

PUBLIC GRIEVANCES COMMISSION

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI

Order under Para 2(B) of the PGC Resolution No F.4/14/94-AR dated 30.7.1998

Date of hearing: 12th February, 2018

Complainant : Bodh Sadhvi Bhikuni Purnima, 1st Floor,
Sangharam Budh Vihar, LIG Flats, Dr. Ambedkar
Marg-13, Loni Road, Shahdara East, Delhi-110093

Respondent : **Special Commissioner of Police
Delhi Police (Vigilance), PS
Barakhamba Road, New Delhi**

Grievance No. : PGC/2017/DP/56

Grievance filed on : 3/3/2017

First hearing in the PGC : 24/4/2017

Scheduled on

1. Brief facts of the complaint

The complainant has filed a complaint that on 18.10.2016, she was molested, beaten and dispossessed of her living room by Munna, Suresh, Amit, Rahul and Thero Jyoti. She has alleged that the alleged persons torn her clothes, abused, beaten her and sexually assaulted her. They also snatched Rs. 500/- from her. She has further stated that she made a police complaint in this regard by complaining at No. 100. But the police has not registered any case against the alleged persons till date. The police did not get her MLC prepared. She has alleged the connivance of police inspector Ramesh Kansal and Gajender Singh with the alleged persons. She has requested for legal action against the delinquent police officials.

2. Proceedings in the Public Grievances Commission

The PGC convened its first hearing in the complaint on 24th April, 2017, the second hearing held on 10th July, 2017, the third hearing held on 11th Sept., 2017, the fourth hearing held on 12th February, 2018 and the fifth hearing held on 26th February, 2018, when the following were present:-

Complainant : Present

Respondent : Inspector Jai Bhagwan, SHO/Jyoti Nagar
ACP Rishi Devi, PG Cell/East District
Inspector CAW C/NED
ASI Jagdamba, PG Cell/North East

3 Relevant facts emerging during the hearing

An ATR has been filed by Inspector CAW Cell/NED, stating the following :-

- i. It is submitted that on 25.4.2017, Bhikshuni Purnima r/o Sangharam Buddha Vihar, 1st Floor, Dr. Ambedkar Marg, Sankhya-3, Main Loni Road, Shahdara, Delhi -93, age 57 years mobile no. 9958724776 appeared before Hon'ble PGC and stated she has been staying at above said Address from last five years. On 18.10.2016 at about 11.00 a.m. while she was at her home (above mentioned address)

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and she was alone at the 1st Floor, three persons namely Munna, Suresh and Amit, who are relatives of Thiro Jyoti, entered into her house and stated that they will sleep here. On refusal for the same, they quarreled with her, torn her wearing clothes and raped her by using penis, finger etc. and ran away after locking the house from outside. When she looked down Thiro Jyoti r/o Ground Floor, Sangha Ram Budh Vihar Dr. Ambedkar Marg Main Loni Road, Shahdara Delhi-93 and Rahul were present there. She asked them to open the door but they denied for the same and asked to vacate the house. After 10 minutes, on the direction of Thiro Jyoti the door was opened by Rahul. She called on 100 No. on which police arrived there but Rahul has escaped. On the next day 19.10.2016 she went in Dr. Hedgewar Hospital and took treatment. Later on Thiro Jyoti has threatened her for rape etc. She requested for stern action against the alleged persons.

- ii. On the said statement of Bhikshuni Purnima, a case vide FIR No. 155/17 u/s 376 D IPC dated 25.4.2017 at PS Jyoti Nagar has been registered. On 9.6.2017 the investigation of the said case has been marked to undersigned. During the investigation, the following steps have been taken :-
- The victim has been medically examined at GTB hospital vide MLC NO. 5123/25/17 (copy of the same has been sent with earlier report)
 - On 26.6.2017, the statement of the victim u/s 164 Cr.P.C. has been got recorded by Ld. M.M. Ms. Babita Punia, MM KKD Courts, Delhi in which she corroborated her previous statement as in FIR.
 - CDRs of telephone no.s of three alleged persons out of five have been obtained to find out their location on the day of incident, which indicates that the location of the mobile phones of alleged persons was at the place of occurrence. Telephone numbers of rest two alleged persons are not available on file.

