

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

Special Leave Petition (Crl.) No. 7159 of 2022

The State of Kerala

...Petitioner

Versus

Sister Amala & Anr.

...Respondents

ORDER

C.T. RAVIKUMAR, J.

1. This petition seeking leave to appeal is filed by State of Kerala against the final order dated 03.03.2022 passed by High Court of Kerala in Criminal MC No. 1184/2022, whereby all further proceedings against the petitioners therein/respondents herein in Crime No. 1019/2018 of Kuravilangadu Police Station were quashed. On 05.08.2022 when this matter came up for hearing the SLP was dismissed observing that the detailed judgment/order would follow. The order dated 05.08.2022 reads thus:

“Although, we do not appreciate the finding recorded by the High Court in the impugned judgment

by looking to the fact that this is a matter of 2018 and four years have rolled by this time.

In changed circumstances, this court may not like to open the issue any further.

The special leave petition is dismissed accordingly.

The detailed judgment/order to follow.”

This detailed order is being passed in terms of the afore-quoted order dated 05.08.2022.

2. Crime No. 1012/2018 of Kuravilangadu Police Station was registered against the respondents herein, who are nuns, under Section 228A of Indian Penal Code (IPC) for having disclosed the identity of the rape victim in Crime No. 746/2018 of Kuravilangadu Police Station registered under Sections 342, 376(2)(k), 376(2)(n), 376A and 506, IPC. The criminal law was set in motion by the First Information Statement (FIS) to the effect that the respondents herein have published photograph of the victim in the aforementioned crime through social media platform, WhatsApp. Obviously, in the investigation conducted it was found that the respondents had actually sent e-mail to three un-named persons working as media persons and consequently, the final report to that effect was filed under

Section 173(2) of the Code of Criminal Procedure (Cr.PC) and ultimately it was taken as S.T. No. 4981/2019 on the file of Judicial First Class Magistrate Court-I, Pala. The stated Criminal MC was filed by the respondents herein seeking quashment of final report in S.T. No. 4981/2019 and all further proceedings pursuant thereto.

3. Heard the learned counsel for the petitioner. We have already made it clear in the order dated 05.08.2022, for the reasons stated therein, that though we do not appreciate the finding recorded by the High Court in the impugned order, we do not think it necessary to open the issue any further.

4. The very avowed purpose and object of introduction of Section 228-A of IPC as per Amendment Act 43 of 1983 with effect from 25.12.1983, is to prevent social victimisation or ostracism of the victim of a sexual offence. This Court in ***Nipun Saxena & Anr. v. Union of India & Ors.***¹ held that no person shall print or publish in print, electronic, social media, etc. the name of the victim in a sexual offence or in a remote manner disclose any fact which could leave the victim being identified or which should

¹ (2019) 2 SCC 703

make her identity known to the public at large, taking it into account the legislative intent viz., to protect such victims from any hostile discrimination or harassment in future. Thus, now in view of the provisions under Section 228-A, IPC and the decision in **Nipun Saxena's** case (supra), it is clear as to what is permitted and what is not permitted, under the said provision. As stated earlier the respondents herein who were accused of commission of offence under Section 228A, IPC and the victim in the stated crime are nuns. In the decision in **Mahant Sital Das v. Sant Ram & Ors.**² at paragraph 20 this Court held "*It is well known that entrance into a religious order generally operates as a civil death. The man who becomes an ascetic severs his connection with the members of his natural family and being adopted by his preceptor becomes, so to say, a spiritual son of the latter. The other disciples of his Guru are regarded as his brothers, while the co-disciples of his Guru are looked upon as uncles and in this way a spiritual family is established on the analogy of a natural family.*"

5. This, general consequences would follow when someone takes the veil and joins a nunnery. By taking of perpetual vow

² AIR (1954) SC 606

the nun concerned joins the other members of the said holy order and thereby, the other members of the nunnery would form kindred. As noted in the order dated 05.08.2022, the occurrence is of the year 2018 and four years have lapsed by then. Taking all such circumstances, even while stressing the need to adhere to the mandate under Section 228-A, IPC, we do not intent to proceed with the matter any further as proceeding further may, in the peculiar circumstances, defeat the object and purpose of the said provision. Accordingly, the Special Leave Petition stands dismissed.

....., J.
(Ajay Rastogi)

....., J.
(C.T. Ravikumar)

New Delhi;
August 05, 2022