

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 315 of 2025

Murshed Ansari

..... Appellant

Versus

1.State of Jharkhand

2.Victim 'A'-cum-Mother of Victim 'B' & Victim 'C'

..... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Anup Agrawal, Advocate

For the State : Mr. Pankaj Kumar, P.P.

ORAL ORDER IN COURT

09/21.01.2026

This case has been placed by the Office in the light of Order dated 22.12.2025 and 13.01.2026 passed by this Court.

2. A counter affidavit has been filed by the Respondent-State on 19.01.2026.

3. It has also been informed that the District Administration of Godda has paid Rs.7,00,000/- each to the two minor girls, who was the victim of rape and Rs.4,00,000/- has been paid to their mother, i.e. Rs.18,00,000/- has been paid in total to them.

It has been drawn in the order dated 22.12.2025 by this Court.

4. On perusal of the counter affidavit filed by the State on 19.01.2026, it appears that very elaborate Schemes have been framed for the District of Godda and for which various measures have been taken and the District Action Plan has been initiated for safeguarding and rehabilitation of the specific crimes and details of which has been stated at Paragraph No.s 5, 6, 7 of the said counter affidavit, which read as follows:-

***“Pare 5:- That it is stated and submitted
that the District Action Plan for Safeguarding and***

Rehabilitation of Victims of Sexual Crimes has been prepared which is as follows:-

A:-Introduction:-*Sexual crimes causes severe physical, psychological and social trauma to victims. The District Administration has a crucial role in ensuring immediate protection, access to justice, rehabilitation, and social reintegration of victims, while also creating a preventive and victim-friendly ecosystem. This document outlines comprehensive district-level framework detailing measures to be taken and the roles of various government agencies.*

B:- Objectives:- *To ensure immediate safety, dignity, and confidentiality of victims of sexual crimes. To provide timely medical, legal, psychological, and social support. To facilitate rehabilitation and reintegration of victims into society. To strengthen coordination among district-level government agencies. To enhance awareness and prevention of sexual crimes*

C:- Immediate Safety and Protection Measures :-

*i) Police Response and Security Ensure 24×7 functioning of Women Helpline (1091/181) and Childline (1098). Immediate registration of FIR without delay, including Zero FIR. Deployment of female police officers for interaction with victims. land **identification** for Mahila Thana, Activation of Special Juvenile Police Unit (SJPU) in cases involving children. Provision of police protection where there is threat or intimidation.*

ii) *Medical Examination and Treatment*
Immediate referral to nearest government hospital for medico-legal examination.

Examination to be conducted by trained doctors, preferably female. Free treatment to victims as per Section 357 C CrPC.

Provision of emergency contraception, HIV/STD prophylaxis, and trauma care. Proper collection, sealing, and preservation of medico-legal evidence.

iii) *Shelter and Safe Accommodation -SDo visited Temporary shelter through One-Stop Centre (Sakhi), Short Stay Homes, or Ujjawala Homes. Placement of child victims in appropriate Child Care Institutions (CCIs) as per CWC orders. Ensuring basic needs such as food, clothing, and safety.*

D:- Psychological and Social Support :-

i) *Counselling and Mental Health Care Immediate and long-term counselling through One-Stop Centre counsellors. Support through District Mental Health Programme (DMHP). Family counselling to reduce stigma and facilitate acceptance.*

ii) *Victim-Friendly Justice Process Ensuring privacy and dignity during investigation and trial. Facilitation of video-conferencing for testimony, where required. Provision of support person for child victims under POCSO Rules. Separate waiting areas for victims in courts.*

E. Legal Assistance and Case Monitoring:-

i) *Free Legal Aid District Legal Services Authority (DLSA) to provide legal aid counsel. Assistance in*

filing applications for victim compensation. Legal guidance at every stage of investigation and trial.

ii) Investigation and Trial Monitoring Time-bound investigation as per CrPC and POCSO Act. Appointment of Special Public Prosecutors for sexual offence cases. Monthly review of pending cases by DM and SP.

F. *Rehabilitation and Social Reintegration:-*

i) Economic Rehabilitation Immediate interim compensation under Victim Compensation Scheme. Linkage with social security schemes such as pensions, ration cards, and health insurance. Skill development and livelihood support through PMKVY, DDUGKY, JSLPS, etc. SHG linkage for sustainable income generation.

ii) Education and Child Welfare KGBV Continuation of education for child victims through school support and transfers if required. Bridge education and tuition support where necessary. Coordination with ICDS, CWC, and Education Department.

iii) Individual Care Plan (ICP) Preparation of an Individual Care Plan for each victim. Periodic review of health, counselling, education, and livelihood support. Focus on long-term recovery and dignity.

