

**IN THE SUPREME COURT OF INDIA**  
**SPECIAL LEAVE PETITION (CRIMINAL) OF 2013**  
**(UNDER ARTICLE 136 OF THE CONSTITUTION)**

(Arising out of the impugned Judgment and final Order dated  
8.7.13 passed by the Hon'ble High Court of Chhattisgarh in  
Misc.Crl.C No.3017 of 2013)

**IN THE MATTER OF:**

Soni Sori ...Petitioner

Versus

State of Chhattisgarh ...Respondent

WITH

Crl.M.P. No. \_\_\_\_\_ of 2013: Application for permission to  
file lengthy synopsis and list  
of dates.

Crl.M.P. No. \_\_\_\_\_ of 2013: Application for exemption  
from filing official translation  
of annexure P-1, P-4, P-5, P-  
6, P-7.

Crl.M.P. No. \_\_\_\_\_ of 2013: Application for bail

PAPER BOOK

(KINDLY SEE INDEX INSIDE)

**ADVOCATE FOR PETITIONER: JYOTI MENDIRATTA**

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(Arising out of the impugned Judgment and final Order dated 8.7.13 passed by the Hon'ble High Court of Chhattisgarh in Misc.Crl.C No.3017 of 2013)

**IN THE MATTER OF:**

Soni Sori

...Petitioner

Versus

State of Chhattisgarh

...Respondent

**OFFICE REPORT ON LIMITATION**

1. The petition is/are within time.
2. The petition is barred by time and there is delay of \_\_\_\_\_ of \_\_\_\_\_ days in filing the same against order \_\_\_\_\_ dated \_\_\_\_\_ and \_\_\_\_\_ petition for condonation of \_\_\_\_\_ days delay \_\_\_\_\_ has been filed.
3. There is delay of \_\_\_\_\_ days in refilling the petition \_\_\_\_\_ and \_\_\_\_\_ petition for condonation of \_\_\_\_\_ days delay in \_\_\_\_\_ refilling \_\_\_\_\_ has been filed.

BRANCH OFFICER

New Delhi

Dated:

LISTING PROFORMA  
IN THE SUPREME COURT OF INDIA

|     |  |                       |
|-----|--|-----------------------|
| 1   | Nature of the matter :   | Criminal              |
|     | (a) Name(s) of Petitioner(s) :   | Soni Sori             |
|     | (b) e-mail ID :  |                       |
| 2.  | (a) Name(s) of Respondent(s) :   | State of Chhattisgarh |
|     | (b) e-mail ID :  |                       |
| 3.  | Number of case :   | SLP(CrI)NO.<br>2013   |
|     | (a) Advocate(s) for Petitioner(s) :  | Jyoti mendiratta      |
|     | (b) e-mail ID :  |                       |
| 4.  | (a) Advocate(s) for respondent(s):   |                       |
|     | (b) e-mail ID :  |                       |
| 5.  | Section dealing with the matter :  |                       |
| 6.  | Date of the Impugned<br>Order/Judgment :   | 08.07.2013            |
| 7.  | Name of the Hon'ble Judges :   |                       |
| 8.  | In Land Acquisition Matters:-  | -NA-                  |
|     | (i) Notification/ Govt. Order No.<br>(u/s 4.6)<br>Dated :<br>issued by Centre/State of : | -NA-                  |
|     | (ii) Exact purpose of acquisition &<br>village involved :                                | -NA-                  |
| 8C. | In Civil Matters:-   | -NA-                  |
|     | (i) Suit No. Name of Lower Court :<br>Date of Judgment :                                 | -NA-                  |
| 8D. | In Writ Petition:<br>'Catchword' of other similar<br>matters :                           | -NA-                  |
| 8E. | In case of Motor Vehicle Accident<br>Matters :<br>Vehicle No :                           | -NA-                  |
| 8F. | In service Matters:<br>Relevant service rule, if any :                                   | -NA-                  |
|     | (ii) G.O./Circular Notification, if<br>applicable or in question :                       | -NA-                  |
| 8G. | In Labour Industrial Disputes  | -NA-                  |

|     |  |      |
|-----|--|------|
|     | Matters<br>I.D. Reference /Award No, if<br>applicable :  |      |
| 9.  | Nature of urgency :  | -NA- |
| 10. | In case it is a Tax matter:-   | -NA- |
|     | e. Tax amount involved in the<br>matter :  | -NA- |
|     | f. Whether a reference/statement<br>of the case was called for or<br>rejected :  | -NA- |
|     | g. Whether similar tax matters of<br>same parties filed earlier (may be<br>for earlier/other Assessment year)?   | -NA- |
| D.  | Exemption Notification/Circular<br>No.:  | -NA- |
| 11. | Valuation of the matter :  | -NA- |
| 12. | Classification of the matter:<br>(Please fill up the number and<br>name of relevant category with<br>sub category as per the list<br>circulated) No. of Subject Category<br>with full name of sub-category<br>with full name :   | -NA- |
| 13. | Title of the Act involved (Centre<br>/State) :   |      |
| 14. | a) Sub-classification (indicate<br>section/Article of the status) :  |      |
|     | b) Sub section involved :  |      |
|     | c) Title of the Rules involved<br>(Centre/State) :   |      |
|     | d) Sub-classification (indicate<br>Rule/Sub-rule/State) :  | -NA- |
| 15. | Point of law and question of law<br>raised in the case: whether the<br>Hon'ble High Court of Karnataka<br>correct in granting the stay<br>whereas the affidavit filed by the<br>Petitioner specifically stated that<br>the Respondent has not deposited<br>required amount in the Courts<br>below? |      |

|      |   |                               |
|------|---|-------------------------------|
| 16.  | Whether matter is not to be listed before any Hon'ble Judge?<br>Mention the name of the Hon'ble Judge:  | -NA-                          |
| 17.  | Particulars of identical/similar cases, if any  | -NA-                          |
|      | (i) Pending cases...  | -NA-                          |
|      | (ii) Decided cases with citation :  | -NA-                          |
| 18.  | Was S.L.P. /Appeal/Writ filed against same impugned Judgment / Order earlier? If yes, particulars:  | -NA-                          |
| 19.  | Whether the petition is against Interlocutory/ final order/decreed in the case  | FINAL ORDER                   |
| 20.  | If it is a fresh matter, please state the name of the High Court and the Coram in the impugned Judgment / Order                                       | Chhattisgarh                  |
| 21.  | If the matter was already listed in this Court :<br>(i) When was it listed:<br>(ii) What was the coram:<br>(iii) What was the direction of the Court: | -NA-                          |
| 22.  | Whether a date has already been fixed either by Court or on being mentioned for the hearing of matter? If so, please indicate the date fixed. :       | -NA-                          |
| 23.  | Is there a caveator? If so, whether a notice has been issued to him? :  | -NA-                          |
| 24.  | If it is a criminal matter please state :   | Yes                           |
|      | Whether accused has surrendered:  | Yes                           |
|      | Nature of Offence i.e. Convicted under Section with Act :   | U/s 121,124 (4), 121-B of IPC |
|      | Sentenced awarded :   | -NA-                          |
|      | Sentence already undergone by the accused :   | -NA-                          |
| 24e) | FIR/RC/etc :  | 26/2011                       |

|       |  |                               |
|-------|--|-------------------------------|
| (i)   | Date of Registration of FIR etc :<br>Name and place of the Police Station :                        |                               |
| (ii)  | Name and place of Trial Court :  | Dantewada,<br>Chhattisgarh    |
| (iii) | Name and Place of 1st Appellate Court<br>Case No. in 1st Appellate Court<br>and date of Judgment : | High Court of<br>Chhattisgarh |

Date:

Advocate for Petitioner  
**JYOTI MENDIRATTA**

## **SYNOPSIS**

1. This petition impugns the order dated 8.7.13 of the Chhattisgarh High Court in Miscellaneous Criminal Case No. 3017 of 2013 in Soni Sori vs. State of Chhattisgarh, by which the High Court denied bail to Soni Sori.
  
2. It is the prosecution's case that Shri B.K. Lala, accused no. 1, in Crime 26 of 2011, a contractor of the ESSAR Company was arrested on 9.9.11 while paying a huge amount to naxalites through couriers Soni Sori and Lingaram Kodopi. The incident happened at the Palnar weekly market at 1 p.m. on 9.9.11. It is alleged that when the police reached Soni Sori escaped and B.K. Lala and Lingaram Kodopi were arrested from the spot.
  
3. A perusal of the charge sheet and the impugned order will show that the principal accused B.K. Lala was enlarged on bail on 4.2.12. The IO deliberately delayed filing the charge sheet until after 90 days had passed and since B.K. Lala had filed a bail application he was granted bail on 4.2.12. Similarly, the General Manager of ESSAR Steel, Shri D.V.C.S. Verma was granted bail on 3.1.2012.
  
