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In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No.4/1363/2016-Wel./CD/ 3932

Dated:
22-1-18

In the matter of:

Suo motu

.....Petitioner

Versus

The Deputy Commissioner of Police
East District, I.P. Extn.,
Mandawali Fazalpur
New Delhi -110092

.....Respondent

ORDER

This court took suomotu cognizance of a news item in Amar Ujala, a Hindi Daily newspaper in which it was reported that a mentally challenged boy was sodomised and harassed under the Persons with Disabilities Act, 1995 vide notice dated 12.08.2016. Action Taken Report was sought from DCP (East District) vide letter dated 31.08.2016.

2. He informed as under: -

"Enquiry into the matter was got conducted through ACP/Preet Vihar on 8.8.2016, Akash Gupta S/o Late Ram Waqil Gupta, aged 15 years, R/o H. No. H-35, Ground Floor, Aruna Park, Delhi stated that on 7.8.2016 when he was going to his house, alleged persons approached shouting to chor-chor and took him to school floor of H.No. H-39. The alleged persons thrashed him by sticks and kept him confined. Some unknown persons made a PCR Call and PCR Van took him to LBS Hospital, and he was medically examined vide MLC No. 11463/16. Initially the PCR call was

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marked to HC Rakesh and a case vide FIR No. 726/16 u/s 342/323/34 IPC was registered at Police Station Shakarpur, Delhi. On the instance of the complainant alleged three persons namely Sikander Kumar Yadav S/o Bharat Prasad Yadav, Asit Kumar Jha S/o Kaushal Kishore Jha and Jamir Anwar S/o Zulfikar Ahmad were arrested and released on bail as the offence was bailable.

Later, Aunt of the complainant approached the Police Station and alleged that her nephew Akash Gupta was sodomized. Hence the case file was transferred to SI Sanjay Kumar and thereafter a fresh medical of Akash Gupta was got conducted from LBS Hospital vide MLC No. 11492/16. On the basis of contents of the MLC, section 363/506/IPC and 6 POCSO Act were also added in said case FIR No. 726/16. Therefore, the above alleged persons alongwith one more alleged person Sushil Kumar were arrested. All the alleged persons were produced in the Hon'ble High Court and are running in Judicial Custody. The Investigation of the case is in progress."

4. Respondent was directed to submit by 15.12.2017 status of investigation which was stated to be in progress and to intimate whether charge sheet had been filed. In response, the respondent vide letter dated 01.01.2018 informed that 3 persons were initially released on bail. Later-on the aunt of the complainant approached Police Station and alleged that the alleged person sodomised her nephew namely Master Akash Gupta, the file was transferred to S.I. Sh. Sanjay Kumar of the Police Station Shakarpur and thereafter a fresh medical of the complainant was got conducted vide MLC No. 11492/16 at LBS Hospital. During the course of investigation, as per the statement of the complainant and content of MLC Section 363/506 IPC & 6 POCSO Act were added in the case. During the course of investigation, all the alleged persons were arrested again. Besides this one person namely Mr. Sunil Kumar was also arrested and sent to Judicial Custody.

5. Section 92(d) of the Rights of the Persons with Disabilities Act, 2016 which has come into force w.e.f 19.04.2017, among other things, provides for punishment

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with imprisonment for a term which shall not be less than six months but which may extend to 5 years and with fine for committing various offences of atrocities.

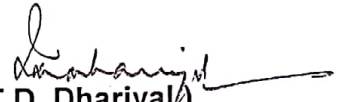
6. The respondent is advised to bring the provisions of the Rights of Persons with Disabilities Act, 2016 to the notice of the Hon'ble Court where the matter may be listed.

8. In view of the above, the matter is disposed off.

9. Given under my hand and the seal of the Court this ^{22nd} day of January, 2017.



State Commissioner for Persons with Disabilities


(T.D. Dhariyal)
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