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- During investigation, efforts were made i.e. several raids were conducted at Sangharam Buddha Vihar, Dr. Ambedkar Marg, Sankhya-3, Main Loni Road, Shahdara, Delhi-93 to arrest the accused persons but all in vain in the absence of proper address.
- Meanwhile on 3.8.2017, accused Thiro Jyoti has moved application u/s 438 Cr.P.C. for granting anticipatory bail. After hearings on 3.8.2017 and 23.8.2017 the bail had been accepted by the Hon'ble Court of Ms. Savitri, Ld. ASJ Karkardooma Courts, Delhi on 7.9.2017 with the remarks that there was a dispute with respect to occupation of Budh Vihar between prosecutrix and accused persons. There is no allegation of offence u/s 376/D qua applicant. He has clean antecedents. The FIR has been lodged with a delay of about six months.
- Accused Rahul has also moved an application u/s 438 Cr.P.C. for granting anticipatory bail, which has also been accepted by the Hon'ble Court of Ms. Savitri, Ld. ASJ Karkardooma Courts, Delhi on 20.9.2017 with the remarks that considering the clean criminal record of the applicant and long standing dispute between the parties and possibility of false implication and further in view of improvements made in 164 Cr.P.C. statement of the victim qua the applicant.
- Thereafter, accused Thiro Jyoti and Rahul have been arrested and bailed out as per order of Hon'ble Court dated 7.9.2017 and 27.9.2017 respectively.
- On 16.11.2017, anticipatory bail of accused Suresh has also been granted by Hon'ble Court of Shri Sanjeev Kumar, District and Session Judge Karkardooma, Delhi with the remarks that no specific role is alleged against the applicant except his presence in the room, where the alleged incident occurred. Co-accused have already been granted anticipatory bail.

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- On 30.11.2017, anticipatory bail of accused Amit and Munna have also been granted by Hon'ble Court of Shri Sanjeev Kumar, District and Session Judge Karkardooma, Delhi.
- Thereafter, all remaining three accused have been arrested and bailed out as per orders of Hon'ble Court.
- As ordered by the Hon'ble Commission, the name and particulars of all accused persons are enclosed herewith.
- Secondly, copy of bail orders and reply of bail application are enclosed herewith for perusal please. With regard to criminal record of the accused persons, it is submitted that they have no previous criminal record.
- Now the investigation of the case has been completed. Hence, chargesheet has been prepared and put in court on 21.2.2018 for judicial verdict."

4. Directions of PGC

As per the ATR filed by Inspector CAW Cell/NE, the investigation of the case has been completed and chargesheet has been prepared and put in the Court on 21.2.2018 for judicial verdict.

The complainant is present and informed that she has been dispossessed of her dwelling place, her belongings stolen.

The EO/IO & SHO is directed to verify whether the complainant was in occupation of dwelling unit at the time of her complaint against alleged persons. If yes, the complainant be supported and legal action be initiated as per law to restore her possession.

As per mandate of the Commission, any matter which is sub judice in nature cannot be taken up by the Commission for hearing. The Commission has, therefore, decided to close the case due to its sub judice nature, with the advice to the complainant to pursue the case in the Court of law.


(SUDHIR YADAV)
MEMBER(PGC)

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07-3-18

1. The Special Commissioner of Police (Vigilance), Delhi Police, PS Barakhamba Road, New Delhi.
2. The Addl. Commissioner of Police (Vigilance), Delhi Police, Police Station Barakhamba Road, New Delhi-110001.
3. DCP/North East District, Police Station Seelampur, Delhi-110093
4. Bodh Sadhvi Bhikuni Purnima, 1st Floor, Sangharam Budh Vihar, LIG Flats, Dr. Ambedkar Marg-13, Main Loni Road, Shahdara East, Delhi-110093.