4. Bail was granted in the background of the following charges made in the charge sheet against B.K. Lala:

“B.K. Lala was trying to hand over this very amount [Rs. 15 lakhs] to the naxalite supporters Sori Soni and Lingaram Kodopi at the Palnar market. Another fact proven during the investigation was that B.K. Lala had been given crores of rupees by the Essar company for various construction programs for the company. B.K. Lala has also been regularly in touch with naxalites of the far flung naxalite areas through the villagers of Chitrakonda in Orissa, so that these various construction programs could carry on unhindered, and has been illegally paying off the naxalites.”

5. Against D.V.C.S. Verma the following charges were made:

“[C]onspiring to have fellowship with the active members of the banned organization CPI(Maoist), for illegally providing economic assistance to the party in order to foment war against the administration, and for being embroiled in illegal activities to further their self-interest.”

7. Soni Sori filed Writ Petition (Crl.) 206 of 2011 which is pending before the Court of the Hon'ble Chief Justice for

final disposal wherein she stated that she was tribal woman from Village Sameli in Dantewada district of Chhattisgarh. Her nephew was Mr. Lingaram Kodopi. On 31.8.09 he was kidnapped by the Chhattisgarh police and forced to become a special police officer (SPO). She therefore, through the brother of Lingaram, organized and filed a habeas corpus petition 5469 of 2009 before the Chhattisgarh High Court as a result of which Mr. Lingaram was released from custody. He thereafter became a journalist and participated in several TV programmes on the massacres and killings taking place in Chhattisgarh and he also took photographs of the houses of the tribals that were burnt by the Chhattisgarh police and these photographs were printed in magazines.

8. Being angry with the petitioner for the habeas corpus petition and also with Lingaram for highlighting the atrocities that had taken place, the Chhattisgarh police filed a series of cases against the petitioner as under:

| Crime No.                | Description   | Case Number   | Current Status                         |
|--------------------------|---|---|--|
| 13/10<br>Kuakonda<br>P.S | Attack on the<br>Kuakonda<br>Police Station<br>on 13.7.2010 | Sessions<br>Trial 251/10,<br>Dantewada<br>Dist. Court | Soni Sori<br>acquitted on<br>24.8.2012 |

|                           |  |   |  |
|---------------------------|--|---|--|
| 14/10<br>Kuakonda<br>P.S. | Attack on<br>Avadhesh<br>Gautam's<br>house on<br>14.7.2010 | Sessions<br>Trial<br>231/10 (and<br>28/12),<br>Dantewada<br>Dist. Court | Soni Sori,<br>Lingaram<br>Kodopi, and<br>Anil Futane<br>(Soni Sori's<br>husband)<br>acquitted of all<br>charges on<br>1.5.2013 |
| 17/10<br>Kuakonda<br>P.S. | Attack on<br>Tehsil Office on<br>15.8.2010                 | Sessions<br>Trial 14/11,<br>Dantewada<br>Dist. Court                    | Soni Sori<br>acquitted of all<br>charges on<br>26.9.12   |
| 54/10<br>Kirandul P.S.    | Attack on<br>police party at<br>Essar Gate on<br>29.7.2010 | Sessions<br>Trial 5/11,<br>Dantewada<br>Dist. Court                     | Soni Sori<br>acquitted of all<br>charges on<br>12.2.13   |
| 55/10<br>Kirandul P.S.    | Attack on<br>trucks at Essar<br>Gate on<br>30.7.2010       | Sessions<br>Trial 4/11,<br>Dantewada<br>Dist. Court                     | Soni Sori<br>acquitted of all<br>charges on<br>8.2.13  |
| 76/10 Bacheli<br>P.S.     | Attack on<br>trucks at Nerli<br>valley on<br>14.8.2010     | Case Number<br>5/11, JMFC<br>Bacheli                                    | Soni Sori<br>granted bail on<br>29.5.2013  |

9. Even though the FIRs were registered as far back as 8.7.10, petitioner was not arrested even though she was regularly reporting and teaching at her Ashram school to the knowledge of the police. Petitioner has also annexed

her attendance record signed by the Reader (Adhipathak) and CRC (Central Resource Center) showing her continuous presence at the school upto 6.9.2011. While making no attempt to arrest the petitioner the police made an application to have the petitioner declared as an absconder and this declaration was made.

10. In the Writ Petition pending before this Court the petitioner complains that an attempt was made on her life by the Chhattisgarh police and she therefore ran away from Chhattisgarh and came to Delhi to seek legal help.
11. In April 2011, Mr. Linga Kodopi returned to Dantewada and documented the stories of villagers whose homes (approximately 300 in number) were razed to rubble in a 3-day police operation. He visited the burnt villages of Morpalli, Tadmetla and Timmapuram, saw the debris of attacks by the COBRA and Koya Commandos. He also met raped women and recorded in video precise narrations of police atrocities. He began to document the stories of his own people.
12. In June 2011, Mr Linga Kodopi met with the Divisional Commissioner of Bastar district where he requested him to stop of the killing of innocent people by the Police forces and the Maoists.

13. On 14.6.11, the house of the father of the Petitioner was attacked by Naxalites and looted. Her father was also shot at by the Naxalites and injured. FIR no. 14/2011 PS Kuakonda was then registered by him. This attack on the father of the Petitioner demonstrates that the petitioner had nothing to do with Naxalites otherwise the naxalites would have never attacked her father.
14. On 15.8.11, when Maoists tried to put up a black flag in the village of Mr. Lingaram Kodopi, he took it down and threw it away. When the Maoists directed the Petitioner, Soni Sori, to remove the Indian flag from her ashram school, she refused saying "Too many people have died for this." This act also demonstrates that the petitioner had nothing to do with naxalites as no naxalite would put up the national flag.
15. On 4.10.11, while at Delhi, Soni Sori was arrested by the Delhi Police, transit remand was granted by the ASJ Saket overriding the protests of her lawyer who said that she would be tortured in custody. The Delhi High Court was moved in WP (Crl.) 1387 of 2011 which also allows transit remand with the following observations:

"This court, in the facts and circumstances of the case, deems it fit to issue notice to the state of Chhattisgarh returnable on 14.10.2011

to report compliance as regards the safety and security of Ms. Soni Sori is concerned.”

The ACMM, while granting transit remand directs the Investigating Officer as under:

“IO is required to take all measures to ensure the safety of the accused.”

16. On 8.10.11, the Petitioner is produced before Ms. Yogita Wasnik, JMFC Dantewada and a police remand of 2 days is granted, while noting that

“[t]here are no sign of any external injury on body of accused. The accused has been examined for the signs of injuries.”

The JMFC laid down some conditions for police remand including

“1. Under police remand, the accused would not be physically tortured.

2. Before taking the accused on police remand and before producing the accused in Court from police remand, the accused would be suitably medically examined by registered medical practitioner.”

No such medical examination was conducted before taking the Petitioner on police remand.

17. On the same day, 8.10.11, the Petitioner was interrogated by IO, Anshuman Sisodia, SDPO. At night, when she was sleeping with women constables, she was woken and told that SP Dantewada, Ankit Garg wanted to see her. After reaching the room, the accompanying women constables were sent away and threatened to keep quiet, while SP Ankit Garg and Constable Mankar verbally abused her and asked her to sign papers implicating the well-known social activists: Medha Patkar, Nandini Sundar, Kavita Srivastav, Swami Agnivesh, Himanshu Kumar, Arundhati Roy as Maoist sympathizers. When she refused, she was pushed to the ground, given electric shocks, stripped. Three men with faces covered were asked to come into the room and torture her further. Stones and sticks were shoved into her private parts. She fell unconscious. Later on in the night, she had to be carried to the lock-up since she was in no condition to walk. This was narrated by the Petitioner to Advocate Sudha Bharadwaj, who met her in Raipur Central Jail and recorded this meeting in a letter dated 14.1.2012 that has been filed before this Hon'ble Court in the Writ Petition (Crl.) 206/2011.

18. On 10.10.11, the Petitioner was asked to freshen up so that she could be produced in front of the Magistrate. However, due to immense weakness, she could not get up and walk steadily. Instead, she fell down and became unconscious, and her injuries got aggravated.

At 9:30 am on the same day, Petitioner was admitted into the Dantewada District Hospital. "She [Petitioner] was unconscious when she was brought here around 9.30 am," said Dr SPS Shandilya, chief medical officer of District Hospital Dantewada told the Times of India reporter. The examining doctor noted two injuries:

"Injury No. (1) Contusion on Rt Side occipital region, size 2"x2" (reddish discoloration of skin);

Injury No. (2): Tenderness over lumbar region".

The medical opinion is that the injury is caused by caused "hard and blunt" object, and advises CT scans of spine and skull.

Two X-rays (skull—AP and lateral view, LS spine – AP and lateral view) are performed which do not reveal any bony injury. But the medical report notes black marks on the plantar aspect of both feet – which are possibly the result of application of electric current during her torture.