G:- *Community Awareness and Prevention Awareness programmes on sexual offences, POCSO Act, and gender sensitivity. Good touch-bad touch education in schools and Anganwadi centres. Involvement of PRIs, SHGs, NGOs, and community*

leaders. Police outreach and school safety programmes.

H:- Roles and Responsibilities of District-Level Agencies: -

i) District Magistrate (DM/DC) Overall coordination and supervision. Chair monthly review meetings. Ensure functioning of OSC, DCPU, CWC, and helplines. Approval and release of victim compensation.

ii) Superintendent of Police (SP) Ensure sensitive policing and timely investigation. Victim protection and witness security. Deployment of trained officers for sexual offence cases.

iii) District Legal Services Authority (DLSA) Free legal aid and court support. Legal awareness and compensation facilitation.

iv) Health Department / Civil Surgeon 24x7 medico-legal services. Mental health support through DMHP. Capacity building of medical staff.

v) One-Stop Centre (Sakhi) Central coordination for medical, legal, counselling, and shelter services. Case management and follow-up.

vi) ICDS and Social Welfare Department Support for women and child victims. Nutrition, counselling, and rehabilitation linkage.

VII) Child Welfare Committee (CWC)/JJB Care, protection, and rehabilitation of child victims. Monitoring of Child Care Institutions.

(VIII) Education Department Safe continuation of education. Awareness and counselling in schools.

IX) Livelihood and Rural Development Agencies Economic rehabilitation and skill training. SHG-based support for reintegration.

I:- *Special District-Level Initiatives Victim Case Tracking Dashboard. District Fast Response Team (Police, OSC, Medical, Counsellor). Regular training of frontline officials. Social audits and periodic reporting.*

J:- *Conclusion: - A coordinated, sensitive, and victim-centric approach by the District Administration is essential for safeguarding victims of sexual crimes and ensuring their rehabilitation. Through effective interdepartmental coordination, timely intervention, and sustained support, victims can regain dignity, confidence, and a secure place in society.*

Para 6:- *That it is stated and submitted that the compensation is required to be paid as per the Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018.*

Photocopy of the relevant extracts of Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes 2018 is annexed herewith and marked as Annexure A to this affidavit.

Para 7:- *That vide order contained in memo no. 7301/go. Dated 14.11.2025 the superintendent of Police Godda has constituted a special ladies squad under the leadership of Sub Inspector of*

Police Ruby Andriana Minz of Meherma Division to control crime related to woman.

Photocopy of memo no. 7301/go. Dated 14.11.2025 is annexed herewith and marked as Annexure B to this affidavit.

Para 8:- *That it is stated and submitted that total compensation i.e 18 lakh have been paid to the Victims and to their mother as already stated above.*

Photocopies of the Bills by which payment have been made to the victims and to their mother are enclosed as Annexure C & C/l to this affidavit”

5. It appears that support person is also required for the victim girls in view of the provisions of Section 39 and 40 of Protection of Children from Sexual Offences Act, 2012. The support person has to accompany the victim girl as well as her family members through the entire process, at every stage, after institution of the case till the victim girl and her family members are examined during trial and for which some amount shall be paid by the Govt. of Jharkhand as remuneration to the Support person.

6. However, if any support person is appointed by the District Administration prior to passing of this order then they will also be paid the remuneration fixed by the State.

7. For better appreciation, Section 39 and 40 of Protection of Children from Sexual Offences Act, 2012 is quoted as follows:-

“Section 39:-Guidelines for child to take assistance of experts, etc.-Subject to such rules as may be made in tis behalf, the State Government shall prepare guidelines for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

Section 40:- Right to child to take assistance of experts, etc.-Subject to the proviso to section 301 of the Code of Criminal Procedure, 1973 (2 of 1974), the family or the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act:

Provided that if the family or the guardian of the child are unable to afford a legal counsel, the Legal Services Authority shall provide a lawyer to them.”

8. Therefore, in the light of Section 39 and 40 of Protection of Children from Sexual Offences Act, 2012, the State Government has to prepare a guideline subject to such rules as may be made in this behalf in general and for use of non-governmental organisations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child.

9. Hon’ble Supreme Court was also concerned with regard to the lacunae in D.N.A. evidence and has found that I.O. should be sensitized and even guidelines have been framed for obtaining samples of D.N.A. and it

was directed that the same must be received before the concerned Forensic Science Laboratory (F.S.L.) and if there is any delay of more than 48 hours, then reason for such delay shall be duly recorded in the Case Diary. It was further directed that the all D.N.A. samples must be stored pending trial, appeal etc. and no package shall be opened, altered or resealed without express authorization of the Trial Court so that its sanctity may remain intact. A chain of custody register shall be maintained, wherein each and every moment of evidence shall be recorded with counter sign at each end. This chain of custody register shall necessarily be appended as part of the Trial Court Record and its failure to maintain the same shall render the Investigating Officer responsible for explaining such lapses.

