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# SC hears PIL seeking to stop HCs from trivialising rape cases

## Petitioners Cite 12 Instances Where Courts Made Extraneous Remarks

TIMES NEWS NETWORK

**New Delhi:** The Supreme Court on Friday agreed to entertain a PIL seeking a direction to all high courts and trial courts to refrain from passing observations during trial or imposing such bail conditions that trivialise the trauma of women who suffered sexual assault and impinged upon their dignity.

A group of women activists and lawyers led by Aparna Bhat cited 12 instances of such comments made by Delhi High Court and trial courts, and the HCs of Punjab and Haryana, West Bengal, Uttar Pradesh, Madhya Pradesh, Karnataka and Tamil Nadu and highlighted a recent instance where the HC asked the accused, while granting him bail, to tie a rakhi to the rape survivor and gift her money.

Appearing for the petitioners, senior advocate Sanjay Parikh told a bench of Chief Justice S A Bobde and Justices A S



Bopanna and V Ramasubramanian, "It is becoming a rather frequent phenomenon where extraneous conditions/observations are being made in many cases related to women, which tend to trivialise the offence committed. Violence against women, more particularly sexual violence against women, are extremely serious offences and needed to be treated stringently by the court." The bench sought the assistance of attorney general K K Venugopal in deciding the judicial approach in dealing with the sensitive issue raised

**The petitioners - a group of women activists and lawyers - highlighted in SC a recent instance where the HC asked the accused, while granting him bail, to tie a rakhi to the rape survivor and gift her money**

by the petitioners.

The petition said, "As has been seen in the recent past, the violence is getting gorier and perpetrators of the offences are operating with impunity, completely confident that law enforcement is complicit and/or a willing participant in suppressing these complaints. In these circumstances, if constitutional courts such as high courts also trivialise the offences, women's rights are in grave danger." Such extraneous comments from constitutional court judges, apart from trivialising the crime, tended to violate the digni-

ty of women who had undergone the traumatic experience of being physically violated, they further said. Referring to the 12 instances, the petitioners said, "In these cases, while granting bail to the accused in rape cases and in cases under the PocsO Act, the courts, by relying upon the factum of marriage having been arranged/solemnised between the victim and accused, have made observations which are extraneous. Shockingly, remarks regarding the character of the victim in the adjudication of rape cases have also been made.

"In many cases, these conditions are actually in the nature of compromise, which dilute or completely obliterate the heinousness of the crime against the dignity of a woman. These observations have an impact on the trial and in many cases, on account of such observations, the accused get the benefit of acquittal or imposition of lesser sentence," they added.