“M/I Black till on plantar aspect of middle  
finger (1+1) side”

The Petitioner is discharged at 1 pm from the Dantewada District Hospital. The abovementioned details are available in the Affidavit Affidavit of the State dated 15.10.11 filed in the Writ Petition (Crl) 206 of 2011 pending before this Hon’ble Court.

19. On 10.10.11 at 1:45 pm, the Petitioner was taken to the court—she lay in the police vehicle since she could not stand and walk. The police informed the Magistrate that the Petitioner had suffered a fall in the bathroom. The Petitioner’s statement was taken by the court clerk in presence of police and the magistrate did not see her, but ordered her into judicial custody in Jagdalpur jail and noted that her health condition is not good. The Petitioner did not mention torture since she was in presence of police and had been threatened by them, but later recounts in a letter written to her Supreme Court Advocate, which has been filed as Annexure P-4 in CRLMP 4981 of 2011 in WP(Crl) 206 of 2011 pending before this Hon’ble Court.

20. Later on the same day, 10.10.2011, the Petitioner was taken to the Jagdalpur jail, from where she was taken to Maharani Hospital in Jagdalpur, and admitted there at 8 pm. Hospital report notes the following:

“Condition on admission: c/o Injury rt side of scalp and lumbar, unable to stand due to pain in lumbar region. h/o unconsciousness.”

21. On 12.10.11, Soni was taken to Central jail, Raipur, from where she was referred to Bhimrao Ambedkar Medical College and Hospital, Raipur. In patient history section, the medical report noted that the patient had difficulty in walking, and pain over low back region and “h/o head injury present.” The Medical Examiner noted that tenderness was present over sacral region. [However, surprisingly, the report notes that “no h/o of post traumatic unconsciousness.”] CT scans were taken for the sacro-iliac joint region, “continuous axial scans were taken from L5 to coccyx in 5 mm thickness” and of the head region (“from base of the skull to vertex”) and no significant abnormalities were seen. The Petitioner was discharged from the hospital the same night. The medical reports of Dantewada District Hospital and Maharani Hospital in Jagdalpur are included in the Affidavit of the State filed in WP(CrI) 206 of 2011 dated 15.11.11 before this Hon’ble Court. The Police influence on doctors is evident in that the Police forced the doctors to remove the IV drip and discharge the Petitioner, although she was not in a fit position to walk.

22. On 17.10.11, the Petitioner was produced before the magistrate in Dantewada. A videographer made a secret recording in which the Petitioner is seen sitting inside a police van and telling the videographer that she did not reveal any details about her torture in police custody to the media or in front of the magistrate because she had been threatened by the police to not do so. The police had warned her that if she told anyone about her torture then they would arrest her brother, who is the sole care-taker of her three young children and her aged parents, and consequently her children would be out on the streets, and her old parents would die a painful death. A copy of this recording has been provided to the Hon'ble Supreme Court as Annex A in Affidavit filed on 11.11.11 in Writ Petition (CrI.) 206 of 2011.

23. On 20.10.11, the Supreme Court in Writ Petition (CrI.) 206 of 2011 made the following order:

"6. Having considered the submissions made on behalf of the respective parties and also according to the medical status of the Petitioner indicated in the Affidavit filed by the Petitioner No.2, Shri Gautam Navlakha, the injuries sustained by the Petitioner No.1 do not prima facie appear to be as simple as has been

made out to be by the Chhattisgarh police. We are, therefore, inclined to allow the prayer made in Criminal M.P. No.20943 of 2011, but with modifications.

8. Accordingly, we direct Rule to issue on the Writ Petition. Since the State of Chhattisgarh is duly represented, service of the Rule is waived. The Respondent will be entitled to file its counter-affidavit to the writ petition within two weeks. Rejoinder, if any, may be filed within two week thereafter.

9. In the meantime, the State of Chhattisgarh shall have the Petitioner No.1 taken to Kolkata and admitted in the Nil Ratan Sarkar Medical College and Hospital, Kolkata, within a week from date. The Director and/or Superintendent of the Hospital shall have the Petitioner No.1 examined by a panel of Doctors as regards the injuries said to have been sustained by her on account of the fall in the bathroom and, thereafter, to submit a Report to this Court on 15.11.2011. After her examination, by the panel of Doctors, the Petitioner No.1 shall be

taken back to Jagdalpur jail by the authorities of the State of Chhattisgarh.”

24. On 26.10.11 Soni Sori was examined at the Kolkata Hospital and a report was submitted to the Supreme Court where it could be seen that the doctors had found two stones in vagina and one in the rectum.

25. On 2.5.12 this Court made the following order:

“From the Report, which was submitted by the Chairman of the Medical Board and Medical Superintendent-cum-Vice Principal, NRS Medical College & Hospital, Kolkata, it appears that two foreign bodies were recovered from her vagina and one foreign body of the same size was recovered from her rectum. The same were removed, labelled, sealed, and signed and, thereafter, sent to this Court along with the Report. The existence of foreign bodies measuring 2.5 X 1.5 X 1.0 cm and 2 X 1.5 X 1.5 cm, is still to be satisfactorily explained by the investigating authorities, since it has been asserted by Ms. Soni Sori that the same were inserted by the police during her custodial interrogation.

The writ petition, which is ready for hearing, is yet to be heard, but, in the meantime, three separate criminal miscellaneous petitions have been filed, being CrI.M.P. Nos.1104, 4981 and 8976, all of 2012, praying for various directions. In the first of the three petitions, the petitioners have prayed for a direction upon the respondents to forthwith take the petitioner No.1 to the Nil Ratan Sarkar Medical College and Hospital, Kolkata, for such period of time, as the Medical Board required for her treatment. In the second petition the same prayer has been repeated and an additional prayer has been added for an order to direct the State of Chhattisgarh to produce the original CT scan film for inspection at Delhi by the Doctors of the petitioners. The prayers in the third petition are more or less the same as in the first and second petitions.

We have considered the correspondence received by Mr. Colin Gonsalves from Ms. Sudha Bharadwaj, learned Advocate, who had gone to visit the petitioner No.1 in the Raipur Jail, pursuant to the leave granted by this

Court, wherein various complaints have been made regarding the medical condition of the petitioner No.1 and the negligence in her treatment. We have also considered certain letters written by the petitioner No.1 herself, as also the Report submitted by Mr. Atul Jha, regarding the medical treatment provided to the petitioner No.1 and her present medical status, we are of the view that a second opinion is required to be taken of the health condition of the petitioner No.1, Soni Sori, by another Medical Board, in addition to what has already been submitted by the parties.

Accordingly, we direct the Director of the All India Institute of Medical Sciences (AIIMS), to constitute a Board of Doctors, which will include the Head of the of Gynaecology, Endocrinology, and the Cardiac Department, to examine Ms. Soni Sori, as to her physical condition and, thereafter, to recommend the treatment to be undergone in AIIMS itself and to submit a complete report of all the steps taken in terms of this order to this Court on 10th July, 2012, when the criminal

miscellaneous petitions are to be listed. For the said purpose, the State of Chhattisgarh, is directed to arrange for transporting the petitioner No.1, Ms. Soni Sori, to Delhi, for admission in AIIMS, within a week from date, after co-ordinating with the Director of AIIMS.”

26. At AIIMS the Petitioner was effectively for treated for “vulval excoriations and scabies.” After the treatment she was transferred to Raipur Central Prison and thereafter to Jagdalpur Central Prison.

27. In the multiple false cases filed against Soni Sori as set out in the chart abovementioned the 161 statements were fabricated in such a crude manner that it was obvious that a cut-paste job had been done. The chart below compares two testimonies from two different chargesheets, which have striking similarities:

|                 |   |   |
|-----------------|---|---|
| Chargesheet no. | 24/2010, P.S. Kuakonda  | 26/2010, P.S. Kuakonda  |
| FIR No.         | 13/10 P.S. Kuakonda   | 17/10 P.S. Kuakonda   |
| Witness Name    | Mundra Muchaki s/o Pisa 45 years Chote Bedma, Hidmapara P.S. Kuakonda | Sannu Muchaki s/o Madka Muchaki 38 years Chote Bedma, Hidmapara P.S. Kuakonda |
| Testimony:      | I live in village Chote   | I live at the above   |