10. It has been held in the case of ***Kattavellai @ Devakar Versus State of Tamilnadu*** reported in **2025 SCC OnLine SC 1439** at **Para 43** and **44** as follows:-

“Para 32:- One such instance where DNA evidence had to be rejected, fairly recently, was a three-Judge Bench decision in Manoj v. State of M.P.²⁶. The Appellants in the said case had been sentenced to death by the 1st Additional Sessions Judge, Indore, for the murder in the course of the robbery of 3 women. Ultimately, the Court commuted the death sentence to life imprisonment with a minimum 25 years sentence; while dealing with such evidence, it made detailed references to a 2007 paper titled DNA Profiling In Justice Delivery System published by the Central Forensic Science Laboratory, Kolkata and the previous judgments of this Court wherein the topic of DNA has been dealt with, as also the 185th report of the Law

Commission of India. In this case, DNA was rejected on the ground that recovery, which was affected, was made from an open place, and the likelihood of its contamination cannot be ruled out. It is also observed that the bloodstains found on the articles were disintegrated, and the quantity was insufficient to run any classification tests.

Para 35:- *This case, incidentally, if not unfortunately, is another one of the like of the above. Despite the presence of DNA evidence, it has to be discarded for the reason that proper methods and procedures were not followed in the collection, sealing, storage, and employment of the evidence in the course of the Appellant-convict's conviction. DNA, as we have observed, has been held to be largely dependable, even though this evidence is only of probative value, subject to the condition that it is properly dealt with. Over the past decades, many cases have come to their logical conclusion with the aid of DNA evidence in many regions across the world. It is also equally true that many persons wrongly convicted have finally had justice served, with them being declared innocent because of advancements in this technology. It is unfortunate that, alongside such advancements, we still have cases where, despite the evidence being present, it has to be rejected for the reason that the concerned persons, either doctors or investigators, have been careless in the handling of such sensitive evidence.*

Para 43:- *As we have discussed earlier in this judgment, the DNA evidence collected has been rendered unusable. It suffers from various shortcomings in as much as there is large amount of*

unexplained delay; the chain of custody cannot be established; possibility of contamination cannot be ruled out etc. We have also referred to instances in the recent past where, similar to the case at hand the DNA evidence was rendered unusable on account of similar lapses. A perusal of the various documents released by a number of bodies such as the Standard Operating Procedure for Crime Scene Investigation issued by the Directorate of Forensic Science Service, Ministry of Home Affairs and Government of India⁴⁸; Guidelines for collection, storage and transportation of Crime Scene DNA samples issued by the Central Forensic Science Laboratory, Directorate of Forensic Science Service, Ministry of Home Affairs and Government of India; a Forensic Guide for Crime Investigators (Standard Operating Procedures) issued by LNJJ National Institute of Criminology and Forensic Science, Ministry of Home Affairs, Government of India show that, although, procedures have been suggested, there is no uniformity nor there is a common procedure which is required to be followed by all investigating authorities. This, obviously, has the potential to have an impact on the cases investigated. When it comes to procedure followed by the police generally, differences therein are understandable keeping in view the difference in society, regional complexities as also other factors given the wide length and breadth of the Country, however, the same yardstick cannot be applied when it comes to sensitive evidence such as DNA for the concerns, causes of its dilution in evidentiary value and requirements for it to be collected and maintained in pristine condition is not subject to the same factors. So, even though 'Police', 'Public Order' are subjects

mentioned in List-II of the Seventh Schedule of the Constitution of India that in itself cannot permit differing procedures and sensitivities to such evidence, to rule the roost. The aspects in which we find there to be errors committed regularly are in fact procedural aspects which aid the sanctity of the evidence.

Para 44:- *This lack of a common procedure to be followed, is concerning. As such, we issue the following directions which shall be followed henceforth, in all cases where DNA Evidence is involved:*

- 1. The collection of DNA samples once made after due care and compliance of all necessary procedure including swift and appropriate packaging including **a)** FIR number and date; **b)** Section and the statute involved therein; **c)** details of I.O., Police station; and **d)** requisite serial number shall be duly documented. The document recording the collection shall have the signatures and designations of the medical professional present, the investigating officer and independent witnesses. Here only we may clarify that the absence of independent witnesses shall not be taken to be compromising to the collection of such evidence, but the efforts made to join such witnesses and the eventual inability to do so shall be duly put down in record.*
- 2. The Investigating Officer shall be responsible for the transportation of the DNA evidence to the concerned police station or the hospital concerned, as the case may be. He shall also be responsible for ensuring that the samples so taken reach the concerned forensic science laboratory with dispatch and in any case not later than 48-hours from the time of collection. Should any extraneous circumstance*

present itself and the 48-hours timeline cannot be complied with, the reason for the delay shall be duly recorded in the case diary. Throughout, the requisite efforts be made to preserve the samples as per the requirement corresponding to the nature of the sample taken.

