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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-110002  
Phone: 011-23216003-04, Telefax: 011-23216005, Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)  
[Vested with powers of Civil Court under the Rights of Persons with  
Disabilities Act, 2016]

Case No.832/1111/2019/04/ 7557 - 7560

Dated: 04/11/2019

In the matter of:

Suo-motu

Versus

**The Sub Divisional Magistrate  
(Defence Colony)  
OLD Gargi College Building behind  
Lajpat Nagar IV  
New Delhi -110024**

.....Respondent

**ORDER**

Suo-motu cognizance of a newspaper article published in Times of India dated 05.04.2019 regarding rape of a mentally ill elderly woman was taken up by this Court with SDM (Sarita Vihar) vide letter dated 15.04.2019 followed by reminder dated 25.05.2019 under the Rights of Persons with Disabilities, Act 2016, here in after referred to as the Act. SDM, Sarita Vihar was directed to ensure action in accordance with Section 7(3) of the Act, which is reproduced below:

*"7(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—*

*(a) to rescue the victim of such Act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;*

*(b) for providing protective custody to the person with disability, if such person so desires;*

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(c) to provide maintenance to such person with disability.

2. As there was no response, a notice for hearing on 21.08.2019 u/s 82 of the Act was issued on 15.07.2019. As none appeared for the hearing, District Magistrate (South East) and Divisional Commissioner-Cum-Secretary(Revenue) were impleaded as respondents No. 2 & 3 respectively.

3. During the hearing on 30.08.2019, Sh. Vinod Kumar Yadav, SDM (Defence Colony) appeared and submitted that Lajpat Nagar falls under the jurisdiction of SDM (Defence Colony) whereas the communications were addressed to SDM (Sarita Vihar). SDM (Sarita Vihar) informed him about this case on 23.08.2019 after the Record of Proceedings dated 22.08.2019 were issued. After receiving the Record of Proceedings, he requested the Asstt. Commissioner of Police, Sub Division (Lajpat Nagar) vide letter dated 23.08.2019 and has also sent a reminder dated 27.08.2019 with a copy to this Court and District Magistrate (South East). He also submitted that he was aware that the accused had been arrested and he would also find out the whereabouts of the victim and her well being.

4. **DCP(South East) was directed to intimate the action taken in the matter and status of the case and the well being of the victim as mandated under the Rights of Persons with Disabilities Act, 2016 by 09.09.2019.** District Magistrate (South East) and Divisional Commissioner, - Cum-Secretary (Revenue) were removed from the list of respondents.

5. SDM (Defence Colony), South East District vide letter No. SDM/SE/PD/2019 dated 14.10.2019 submitted as under:

"Sir

*In pursuance of direction of the Hon'ble State Commissioner for Persons with Disabilities issued in the case no. 832/1111/2019/04/5020 on 30.08.2019, it is submitted that:-*

1. *In response to the letter of this office dated 27.08.2019, the ACP has forwarded the status report on the above case received from the SHO, Lajpat Nagar, mentioning therein that a case vide FIR No. 146/2019,U/S/376/354 (B)/323 IPC was registered on 03.04.2019 and accused was arrested. After completion of investigation of the charge sheet has been filed on 01.06.2019 before the Hon'ble court of Ms. Renu Bhatanagar, ASJ(FTC). Saket Court. New Delhi. ( The report alongwith the Copy of FIR are enclosed).*

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2. Regarding find out the where about of the victim and her well being, in this regard. It is submitted that as per enquiry made at L-7, Kailash Colony, New Delhi, it is found that victim Ms. Indira is being residing with her sister Vijaya w/o Lt. Jasvir Singh Bedi at L-7, Kailash Colony New Delhi but at the time of visit to the premises, Ms. Indira was not found available.

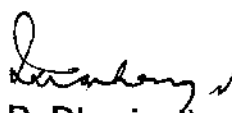
The report is submitted for kind perusal and further direction please

(Vinod Kumar Yadav)  
SDM (Defence Colony)  
South East District"

6. In view of the above, the matter is disposed of. However, the concerned authorities be apprised of the provisions of the Act.

7. Given under my hand and the seal of the Court on **04<sup>st</sup> November, 2019.**




  
(T.D. Dhariyal)

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Copy for information to:

1. Dy. Commissioner of Police, South East District, Pocket-C, Sarita Vihar, New Delhi, Delhi-110076 for necessary action on Para 2.
2. District Magistrate (South East), Old Gargi College Building, Lajpat Nagar-IV, New Delhi-110024.
3. Divisional Commissioner-Cum-Secretary (Revenue), GNCT of Delhi, 5 Sham Nath Marg, Delhi-110054.

  
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