|                              |   |   |
|------------------------------|---|---|
| Introductory Part            | <p>Bedma. <u>I am engaged in agriculture.</u> On 8.7.2010, on Thursday, <u>in the morning when I was going to my farm, I saw that from the jungle some uniformed Naxalites were coming along</u></p>  | <p>address. <u>I am engaged in agriculture.</u> On 16.8.2010, <u>in the morning when I was going to my farm, I saw that from the jungle some uniformed Naxalites, carrying guns, were coming along with</u></p>   |
| The list of the accused      | <p><u>with:</u></p>   | <p>some villagers:</p>  |
| The description of the crime | <p>(1) <u>Madkami Kosa</u><br/> (2) <u>Madkami Deva</u><br/> (3) <u>Madavi Budhra</u><br/> (4) <u>Sodi Nanda</u> (5) <u>Madavi Budhra of Phoolpad</u> (6) <u>Ashram warden Soni Sodi of Jabeli,</u> who were coming from the direction of the jungle, talking with the Naxalites.</p> <p><u>Out of fear, I hid in the jungle and saw these people and also listened to the conversation of these people, that this time</u></p> | <p>(1) <u>Madkami Kosa</u> (2) <u>Madkami Deva</u> (3) <u>Madavi Budhra</u> (4) <u>Sodi Nanda</u> (5) <u>Madavi Budhra s/o Bhima</u> 28 years of Phoolpad (6) <u>Jabeli's Ashram warden Soni Sodi,</u> whom I recognized.</p> <p><u>Out of fear, I hid in the jungle and saw these people who were saying, that the older building of the Tehsil Office should also have been blown up, which we will</u></p> |

|   |  |  |
|---|--|--|
| <p>The description of the crime</p> <p>Concluding part.</p> | <p>Avadhesh Gautam and people of the police station survived the attack. Next time, whenever we attack, not even one police man should survive and the police station should also be blown up in the bomb blast. Saying this they were walking towards the jungle.</p> <p><u>Later on I came to know that in the night the Naxalites along with the above-mentioned people</u> attacked the police station and the police personnel in police station Kuakonda, and tried to loot the governments ammunition stored in the police station, and tried to kill the personnel in the attack. The above-mentioned people</p> | <p>blow up next time. And the documents should be blown up and destroyed. Saying this they were walking towards the jungle, which I heard.</p> <p><u>Later on I came to know that the Naxalites along with the above-mentioned people</u> blasted the newly constructed Tehsil Bhavan, and destroyed it. The above people along with the Naxalites destroyed the Tehsil Bhawan in a blast.</p> |
|---|--|--|

|             |  |   |
|-------------|--|---|
|             | <p>were seen walking towards the jungle with the Naxalites by me.</p> <p><u>Because of fear, I have not told anyone, today I am speaking without fear.</u></p> <p><u>&lt;Signed&gt;</u><br/><u>17.10.2010</u></p>  | <p><u>Because of fear, I have not told anyone, today I am speaking without fear.</u></p> <p><u>&lt;Signed&gt;</u><br/><u>17.10.2010</u></p> |
| <p>Note</p> | <p>1. The identical phrasing in the above statements from different chargesheets is highlighted as underlined. The statements are essentially the same, with the only significant difference between the two accounts being the actual description of the crime, and the dates on which the reported incidents take place.</p> <p>2. The same accused are listed by both witnesses in an identical order.</p> <p>3. Each testimony speaks about the unfinished crime which must be completed.</p> <p>4. Even though the witnesses saw the said accused accompanying the naxalites 2-3 months ago, they are reporting this on the same day and before the same Investigating Officer.</p> |   |

28. In September 2011, Tehelka Magazine did a sting operation on a conversation taking place between the Petitioner and Constable Mankar of the Kirandul police

station, in which Constable Mankar admitted in a phone conversation that the Petitioner, Soni Sori and her nephew Linga Kodopi were being framed in the Essar case, and that Linga Kodopi was picked up from the house and not from the bazaar. Excerpts of the conversation are given below:

**“Constable Mankar:** I called Linga myself, and you can ask Basant if what I am saying is wrong... SP sahib called me and asked me to question Linga. I asked Linga that Linga, from where did police arrest you? Linga said that I was sitting at home, along with the Madam, and they came and picked me up from home. After hearing it, I said that his statement is correct. The police is making up things in a roundabout manner. You will get the benefit of this; do not take any tension for it.

**Soni Sori:** And BK Lala, where was BK Lala arrested from?

**Constable Mankar:** BK Lala... from his home, his home.

**Soni Sori:** Do you have proof of this?

**Constable Mankar:** Arrey, everyone has it. The whole world knows that BK Lala was

picked up from his home. Everyone knows this.

**Soni Sori:** And there was no transaction of money. Still it is said that we people ...

**Constable Mankar:** No, there is nothing. They are deliberately trying to trap Lala. Lala too has not said anything in his statement and has said that he doesn't know the name of Linga and doesn't know you and doesn't know anyone else. He had received a phone call from the Naxalites. They had called him to Palnar. So he had gone to Palnar. And he returned from there. After that he was arrested from home. You don't worry about this matter. It is just that you have been seen there, so the Police is trying to catch you. Wherever you are, just stay safe there. Whenever you say, we will even "show" you before the Sahib (SP)...

**Constable Mankar:** Essar has already given 150 crores to the Naxalites. So the investigation is going on into that matter.

**Soni Sori:** So what has that to do with us...?  
Alright, so Essar may have given 150 or however many crores to the Naxalites, but why are we being made into intermediaries.. Linga and I?

**Constable Mankar:** that is why I am saying that you will be honorably acquitted, tomorrow if not today. You have to remain calm, because there is no proof. Linga was picked up home, Lala was picked up from home. They have no proof...

**Soni Sori:** Where was the money obtained?  
Where did the money come from, tell me?

**Constable Mankar:** Money was brought from his home...

**Soni Sori:** So why are the police playing such a blatantly false game, tell me Mankar sir?

**Constable Mankar:** I do not understand anything either. Once the air is cleared, the whole truth will come out... that's why we are saying, wait a bit...

**Soni Sori:** That is what you say...the truth will come out...my husband has been trapped for a

year...it is almost one and a half year now, without [any fault of his]. If I get arrested now, what is the guarantee that I will be released? Give me some guarantee...

**Constable Mankar:** Guarantee, madam, in this case is sure. After the chargesheet is presented, the case will not last more than 3-4 months. There are such big people arrested in this case... Essar company will get everyone released. That's the guarantee. It [the company] will buy everyone from top to bottom."

29. On 30.9.11, a video statement of Jairam Khora, Sarpanch of Badapadar panchayat in Orissa was released. This was the person who, according to the prosecution, accompanied B.K. Lala while paying off the Maoists in another incident. In his recorded statement Mr. Khora says:

"On the 14th, around midnight, 4 policemen [of Chhattisgarh police] came and tied my feet like this [crosses his hands] and put a stick in between the legs. Two policemen hung me like this [holds up his hands] and two policemen beat me with a stick. They beat me a lot – they beat me on the night of the 14th

and on the midnight of the 15th. They beat me for two days and did not let me speak to anyone. After that, they took me to Dantewada, to the SP sahib [superintendent of police]. There, they forcibly took a statement from me, and presented me in front of the magistrate on the 19th, and later they released me on the 21st.

The statement [which they made me sign] says that I had gone with Lala to meet the Naxali commanders. But I had not gone with Lala. Lalaji has a plant in my Badapadar gram panchayat. He is a contractor. He makes the plant function. He has a plant in Chitrakonda – he had come to meet me saying that “I have a plant in your Panchayat area. Can I do something to help your area, or your area’s people? Tell me what to do.” So I told him that for my people, we need drinking water. So please get 15-20 tubewells dug, and get the old school buildings repaired. And get one new building constructed. Then Lala ji had said, he would get it done. After that, he had got the

tubewells dug, old school buildings repaired and even a new school building constructed.

So when the Chhattisgarh police took me into custody, I told them everything. I had not gone with Lala taking any money. I have no such relationship. But they did not believe me, and beat me a lot. And they applied a lot of pressure on me and told me what to say. I told them the truth. But I was very frightened and finally admitted to all their lies.”

30. While Soni Sori was in custody, her husband Anil Futane who was arrested on July 2010, suffered a paralytic stroke while in custody as a result of torture. He was acquitted thereafter in all 4 cases where the charge against him was that he was a Maoist supporter, the last acquittal order came on 1.5.13. He died in these mysterious circumstances on 1.8.13. Thus the Chhattisgarh police have ruined this family with malicious intent only because they dared to expose the excesses of the Chhattisgarh police. Soni Sori's children aged 7, 11 and 13 suffered untold misery as a result of being deprived of the presence of their parents.
31. On 4.3.12 charge sheet was filed in Dantewada Sessions Trial number 37 of 2012 and the salient part of the charge sheet is as under:

"On 8/9/11, the Kuakonda police station in-charge, ASI Umesh Sahu, district Dantewada, received information through an informant that contractor B.K. Lala was supposed to hand over an amount of Rs 15 lakhs to Lingaram Kopdopi and Sori Soni at the Palnar market, who were to further give the said amount to the naxalites (CPI Maoist). The information from the informant was recorded at the Roznamacha Sanha (Daily Diary) 220 of the station Kuakonda at 14:05 hours, and for further investigation, a team consisting of PS in-charge Umesh Sahu, ASI Ramkishan Markam, Head Constable 137 Gautam Pandey, Head Constable 713 Lachchu Ram, Constables 483 Pushpendra chandra, 1123 Sandeep Bhagat, 815 Rajesh Bharatiya, 1055 Madhusudan Mandavi, and 426 Anil Dhruv left for the market, and this departure was noted in the Daily Dairy at page 235. The police party in plain and rustic clothes arrived at the site of the incident, the weekly Palnar market and waited while hiding close to the market, culvert, and the forest. Right around this time, at approximately 12 pm, contractor B.K. Lala

arrived there in Bolero campus wagon, no CG-18H-0968 along with his driver. Seeing them, Lingaram Kodopi and Sori Soni (ashram warden) approached the bridge for a rendezvous with B.K. Lala who walked there from his vehicle, and they exchanged a few words. Thereafter, as soon as B.K. Lala took Rs 15 lakhs (in wads of 500 rupee notes) from his vehicle and was handing the amount to naxalite supporter Lingaram Kodopi, the police team caught the accused B.K. Lala and Lingaram Kodopi (along with the bag containing Rs 15 lakhs) red handed in the act. The police team also seized Rs 15 lakhs cash from B.K. Lala, the Bolero vehicle used in the incident, and two old mobile handsets in the presence of witnesses Shatrughan Jaiswal, and Madka Bhaskar. Sori Soni was able to take advantage of the ensuing pandemonium and the crowded market, and escaped. After they saw the police party, members of CPI(Maoist), Darbha division were also able to escape. The accused B.K. Lala was thoroughly interrogated regarding Rs 15 lakhs that were in his possession, during the investigation.