- 3. In the time that the DNA samples are stored pending trial appeal etc., no package shall be opened, altered or resealed without express authorisation of the Trial Court acting upon a statement of a duly qualified and experienced medical professional to the effect that the same shall not have a negative impact on the sanctity of the evidence and with the Court being assured that such a step is necessary for proper and just outcome of the Investigation/Trial.*
- 4. Right from the point of collection to the logical end, i.e., conviction or acquittal of the accused, a Chain of Custody Register shall be maintained wherein each and every movement of the evidence shall be recorded with counter sign at each end thereof stating also the reason therefor. This Chain of Custody Register shall necessarily be appended as part of the Trial Court record. Failure to maintain the same shall render the I.O. responsible for explaining such lapse.*

The Directors General of Police of all the States shall prepare sample forms of the Chain of Custody Register and all other documentation directed above and ensure its dispatch to all districts with necessary instruction as may be required.”

11. It has been held by Hon’ble the Supreme Court in **Assessment of the Criminal Justice System in Response to Sexual Offence, in RESMW (Cr1.) No.4 of**

2019 reported in **(2020) 18 SCC 540** at **Para 26** and **27** as follows:-

“Para 26:- Section 357-A(2) CrPC provides for award of compensation to the victims. The District Legal Service Authority or the State Legal Service Authority are bound to decide as to the quantum of compensation to the victim on the recommendation of the Court. By the order of this Court in *Nipun Saxena v. Union of India* [*Nipun Saxena v. Union of India*, (2020) 18 SCC 499] , the National Legal Services Authority, New Delhi had prepared a Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes-2018. This Scheme has been circulated among all the States for necessary actions. The Scheme comprehensively provides for the rehabilitation and compensation for the victims of rape.

Para 27:- As the victim goes through a mental trauma and requires immediate counselling, legal aid and medical, social and in some cases, economic rehabilitation. Thus, we consider it appropriate to call for status report with regard to the following:

27.1. Whether courts are recommending the District Legal Services Authority or the State Legal Services Authority for compensation in appropriate cases?

27.2. Whether the amount of interim or final compensation is being provided to the victims in time-bound manner?

27.3. Whether the abovementioned Scheme of 2018 or suitably amended Scheme, has been implemented by the States for rehabilitation of victims of rape?

27.4. *Whether the SLSA or NLSA has formulated any scheme for social, medical and economic rehabilitation of the victim?*

27.5. *Whether any State has prepared a policy with regard to the counseling of the victim and medical, social and in some cases, economic rehabilitation of the victim?*

27.6. *Whether there are any counselling/ rehabilitation centres in existence for the victim of rape?*

12. This Court appreciates the initiative and follow up actions taken by Deputy Commissioner, Godda and Superintendent of Police, Godda, in compliance of the order of this Court.

13. This Court further directs that all the Deputy Commissioners and Superintendents of Police of the concerned districts, in addition to steps taken by the Deputy Commissioner, Godda and Superintendent of Police, Godda, with regard to the rehabilitation and also the sensitization of the Medical Officers, Paramedical Staffs and the State Administration, they can also take further remedial steps in the similar manner or if they can do something better, they are at liberty to add on their own.

14. This order shall hold good for all the districts of State of Jharkhand.

15. Put up this case on 16.02.2026.

16. Let a copy of this order be handed over to the learned Public Prosecutor for the needful, who will also coordinate with the different authorities of the State Government.

17. Let the name of Mr. Pankaj Kumar, learned Public Prosecutor be reflected in the cause list henceforth.

18. Let a copy of this order be sent to the Principal Secretary, Department of Home and Disaster Management, Govt. of Jharkhand, the Secretary, Women and Child Welfare Department, Govt. of Jharkhand, the D.G.P., Jharkhand, Deputy Commissioner, Godda and Superintendent of Police, Godda for the needful.

19. Let a copy of this order be sent to the learned Registrar General and Registrar Judicial, who shall circulate the same to all the learned Principal District & Sessions Judge of the entire State of Jharkhand and the learned Principal Judicial Commissioner, Ranchi for compliance and the needful.

(Sanjay Prasad, J.)

s.m.
Dated 21.01.2026