms of violence faced by the country as on date. In a world where courage confronts cruelty, it is imperative to devise a scheme to ensure amelioration to the heart wrenching ordeals of victims who have endured not only physical and psychological injuries but also unimaginable pain, sufferings, and horror. Acid Attack by itself has been recognised as an offence under Section 124 Bharatiya Nyaya Sanhita 2023. Section 396 Bharatiya Nagarik Suraksha Sanhita 2023 outlines the responsibilities of the State and Central Governments to establish Victim Compensation Scheme and also provide funds for it. As such, the compensatory needs of the victims have been duly recognised and redressed under the Delhi Victim Compensation Scheme, 2018.

4. A draft scheme furnished by learned Standing Counsel (Civil), GNCTD was circulated amongst all the stakeholders i.e. Registrar General, High Court of Delhi; Mr. Kartikeye Dang, learned counsel for the child

victim; Mr.Laksh Khanna, learned APP for the State and Ms. Sowjhanya Shankaran, learned Amicus Curiae.

5. Today, Mr.Tripathi, has handed over a copy of 'Avlamban Fund Scheme, 2024' (hereinafter the Scheme) formulated by GNCTD with a permanent corpus fund of Rs.10 crores, as has been volunteered to be sanctioned by the GNCTD for meeting out the rehabilitative and other ancillary expenses of victims of acid attack which shall be operated by the Principal District & Sessions Judge (HQ). The Scheme has been formulated by incorporating suggestions given by all the stakeholders. The Scheme is extracted hereunder:

"AVLAMBAN FUND SCHEME, 2024

1. SHORT TITLE, COMMENCEMENT AND APPLICABILITY

- (a) This Scheme shall be called the AVLAMBAN Fund Scheme, 2024.*
- (b) It shall come into force with effect from the date appointed by the Chief Justice of the Delhi High Court.*
- (c) It shall apply to victims of acid attack who are residents of the National Capital Territory of Delhi or victims against whom the offence has been committed in the National Capital Territory of Delhi, irrespective of the address of the victim.*

2. DEFINITIONS

- (a) 'Acid Attack' means the act of throwing acid or causing it or using it in any form including administering acid to a person with an intent to cause grievous harm or with the knowledge that such use may lead to permanent or partial disability or deformity or disfiguration of any part/parts of the body.*
- (b) 'Acid' means any substance that has acid or corrosive character or burning nature that is capable of causing bodily injury leading to scars or disfigurement, or both or, temporary or permanent disability.*
- (c) 'Medical Treatment' means medical, surgical or rehabilitative treatment including any corrective/reconstructive surgeries, psychological counseling or diet or other regimens.*

- (d) 'Rehabilitation' means medical and psychological care as well as legal and social services including further education, vocational training or employment opportunities with an intent to enable the victims to join the mainstream of the society as well as maintain optimal physical, sensory, intellectual, psychological environmental and social function levels.
- (e) 'Competent Authority' means the Chief Justice of the High Court of Delhi.
- (f) 'Hospital' means all Hospitals in the National Capital Territory of Delhi which are catering to victims of acid attacks or burn injuries.
- (g) 'Eligible Person' means the person defined under Clause 5 of the Scheme.
- (h) 'Fund' means the Avlamban Fund.
- (i) 'Concerned Court' means the Court before which an application for grant of compensation is moved by or on behalf of the victim or where the matter related to the offence is pending.
- (j) 'Principal District and Sessions Judge' means the Principal District and Sessions Judge (Headquarter).
- (k) 'Registrar General' means the Registrar General of the High Court of Delhi.
- (l) 'Scheme' means the Avlamban Fund Scheme, 2024.

3. **AVLAMBAN FUND**

- a) There shall be a Fund, namely, the Avlamban Fund, from which amount of compensation, as decided by the Concerned Court shall be paid to the victim of acid attack under this scheme.
- b) The Avlamban Fund shall comprise the following:-
- (i) One time grant by the Delhi Government of Rs 10 crores which shall form the corpus of the fund.
- (ii) the fine and costs ordered to be deposited by the Delhi High Court or any District Court, as the case may be, in the Avlamban Fund.
- c) The Avlamban Fund shall be operated by the Principal District and Sessions Judge (HQ).

4. **NODAL OFFICERS**

- (a) In every Hospital, the Medical Superintendent shall nominate a senior doctor, of a level not less than that of the Chief Medical Officer, as the Nodal Officer for that particular hospital, for administration of this Scheme.
- (b) The Principal District and Session Judge (Headquarter) may designate a senior Judicial Officer of Delhi Higher Judicial

Service Rank to be the Nodal Officer for supervision of the Avlamban Fund.

5. ELIGIBLE PERSON

- (a) Any person shall be treated as an Eligible Person under this scheme if:-
- (i) The said person has suffered an acid attack in any manner in the National Capital Territory of Delhi or is the resident of the National Capital Territory of Delhi and has received treatment for the same in any Hospital.

6. FINANCIAL ASSISTANCE

- a) Financial assistance may be provided to any Acid Attack Victim under the Scheme for the purpose of:-
- (i) Procurement of tissue expanders/ implants required in plastic/rehabilitative surgery of burn injuries arising out of acid attack or any other aftercare treatment, diet, medicines/ointments related to such injuries over and above the compensation provided under Delhi Victim Compensation Scheme 2018 or any other scheme of the Government of NCT of Delhi or the Government of India or any other Government Authority or Body.
- (ii) Other rehabilitative measures (including educational or vocational training) required by the victim of burn injuries arising out of acid attack, as the Court may decide.
- b) The maximum amount which can be reimbursed for the purposes specified in sub clause (1) shall be as per the monetary ceiling provided in Schedule I.