Investigation revealed the incontestable fact that B.K. Lala works as a civil contractor for Essar, and his son Aman Aggrawal is a transportation contractor. On 9/9/2011, Aman Aggrawal withdrew a total sum of Rs 15 lakhs from the following State Bank of India, Kirandul branch accounts - account number 10727554486 account holder B.K. Lala, account number 31673706407 account holder Aggrawal construction, and account number 30595235088 account holder Shailesh Yadav. B.K. Lala was trying to hand over this very amount to the naxalite supporters Sori Soni and Lingaram Kodopi at the Palnar market. Another fact proven during the investigation was that B.K. Lala had been given crores of rupees by the Essar company for various construction programs for the company. B.K. Lala has also been regularly in touch with naxalites of the far flung naxalite areas through the villagers of Chitrakonda in Orissa, so that these various construction programs could carry on unhindered, and has been illegally paying off the naxalites. It was also proven during the investigation that Sori Soni and

Lingaram Kodopi are CPI(Maoist) supporters and work for them. Many prior naxalite cases have already been registered against Sori Sori at police stations Kuakonda and Kirandul. Similarly, cases have been registered against Lingaram Kodopi at the Kuakonda station, who is a supporter of the CPI(Maoist). Vinod and Raghu were found to be active members of illegal and banned organization CPI(Maoist).”

32. The prosecution eye witnesses are seven policemen and the driver of B.K. Lala who does not say that he knew Sori Sori from before. No TIP is conducted in respect of the driver. Moreover, the driver of B.K. Lala, accused no. 1 will have diminished value in view of the fact that he is the driver of the principal accused and his evidence will be akin to that of a co-accused since he could be treated as an agent of the principal accused.
33. Five of the seven policemen who are eyewitnesses have recorded two statements—one on the day after the incident, 10.9.11, and another supplementary statement, two months later on 18.11.11. In the original statements, none of the seven policemen have said that they knew the Petitioner from before, and none has noted that the Petitioner Sori Sori had fled from the site. Instead, all the

original statements talk about the fact that the accused were brought to the Police Station directly from the incident site. It is only in the Supplementary statements of five of these seven policemen, recorded more than two months after the incident on 18.11.11 that it is noted that the Petitioner Soni Sori fled from the site, and also all these five policemen state that they recognized the Petitioner from before. The sample part of the 161 Cr.P.C. statements of one of the police party (Constable No. 483, Pushpendra Chandra of PS Kuakonda, District Dantewada) is set out herein below.

Original sample statement dated 10.9.2011:

"I am posted at PS Kuakonda as Constable. Today, on 09.09.2011, I along with the police station in-charge and Head Constable 137 Gautam Pande, Constable 1130 Sandip Bhagat, Constable 815 Rajesh Bateria, Constable 1055 Madusundan Mandavi, ASI Ramkishan Markam went for a Naxali patrol and to check the weekly market of Palnar. Sahu Sahab assigned us the duty of surrounding the market on all sides and hiding behind bushes and bridges to look out for suspicious people. Around 12:00 noon, BK Lala came in his vehicle Bolero pick-

up van number CG-18H 968 and parked his vehicle near a bridge and came out from the vehicle. Seeing this Linga Kodopi and Soni Sori came near BK Lala and started talking to him. BK Lala took out a plastic bag and gave it to Lingaram Kodopi which has Rs. 15,00,000.00 comprising of 30 packets of 500 -500 Rupees each, which were in three bundles. Each packet had 100 notes of Rs. 500. Sahu Sahab made a dehati nalsi on the site and conducted the seizure, and we brought the money, vehicle and accused to Police Station.”

Supplementary statement of the same Constable dated 18.11.11:

“I am posted at PS Kuakonda as Constable for the past approximately one and a half years. On date of the incident, 09.09.2011, when along with the police party, I was on the look out for suspicious people in the Palnar bazaar, then I saw Soni Sori and Lingaram Kodopi close to the bridge which is at a slight distance from the Palnar Bazaar approach BK Lala who had stepped down from his vehicle Bolero number CG-18H 968 and talk to him. I recognize the

said accused from the time I have been stationed at Kuakonda Police station. BK Lala gave a green coloured plastic bag to Lingaram Kodopi. At that time, the police party surrounded and nabbed BK Lala and Lingaram Kodopi, and Soni Sori fled from there and taking benefit of the crowded market, escaped successfully from the site. When the police station in-charge, got the notes counted after taking them out in front of witnesses, then I came to know that there were three bundles of Rs 500 notes. Each bundle had 10 packets containing a 100 notes of Rs 500 denomination. On completing the counting of the notes, it was learned that the sum of money was Rs. 15,00,000.00.”

34. The relevant part of the 161 Cr.P.C. statement of the Ashok Kumar Oyami, driver of B.K. Lala, is set out herein below:

“On 09.09.2011, I went to the State Bank, Kirandul with Aman Seth to withdraw money. Aman gave this money to Lala, then Lala put this money in a plastic bag and sat in my vehicle and asked me to go to Palnar market.

I drove the vehicle to Palnar market. On the way Lala was looking here and there but nobody met us. After reaching Palnar market he asked me to stop the vehicle near the bridge. I stopped the vehicle near the bridge. Lala got out from the vehicle and started talking on his mobile. After some time a woman and a man came from the side of the market and started talking to Lala. After this Lala was giving the money kept in the plastic bag kept in the vehicle, when the police came and caught Lala and Linga. The woman named Sodi ran away. Police seized the vehicle and 15,00,000/- (Fifteen lakh Rupees) at the site, and took everything to the police station. Prior to this, on one more occasion I have gone to the forest along with Lala to give money."

35. On 3.8.13, Advocate Sudha Bhardwaj of Bilaspur who was authorized by the Supreme Court in the earlier order dated 2.12.2011 to visit Soni Sori and report on her condition, met with her and made the following communication:

"Ms Soni Sori showed me a note written by the Jail Doctor Dr Anjana Bhaskar showing that her Hb level which was 8.0gm on 22.05.2013 had

suddenly dropped to 5.4gm on 24.05.2013. These investigations were conducted after her complaints of ill-health and weakness. She was initially taken to the Maharani Hospital in chains, but after her protests, was taken the next day without chains to the same Hospital where 3 bottles of blood were transfused. On 20.07.2013 the note claims that her Hb level had regained to 8.0gm.

She also informed me that on 29.07.2013 she was given an strip of expired medicine "Fluconazole Tablets IP NUFORCE – 200" of Batch No. 11NFL- 005 in which the Mfg Date was mentioned as 05/2011 and the Expiry Date was mentioned as 04/2013. She had the strip with her and showed me the same. She also said that after she had complained, on 30.07.2013 she was given a valid strip of the same medicine, but she had insisted on preserving the earlier strip with her.

Ms Soni Sori expressed apprehension that she was not being given proper medical treatment in jail and the same was the cause of the severe fall in Hb level and other symptoms of ill

health she was complaining about. She feared that if that was the case, even if she was eventually released, she might suffer irreparable damage to her health as her late husband had suffered. Indeed the drop in Hb levels as recorded by the Jail doctor is alarming and could have become life threatening.”

36. Soni Sori has now been in custody from 4.10.11 and charges have not been framed. Her youngest daughter aged 7 years suffers from Thalassemia and need blood transfusions frequently. The other children are aged 11 and 13. Her presence with her children is of utmost importance given the death of the father.

