

CNR No.DLCT12-000093-2023
Cr. Case No. 06/2023
U/s 354/354A/354D/506(1) IPC
FIR No. 78/2023
PS- Connaught Place
State Vs. Brij Bhushan Singh & Anr.

30.10.2023

The undersigned is also looking after the work of Ld. CMM today.

Present: Sh. Atul Kumar Srivastava, Ld. Addl. PP.

Sh. Ratnesh Kumar Gupta, Ld. APP for the State.

IO/SI Pooja present.

Ms. Praavita Kashyap, Ld. Counsel for the complainants.

Sh. Rajiv Mohan, Sh. Rishabh Bhati and Sh. Rehan Khan, Ld.

Counsels for both the accused persons.

Accused Brij Bhushan present.

Accused Vinod Tomar present.

Matter is listed for arguments on charge.

It is argued that this court has no jurisdiction to try any offence which was allegedly committed outside India, in view of the fact that sanction u/s 188 Cr.P.C. has not been obtained. It is argued that the position of law in context to 188 Cr.P.C. is that no sanction is required when the offence is partially committed in India and partially outside or in a situation where the offence has happened outside but the consequences have ensued in India, however, as per Ld. Counsel for the accused, the matter at hand does not postulate such situation as the alleged offences are themselves distinct and were complete outside India itself. There is no *action or consequence* which has happened in India

and therefore, the alleged offences which, as per the Prosecution, have happened at Tokyo, Mongolia, Bulgaria, Jakarta, Kazakhstan, Turkey, etc., cannot be tried by this court. In support thereof, Ld. Counsel for the accused persons has filed following authorities:

a) Ajay Aggarwal vs Union of India And Ors., (1993) 3 SCC 609

b) Nerella Chiranjeevi Arun Kumar vs State of Andhra Pradesh And Anr., 2021 SCC OnLine SC 3392

c) Thota Venkateswarlu vs State of Andhra Pradesh through Principal Secretary And Anr., (2011) 9 SCC 527

Ld. Addl. PP has again countered this argument by stating that the act of sexual harassment of the victims was a continuing offence, as it did not stop at any particular time. As per the Ld. Addl. PP, the accused molested the victims whenever he got the opportunity and such harassment cannot be looked in isolated brackets and the series or the chain thereof needs to be seen as one.

After hearing the arguments for a while, this court has encouraged the three counsels, i.e., the defence counsel, Ld. counsel for the complainants and Ld. Addl. PP to file a written compilation of arguments so that the arguments can be concluded in a systematic manner. At request, three weeks' time is granted. Let the matter be taken up on **22.11.2023, 23.11.2023 and 24.11.2023 at 02:30 PM.**

(Harjeet Singh Jaspal)
ACMM-04/RADC/New Delhi
30.10.2023