7. PROCEDURE FOR FINANCIAL ASSISTANCE

- a) Delhi State Legal Services Authority under its project 'Sampark' receives copy of FIR of all offences against women including rape, sexual assault as well as acid attack as these victims are entitled to free legal aid and assistance under the Legal Services Authority Act. Immediately on receipt of FIR of acid attack, the Legal Aid Counsel appointed for visiting the victim to provide the victim with immediate legal aid and assistance shall be responsible for apprising her/him about the Avlamban Fund Scheme and its benefits. The Investigating Officer, being the first contact person with the victim and her/his family shall also be responsible for informing them about this scheme and its provisions.
- b) The Victim who is desirous of securing assistance under the Scheme shall make an application herself/ himself or through the

- Legal Aid Counsel/ Privately Engaged Counsel to the concerned court, for assistance in Form-A appended to this Scheme.*
- c) The application shall be accompanied with requisite documents, self declaration and medical record of the Victim along with duly filled in Form-A and the estimate amount which may be incurred for procurement of the implants, diet, medicines etc. or aftercare treatment of the Victim. The above-mentioned documents shall be verified and forwarded by the Nodal Officer of the Hospital to the Concerned Court.*
 - d) The Concerned Court shall get the identity, address proof and bank account details of the victim verified through the IO concerned within 48 hours and thereafter shall recommend the final amount of compensation payable to the victim as per the documents forwarded by the Nodal Officer of the Hospital.*
 - e) Thereafter, Concerned Court shall forward the order for award of specified amount of compensation to the Principal District and Sessions Judge(HQ) who shall then get the recommended amount released from the Avlamban Fund by direct transfer into the bank account of the Victim, subject to the monetary ceiling prescribed under the Scheme.*

8. PROCEDURE FOR OTHER REHABILITATIVE MEASURES

- a) On a written request of the victim in Form A or otherwise, the Court may approve such other rehabilitative measures, including short/long term measures for education, vocational training, legal and social assistance for the victim as the Court may deem appropriate, depending upon the interests and needs of the victim.*
- b) The Court may direct that such rehabilitative measures be taken in the manner it may deem appropriate; the Court may also utilize the services of any Government authority/ body or NGO for this purpose.*
- c) The expenses incurred for undertaking such rehabilitative measures shall be defrayed from the Fund on due recommendation of the Concerned Court and the Court may also sanction advance in deserving cases.*

9. ACCOUNTS AND AUDIT

- a) The Nodal Officer of the Principal District and Sessions Judge (HQ) shall get the accounts relating to the Scheme maintained as per the Rules being followed for the said purpose in the District Courts.*

- b) The accounts relating to the Scheme shall be audited as per the Rules being followed for the said purpose in the District Courts.
- c) The Principal District and Sessions Judge(HQ) shall provide a half yearly report to the Registrar General Delhi High Court regarding utilization of funds under this scheme.

10. POWER TO ISSUE DIRECTIONS

The Competent Authority may, from time to time, issue such directions as it may consider necessary for the proper implementation of the Scheme or for the purpose of removing any difficulty which may arise in the administration thereof.

Schedule I

[See Clause 6]

Maximum Reimbursable Amount

- (a) Procurement of Tissue expanders/ implants required in plastic/rehabilitative surgery in case of acid attack or any other treatment/surgery related to burn injuries arising out of acid attack - Rs. 5,00,000/-
- (b) Other rehabilitative measures (including education and vocational training) in case of serious burn injuries arising out of acid attack - Rs. 1,00,000/-

Photograph to be attested by the Treating Doctor

FORM A

(For Assistance under the Avlamban Fund Scheme)

1. Name (In block capitals)
2. Father's/Husband's Name
3. Age
4. Nationality
5. Address
6. Occupation/job
7. Bank Account Details
8. Details of the Assistance sought

Date:

Signature of Patient

CERTIFICATE OF TREATING DOCTOR

FORWARDED BY NODAL OFFICER OF THE HOSPITAL

FORM B

I _____ s/w/d/o _____ aged about _____ years do hereby declare that I have applied for financial assistance under the Avlamban Fund Scheme to bear the expenses of _____

I undertake that I shall procure the said rehabilitative article/ device from the sanctioned fund and utilize the same for my personal use only.

SIGNATURE OF THE VICTIM

FORWARDED BY NODAL OFFICER OF THE HOSPITAL"

6. The Scheme shall come into effect from the date of passing of the order. Further, in light of the mandate of the Scheme, it is directed that the Principal District & Sessions Judge (HQ) shall open a separate account for implementation of the Scheme whereafter the Registrar General of this Court shall transfer the funds lying in the AASRA Fund to the newly opened account under the 'Avlamban Fund Scheme, 2024'. Additionally, the fine and costs imposed under the orders of this Court or any other Court and directed to be deposited under the Scheme shall also add to the corpus of the fund.

7. With the direction to consider the case of the present victim under the Scheme, the petition is disposed of with liberty to the parties to seek clarification/directions, if need so arises.

8. Copy of this order be sent to the all the stakeholders for implementation of the Scheme forthwith.

9. Order be uploaded on the website of this Court.



CHIEF JUSTICE



MANOJ KUMAR OHRI, J.

NOVEMBER 28, 2024/na

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