#### **LIST OF DATES AND EVENTS**

| <b>Date</b>      | <b>Particulars</b>   |
|------------------|--|
| 2.9.2006 onwards | Petitioner was employed by the Tribal Welfare Department, Chhattisgarh Government, as a teacher (Educational Worker-Class III) and posted as Hostel Warden of the Ashram at Jabeli, district Dantewada. She worked continuously without break from 2006 onwards and during the period where it is alleged that she committed a series of crimes. |
| 31.8.09          | Petitioner’s nephew, Lingaram Kodopi, is a well known social activist and journalist who had   |

highlighted atrocities on adivasis. Picked up from his house, tortured and kept in detention. Police tried to force him to become an SPO.

- 10.7.10 Petitioner's husband arrested.
- 9.9.11 FIR 26/11 regarding ESSAR Contractor coming to the Palnar market to hand over Rs. 15 lakhs to Linga and petitioner to be given to the naxalites. FIR states that Linga is arrested from the market and petitioner fled from the market.
- 9.9.11 Linga arrested from his home. Petitioner flees fearing an attempt on her life.
- 11.9.11 Police see petitioner and opened fire on her attempting to kill her.
- Sept. 2011 Tehelka sting. Constable Mankar admits in a phone conversation that Soni and Linga are being framed in the Essar case, and Linga was picked up from the house and not from the bazaar.
- 30.9.11 Chhattisgarh police are fabricating evidence in this fresh case against the Petitioner and her nephew is further supported by a publicly released statement of Jairam Khora, Sarpanch of Badapadar panchayat in Orissa. In this video statement, released on 30.9.2011, Mr. Khora claims that he was picked up by the Orissa police on 14.9.2011 and handed over

to the Chhattisgarh police for questioning. He was illegally detained by the Chhattisgarh police for eight days, brutally tortured and forced to sign a statement saying that he had accompanied BK Lala, a contractor hired by Essar, to pay off the Maoists.

6.10.11 FIR sought to be registered at Delhi regarding the attempt on the life of Soni Sori by the Chhattisgarh police. Police refused to register FIR.

7.10.11 Learned ASJ, Delhi rejects bail application by Petitioner but notes "the safety aspects qua her apprehensions, envisaged by her."

Learned ACMM (SE) New Delhi, grants transit remand and directs Investigating Officer – "IO is required to take all measures to ensure the safety of the accused"

8.10.11 – Petitioner interrogated in police remand by SDPO

9.10.11 Anshuman Sisodia, subsequently, she was tortured under orders of then-SP Ankit Garg. Advocate Sudha Bharadwaj, after meeting the petitioner in Raipur jail on 14.1.12, filed this narration of the Petitioner's story

Petitioner repeated this narration in her own words when she wrote a detailed letter to Supreme Court Advocate.

20.10.11 Hon'ble Supreme Court passes an order for an independent medical examination in NRS Medical College and Hospital, Kolkata, while making the following observation:

"Having considered the submissions made on behalf of the respective parties and also according to the medical status of the Petitioner indicated in the Affidavit filed by the Petitioner No.2, Shri Gautam Navlakha, the injuries sustained by the Petitioner No.1 do not prima facie appear to be as simple as has been made out to be by the Chhattisgarh police."

2.12.11 Hon'ble Supreme Court considers the report from NRS Hospital, Kolkata and orders state to transfer petitioner to the Raipur Central Jail for her safety and well-being.

2.5.12 Supreme Court orders that petitioner be brought to Delhi for treatment of problems in AIIMS

10.5.12 – Petitioner admitted in AIIMS on 10.5.12 for

14.6.12 treatment. She was examined and treated by a medical board comprised of five senior medical doctors and one representative from Hospital administration.

16.6.12 Petitioner discharged from AIIMS. On her travel

back, she is denied medicines, food and kept standing most of the way back in an unreserved compartment.

24.8.12 Petitioner acquitted in Sessions case no. 251/10 in Dantewada district court, of participation in a Naxalite attack on the Kuakonda police station.

26.9.12 Petitioner acquitted in Sessions Case no. 14/11 in Dantewada Court, of participation in a Naxalite attack blowing up a newly constructed Tehsil Office building in Kuakonda.

8.1.13 Hon'ble Supreme Court orders that petitioner be moved back to Jagdalpur jail.

24.1.13 Petitioner moved to Jagdalpur jail after the order of Hon'ble Supreme Court dated 08.01.13.

8.2.13 Petitioner acquitted in Sessions Trial Case no. 4/11 in Dantewada Court, of charges of participation in a Naxalite attack on the trucks in front of Essar gate in Kirandul.

12.2.13 Petitioner acquitted in Sessions Trial case no. 5/11 in Dantewada court of charges of participation of a Naxalite attack on police party in front of the Essar gate in Kirandul.

24.8.13 Petitioner acquitted in Sessions case no. 251/10 in Dantewada district court, of participation in a

Naxalite attack on the Kuakonda police station.

- 31.8.2012 Petitioner filed bail application in the Trial Court
- 31.8.2012 The learned Additional Session Judge, South Bastar, Dantewada rejected bail application of the petitioner.
- 01.07.2013 Petitioner filed bail application in HC of Chhattisgarh
- 08.07.2013 The bail application was rejected by the Hon'ble High Court of Chhattisgarh.

Hence this petition.

**IN THE SUPREME COURT OF INDIA**  
**SPECIAL LEAVE PETITION (CRIMINAL) OF 2013**  
**(UNDER ARTICLE 136 OF THE CONSTITUTION)**

(Arising out of the impugned Judgment and final Order dated  
8.7.13 passed by the Hon'ble High Court of Chhattisgarh in  
Misc.Crl.C No.3017 of 2013)

**IN THE MATTER OF:**

| SL.<br>NO. | BETWEEN   | POSITION OF THE PARTIES |  |
|------------|---|-------------------------|--|
|            |   | BEFORE<br>HIGH COURT    | BEFORE THIS<br>COURT                     |
|            | Soni Sori<br>W/o Late Anil Putane<br>R/o Village sameeli,<br>Police Station Kuakonda,<br>District South Bastar,<br>Dantewada, Chhattisgarh<br>(Lodged in Jagdalpur<br>Jail) | Applicant No.<br><br>1  | Petitioner<br><br>No.1                   |
|            | Versus  |                         |  |
|            | State of Chhattisgarh<br>Through its Chief<br>Secretary,<br>D.K.S. Bhawan,<br>Mantralaya,<br>Raipur, Chhattisgarh –<br>492001   | Respondent<br><br>No.1  | Contesting<br><br>Respondent<br><br>No.1 |

TO,  
THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS LORDSHIPS COMPANION JUSTICES  
OF THE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF THE  
APPLICANT/PETITIONER ABOVE NAMED

**1. MOST RESPECTFULLY SHOWETH: -**

This special leave petition impugns the order dated 08.07.2013 passed by the High Court of Chhattisgarh at Bilaspur in Miscellaneous Criminal Case No. 3017 of 2013 wherein the bail application filed by the Applicant has been rejected.

**2. Brief Facts for filling of the present Petition are as under:**

1. The Petitioner No. 1 – Soni Sori – a tribal woman from village Sameli in Dantewada district of Chhattisgarh. She teaches in an ashram school by the government to of Chhattisgarh.
2. That the Petitioner No. 1 herein has been continuously employed as an Educational Worker (Class III employee) by the Tribal Welfare Department of Chhattisgarh Government at the post of the hostel warden of the Ashram (a residential school for tribal children run by the Chhattisgarh government) at Jabeli, in district Dantewada,

Chhattisgarh. True copy of her attendance record signed by the Reader (Adhipathak) and CRC (Central Resource Center) showing her continuous presence at the school upto 6.9.2011 is marked hereto and annexed as **Annexure P-1.( Pages\_\_\_\_\_ to \_\_\_\_\_)**

3. Petitioner comes from a politically active family, with an uncle who is a member and an ex-MLA of the Communist Party of India, and an elder brother who is an active member of the Congress Party. Her father has been the Sarpanch of the village for fifteen years in the past. Her nephew, Lingaram Kodopi is a renowned social activist and a journalist, who has been highlighting the plight of the adivasis in Chhattisgarh due to atrocities committed by the Salwa Judum and Operation Green Hunt, and what he sees as the excesses of the police-administration-contractor nexus in Dantewada district that is further impoverishing the adivasi community. For this reason, he has earned the ire of the local authorities and has often been harassed by them.

4. That on 31.08.2009, the Petitioner's nephew, Lingaram Kodopi was forcibly picked up from his house in Sameli village, district Dantewada, locked up, and physically and mentally tortured in order to pressure him to become a Special Police Officer (SPO). When the members of Mr.

Kodopi's family and other villagers went to the police station, the police refused to accept that Mr. Kodopi was in their detention, but after the villagers persisted in their enquiries, the police stated that Mr. Kodopi had come of his own accord to become an SPO. On 18.9.2009, Mr. Kodopi's brother, Masaram Kodopi filed a Writ petition (habeas corpus) No. 5469/2009, in the High Court of Chhattisgarh at Bilaspur, alleging forcible detention of Mr. Kodopi by the Chhattisgarh police. On 06.10.2009, the Hon'ble High Court of Chhattisgarh at Bilaspur directed that Mr. Kodopi be allowed to return to his family.

