

LALIT YADAV

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v.

THE STATE OF CHHATTISGARH

(S.L.P (Criminal) No. 5631 of 2018)

JULY 05, 2018

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**[ABHAY MANOHAR SAPRE AND  
UDAY UMESH LALIT, JJ.]**

*Penal Code, 1860 – s.228-A – Disclosure of identity of the victim of rape – In the instant case, the victim of rape (PW-2) was named throughout in the record – Such course is inconsistent with s.228-A though Explanation makes an exception in favour of judgments of superior court – Every attempt should be made by all the courts not to disclose the identity of the victim in terms of s.228-A – The Registry of the High Court is directed to place the record of the appeal in the High Court for causing appropriate changes in the record including passing appropriate practice directions so that the trial courts in the State comply with the mandate and spirit of s.228-A – Practice and Procedure.*

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*State of Punjab v. Ramdev Singh (2004) 1 SCC 421 –  
relied on.*

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**Case Law Reference**

**(2004) 1 SCC 421**

**relied on**

**Para 2**

CRIMINAL APPELLATE JURISDICTION : S.L.P. (Criminal)  
No. 5631 of 2018.

From the Judgment and Order dated 26.04.2014 of the High Court  
of Judicature at Bilaspur (CG) in Criminal Appeal No. 45 of 2003.

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Akshat Shrivastava, Sarabjit Dutta, Ms. Pooja Shrivastava, Advs.  
for the Petitioner.

The following Order of the Court was passed:

**ORDER**

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Delay condoned.

1. The petitioner was convicted under Sections 376 IPC and  
Section 342 IPC and sentenced to substantive sentences of seven years  
and one year respectively. His conviction and sentence has been affirmed

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A by the High Court by dismissing present appeal. We do not see any reason to upset the orders of conviction and sentence and as such this petition stands dismissed.

2. We, however, notice from the judgments of both, the trial court and the High Court that the victim in the present case who was examined as PW2 has been named all through. Such a course is not consistent with Section 228-A of IPC though the explanation makes an exception in favour of the judgments of the superior court. Nonetheless, every attempt should be made by all the courts not to disclose the identity of the victim in terms of said Section 228-A IPC. It has been so laid down by this Court in *State of Punjab v. Ramdev Singh* reported in (2004)1 SCC 421.

3. While dismissing the present matter, we direct the Registry of the High Court to place the record of the appeal in the High Court before the learned Judge for causing appropriate changes in the record including passing appropriate practice directions so that the trial courts in the State comply with the mandate and spirit of Section 228-A IPC.