

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 24978/2018

(Arising out of impugned final judgment and order dated 23-08-2018 in CWJC No. 12845/2018 passed by the High Court Of Judicature At Patna)

NIVEDITA JHA

Petitioner(s)

VERSUS

STATE OF BIHAR &amp; ORS.

Respondent(s)

Date : 18-09-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Amicus

Ms. Aparna Bhat, Adv.  
Ms. Joshita M. Pai, Adv.

For Petitioner(s)

Mr. Shekhar Naphade, Sr. Adv.  
Mr. Fauzia Shakil, AORFor Respondent(s)  
CBIMr. K.K. Venugopal, Attorney General  
Mr. K. Raghavacharyulu, Spl. Public Prosecutor  
Mr. Kailash Pandey, Adv.  
Mr. Ranjeet Singh, Adv.  
Ms. Nupur Sharma, Adv.  
Ms. Shraddha Deshmukh, Adv.

Bihar

Mr. Ranjit Kumar, Sr. Adv.  
Mr. Abhinav Mukerji, Adv.  
Mrs. Bihu Sharma, Adv.  
Ms. Pratishtha Vij, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

The learned *Amicus* has filed brief submissions which contain Reporting Guidelines of the National Human Rights Commission, Principles and Guidelines for Ethical Reporting by UNICEF, Guidelines for Journalists and Media Professionals prepared by International Federation of Journalists, Guidelines for Media

Reporting on Child Abuse and Neglect and Norms of Journalistic Conduct, 2010 prepared by the Press Council of India.

Mr. Shekhar Naphade, learned senior counsel appearing on behalf of the petitioner has furnished some suggestions which also need to be looked into.

We propose to look into it on 20.09.2018 at 2.00 pm.

In response to the notice issued in the petition, the learned Attorney General has put in appearance along with Special Public Prosecutor for the CBI. He has brought to our notice an order dated 29.08.2018 passed by the Patna High Court. We have been taken through passages in the order. We find that the Patna High Court has required a fresh team of investigators to be constituted by the Special Director, CBI, New Delhi.

We have been informed that the present investigating team was constituted by the Director of the CBI on 30.07.2018 and later expanded by a Notification dated 31.08.2018. We have also been informed that the investigating team has carried out extensive investigation over the last several weeks and has been in touch with 245 people and has also been co-ordinating with the expert team from NIMHANS. There are no allegations made against the team with regard to the conduct of the investigations in the sense that the team is not doing a proper job.

That being the position, we do not see any reason why the team should be changed at this stage. Any change will not only be detrimental to the investigations that have already been carried out or to be carried out in future but this will also be detrimental to the interest of the children who are victims of

sexual abuse in the shelter home in Muzaffarpur.

We also see no reason why a new team should be constituted by the Special Director and not by the Director who is the Head of the Organization.

Under the circumstances, on an oral request of the learned Attorney General, we stay the order dated 29.08.2018 and direct that the investigations should continue under the team constituted by the Director, CBI and later expanded by Notification dated 31.08.2018.

We request the learned Special Public Prosecutor to file in a sealed cover the two status reports filed in the Patna High Court for perusal.

Since we are taking up the matter on 20.09.2018, we request the Patna High Court to adjourn the matter until further orders are passed by this Court.

We make it clear that the order passed by the Patna High Court on 23.08.2018 will obviously not apply to the proceedings pending in this Court.

List the matter on 20.09.2018 at 2.00 pm.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
ASSISTANT REGISTRAR