5. That the harassment of Lingaram Kodopi by the police continued even after they had to release him because of the above-mentioned order of the Hon'ble High Court of Chhattisgarh. Immediately after Mr. Kodopi's release, his elder brother, Masaram Kodopi, was picked up by the police and detained for a day and accused of securing the release of a "Naxalite." The police continued to threaten Lingaram with dire consequences and harass his family members, due to which, Mr. Kodopi decided to migrate to New Delhi, and further undertook the study of journalism at the International Media Institute of India, at NOIDA in the state of Uttar Pradesh

6. That Mr. Kodopi's outspokenness against the atrocities committed by the Chhattisgarh police only served to increase the harassment of Mr. Kodopi and his family, including the Petitioner, by the Chhattisgarh police. While Mr. Kodopi was in Delhi, the Chhattisgarh police implicated the Petitioner in at least four criminal cases, arrested the Petitioner's husband in two patently false cases, and confiscated her Bolero vehicle in order to pressure her to get Mr. Kodopi to return to Chhattisgarh.
  
7. Around 8.9.2011, the Petitioner was asked by the Constable Mankar to convince her nephew, Lingaram Kodopi, to "cooperate" with the police in arresting BK Lala who was a contractor with the Essar company. When the Petitioner refused to do this, the Constable forcibly snatched her phone and called up the said BK Lala, asking him to come to the Palnar village market on 9.9.2011.
  
8. That on 9.9.2011, the Petitioner and her nephew were engaged in different tasks throughout the day. In the morning, they visited the lawyer handling the case of the Naxalite attack on the Petitioner's father to prepare an affidavit which they submitted at the Kuakonda police station around noon. Then they visited the market to buy a shroud for the Petitioner's grandmother who had passed

away and then visited the funeral meeting for her grandmother at the neighbouring village of Phoolpad. In the afternoon, around 3 pm, the Petitioner's nephew, Mr. Kodopi, was picked up from the Petitioner's father's house in Palnar by some people in plain clothes, who refused to identify themselves to the Petitioner, and took Mr. Kodopi to an undisclosed location. The Petitioner and her brother visited the Kuakonda P.S. in order to find out the whereabouts of Mr. Kodopi, but were told by the Police-Station in-charge, Umesh Sahu, that he is not aware of the whereabouts of Mr. Kodopi, and that he may have been taken by Naxalites.

9. That on 9.9.2011 the Police-station in-charge of Kuakonda P.S., Umesh Sahu, filed an FIR no. 26/2011 that acting on information received by an informant, a police party under his leadership had nabbed contractor BK Lala and Lingaram Kodopi from the Palnar market around 12 noon. At that time, BK Lala was supposedly in the act of giving Rs 15 lakh to Lingaram and the Petitioner, when the police party encircled them and nabbed two of them, while the Petitioner took advantage of the commotion and disappeared into the market. The FIR states that this arrest took place at the end of a bridge leading to the Palnar weekly market. Serious charges falling under

Sections 120-B, 121, 124A of the IPC and sections 39(1) and 40 of the Unlawful Activities (Prevention) Act have been laid against the accused, and the intention to seek permission to add section 8(2)(3) of the Chhattisgarh Special Public Security Act is also expressed in the FIR.

10. That this FIR is yet another instance of illegal and unconstitutional use of powers by the police, and is a grave threat to the fundamental rights of life and liberty of the Petitioner. That this FIR is a fabrication is borne out by the phone conversations carried out between the Petitioner and Constable Mankar, who is the same police constable who was constantly urging the Petitioner to cooperate with the police in committing illegal acts. In a sting operation, conducted by the news channel Tehelka, Constable Mankar clearly states in a phone conversation with the Petitioner that, contrary to the FIR, Lingaram Kodopi and BK Lala were both nabbed from their respective homes. He also admits that the seizure of Rs. 15 lakhs was also made from the house of BK Lala. The excerpt below makes this clear:

***Soni Sori:*** Listen, how are you telling all these lies that Linga was picked up from the bazaar? You are yourself saying that he was picked up from home.

**Constable Mankar:** *Linga was picked up from home, not from the bazaar.*

**Soni Sori:** *No... so you have told the News that it was from the bazaar. Now you are saying it was from the home. Are you telling lies or are the News telling lies? Are you being honest with me?*

**Constable Mankar:** *Madam, I am with you in every way. If we were not with you, would we have acted in this manner? Now you don't think amiss, do not worry and listen carefully...*

**Soni Sori:** *You tell me clearly... I will only stop worrying if you tell me that wherever we give statements, we will say that Linga was picked up from home. You know that for sure and even Linga has said that he was picked up from home, right?*

**Constable Mankar:** *I called Linga myself, and you can ask Basant if what I am saying is wrong... SP sahib called me and asked me to question Linga. I asked Linga that Linga, from where did police arrest you? Linga said that I was sitting at home, along with Madam [Petitioner], and they came and picked me up from home. Upon hearing him, I said that his statement is correct. The police are making up things in a roundabout manner. You will get the benefit of this, do not take any tension for it.*

**Soni Sori :** *And BK Lala, from where was BK Lala arrested?*

**Constable Mankar:** *BK Lala... from his home, his home.*

**Soni Sori:** *Do you have proof of this?*

**Constable Mankar:** *Arrey, everyone has it. The whole world knows that BK Lala was picked up from his home. Everyone knows this.*

**Soni Sori:** *And there was no transaction of money. Still it is said that we people ...*

**Constable Mankar:** *No, there is nothing. They are deliberately trying to trap Lala. Lala too has not said anything in his statement and has said that he doesn't know the name of Linga and doesn't know you and doesn't know anyone else. He had received a phone call from the Naxalites. They had called him to Palnar. So he had gone to Palnar. And he returned from there. After that, he was arrested from home. You don't worry about this matter. It is just that you have been seen there, so the Police is trying to catch you. Wherever you are, just stay safe there ...*

11. In other excerpts below, Constable Mankar further advises the Petitioner to lie low for a few months and wait for this to blow over. He predicts that the police will not be able

to find witnesses for the arrests, and hence the arrested accused will have to be let go.

**Constable Mankar:** *Don't worry – everything – truth and falsehoods -- will all come out. Just wait for a few more days.*

**Soni Sori:** *How many more days will it take, tell me?*

**Constable Mankar:** *I have told you... 2-3 months. It is already 15-20-25 days.*

12. Later on in the same conversation:

**Soni Sori:** *So what has that to do with us... Alright, so Essar may have given 150 or however many crores to the Naxalites, but why are we being made into intermediaries... Linga and I?*

**Constable Mankar:** *That is why I am saying that you will be honorably acquitted tomorrow, if not today. You have to remain calm, because there is no proof. Linga was picked up home, Lala was picked up from home. They have no proof...*

**Soni Sori:** *Where was the money obtained? Where did the money come from, tell me?*

**Constable Mankar:** *Money was brought from his home...*

**Soni Sori:** *So why are the police playing such a blatantly false game, tell me Mankar sir?*

**Constable Mankar:** *I do not understand anything either. Once the air is cleared, the whole truth will come out... that's why we are saying, wait a bit...*

**Soni Sori:** *That is what you say...the truth will come out...my husband has been trapped for a year...it is almost one and a half year now, without [any fault of his]. If I get arrested now, what is the guarantee that I will be released? Give me some guarantee...*

**Constable Mankar:** *Guarantee, madam, in this case is sure. After the chargesheet is presented, the case will not last more than 3-4 months. There are such big people arrested in this case... Essar company will get everyone released. That's the guarantee. It [the company] will buy everyone from top to bottom.*

Copy of the CD containing the recording of this conversation and true translated copies of the entire transcript of this conversation are collectively annexed hereto as **ANNEXURES P-2 (Colly) (Pages \_\_\_\_\_to \_\_\_\_\_)**.

13. That the Chhattisgarh police are fabricating evidence in this fresh case against the Petitioner and her nephew is

further supported by a publicly released statement of Jairam Khora, Sarpanch of Badapadar panchayat in Orissa. In this video statement, released on 30.9.2011, Mr. Khora claims that he was picked up by the Orissa police on 14.9.2011 and handed over to the Chhattisgarh police for questioning. He was illegally detained by the Chhattisgarh police for eight days, brutally tortured and forced to sign a statement saying that he had accompanied BK Lala, a contractor hired by Essar, to pay off the Maoists. In his recorded statement, Mr. Khora says:

*"On the 14th, around midnight, 4 policemen [of Chhattisgarh police] came and tied my feet like this [crosses his hands] and put a stick in between the legs. Two policemen hung me like this [holds up his hands] and two policemen beat me with a stick. They beat me a lot – they beat me on the night of the 14th and on the midnight of the 15th. They beat me for two days and did not let me speak to anyone. After that, they took me to Dantewada, to the SP sahib [superintendent of police]. There, they forcibly took a statement from me, and presented me in front of the magistrate on the 19th, and later they released me on the 21st.*

*The statement [which they made me sign] says that I had gone with Lala to meet the Naxali commanders. But I had not gone with Lala. Lalaji has a plant in my Badapadar gram panchayat. He is a contractor. He makes the plant function. He has a plant in Chitrakonda – he had come to meet me saying that "I have a plant in your Panchayat area. Can I do something to help your area, or your area's people? Tell me what to do." So I told him that for my people, we need drinking water. So please get 15-20 tubewells dug, and get the old school buildings repaired. And get one new building constructed. Then Lala ji had said, he would get it done. After that, he had got the tubewells dug, old school buildings repaired and even a new school building constructed.*

*So when the Chhattisgarh police took me into custody, I told them everything. I had not gone with Lala taking any money. I have no such relationship. But they did not believe me, and beat me a lot. And they applied a lot of pressure on me and told me what to say. I told them the truth. But I was very frightened and finally admitted to all their lies."*

14. The illegal detention of Mr. Khora and his presentation before the magistrate at a later date is borne out by newspaper report, such as that below, dated 28.9.2011:

*"Sources said Chhatisgarh police have got "vital clues" about the money trail from the corporate house to the Maoists while interrogating Jairam Korram, a tribal sarpanch of Badapadar panchayat in Malkangiri district's Chitrakonda block... Sources said the sarpanch was later "whisked away" from his village to Dantewada for interrogation. As Korram remained missing for days and Malkangiri police pleaded ignorance about his whereabouts, angry villagers vented their anger by attacking Essar's pump house at Chitrakonda. On September 19, Korram appeared before a local court in Dantewada district as a "witness" and recorded his statement. "He (Korram) is one of our important witnesses. He recorded his statement during interrogation and in the court as well," the Dantewada SP said. Korram has since returned home.*

Copy of the CD containing the recording of this conversation and true translated copy of the transcript of the video statement released by Mr. Khora is annexed hereto as **ANNEXURE P-3 (Colly) (Pages \_\_\_ to \_\_\_)**.

15. That these series of numerous FIRs and chargesheets against the Petitioner and members of her family illustrate the impunity with which the police have been foisting false criminal cases against innocent villagers and harass them at will.

16. FIR sought to be registered at Delhi regarding the attempt on the life of Soni Sori by the Chhattisgarh police. Police refused to register FIR. On 07.10.11, Learned ASJ, Delhi rejects bail application by Petitioner but notes:

“the safety aspects qua her apprehensions, as envisaged by her.” Learned ACMM (SE) New Delhi, grants transit remand and directs Investigating Officer –

“IO is required to take all measures to ensure the safety of the accused”

17. High Court in Writ Petition (Crl) 1387 of 2011 confirms a transit remand but issues direction to Chhattisgarh state:

“This court, in the facts and circumstances of the case, deems it fit to issue notice to the state of Chhattisgarh returnable on 14.10.2011 to report compliance as regards the safety and security of Ms. Soni Sori is concerned.”

On 08.10.11, Ms. Yogita Vinay Wasnik, JFMC, Dantewada grants police remand of 2 days while noting that “[t]here

are no sign of any external injury on body of accused. The accused has been examined for the signs of injuries.”

18. JMFC lays down some conditions for police remand including

“1. Under police remand, the accused would not be physically tortured.

2. Before taking the accused on police remand and before producing the accused in Court from police remand, the accused would be suitably medically examined by registered medical practitioner.”

19. No such medical examination is conducted before taking the Petitioner on police remand.

20. On 08.10.11 Petitioner interrogated in police remand by SDPO Anshuman Sisodia, subsequently, she was tortured under orders of then-SP Ankit Garg. Advocate Sudha Bharadwaj, after meeting the petitioner in Raipur jail on 14.1.12, filed this narration of the Petitioner’s story:

“[S]he reiterated that she had been kept in Dantewada police station on 8th -9th October 2012. In the day time of 8th October she was interrogated by the Sub Divisional Officer of Police Shri Anshuman Sisodia. It was late night between 10pm to 12pm when she was woken up and taken before Superintendent of Police Ankit Garg. She had

protested as to why she was being taken so late at night but to no avail.

She reiterated that first he abused her filthily and asked the women constables on duty to leave. She said that she could recognize two policemen "Mankar" and "Basant" who were called in. She was told that she must sign on papers implicating CPI leaders and activists Manish Kunjam, Rama Sodi and her relative Nandaram Sori to be Naxalites, similarly on papers implicating Himanshu Kumar, Nandini Sundar, Arundhati Roy, Kavita Srivisatava, Medha Patkar, Swami Agnivesh to have Maoist links. When she refused, electric shocks were repeatedly applied to the soles of her feet.

She was told to stand against the wall and take off her clothes. She did this because she was very afraid of the electrocution. She said the SP sat at his table smoking, and abusing and taunting her when she tried to cover herself. Then he called 3 policemen in who had covered their faces, told them to shame her and himself left the room. Those policemen whose names she does not know threw her to the floor and molested her. Though they did not rape her she could feel stones and stick being inserted in her private parts. They also brought chilly powder but did not insert that. She was screaming and heard the SP

egging them on from outside the room. She later lost consciousness. She was carried to the room where the women constables were, as she could not walk. She must have drifted in and out of consciousness the next day and on the 10th morning the incident of falling in the bathroom occurred.”

21. Petitioner has repeated this narration in her own words when she wrote a detailed letter to Supreme Court Advocate.
22. On 2.12.11 Hon’ble Supreme Court considers the report from NRS Hospital, Kolkata and orders state to transfer petitioner to the Raipur Central Jail for her safety and well-being.
23. Advocate Sudha Bharadwaj visits Petitioner in Raipur Central jail and finds that her health is worsening and she has been on partial hunger strike several times. Petitioner makes a written application in Dantewada court for medical treatment since her health is failing. Court allows the application. However, Petitioner is not allowed to have complete diagnostic tests. Petitioner faces ongoing police harassment on her journeys to and from her trial hearings.

24. On 2.5.12 Supreme Court orders that petitioner be brought to Delhi for treatment of problems in AIIMS Petitioner admitted in AIIMS on 10.5.12 for treatment. She was examined and treated by a medical board comprised of five senior medical doctors and one representative from Hospital administration. Petitioner discharged from AIIMS. On her travel back, she is denied medicines, food and kept standing most of the way back in an unreserved compartment.
25. Hon'ble Supreme Court orders that petitioner be moved back to Jagdalpur jail.
26. Petitioner acquitted in almost all the cases as the charges framed against her were false and frivolous.
27. In the multiple false cases filed against Soni Sori as set out in the chart abovementioned the 161 statements were fabricated in such a crude manner that it was obvious that a cut-paste job had been done. The chart below compares two testimonies from two different chargesheets, which have striking similarities.

|                 |                           |                           |
|-----------------|---------------------------|---------------------------|
| Chargesheet no. | 24/2010, P.S.<br>Kuakonda | 26/2010, P.S.<br>Kuakonda |
| FIR No.         | 13/10 P.S.<br>Kuakonda    | 17/10 P.S.<br>Kuakonda    |

|                                    |  |   |
|------------------------------------|--|---|
| Witness Name                       | Mundra Muchaki<br>s/o Pisa 45 years<br>Chote Bedma,<br>Hidmapara P.S.<br>Kuakonda  | Sannu Muchaki s/o<br>Madka Muchaki 38<br>years Chote<br>Bedma, Hidmapara<br>P.S. Kuakonda   |
| Testimony:<br>Introductory<br>Part | I live in village<br>Chote Bedma. <u>I am</u><br><u>engaged in</u><br><u>agriculture.</u> On<br>8.7.2010, on<br>Thursday, <u>in the</u><br><u>morning when I</u><br><u>was going to my</u><br><u>farm, I saw that</u><br><u>from the jungle</u><br><u>some uniformed</u><br><u>Naxalites were</u><br><u>coming along with:</u> | I live at the above<br>address. <u>I am</u><br><u>engaged in</u><br><u>agriculture.</u> On<br>16.8.2010, <u>in the</u><br><u>morning when I</u><br><u>was going to my</u><br><u>farm, I saw that</u><br><u>from the jungle</u><br><u>some uniformed</u><br><u>Naxalites, carrying</u><br><u>guns, were coming</u><br><u>along with some</u><br>villagers: |
| The list of<br>the accused         | <u>(1) Madkami Kosa</u><br><u>(2) Madkami Deva</u><br><u>(3) Madavi Budhra</u><br><u>(4) Sodi Nanda (5)</u><br><u>Madavi Budhra of</u><br><u>Phoolpad (6)</u><br><u>Ashram warden</u><br><u>Soni Sodi of Jabeli,</u><br>who were coming<br>from the direction<br>of the jungle,<br>talking with the<br>Naxalites.              | <u>(1) Madkami Kosa</u><br><u>(2) Madkami Deva</u><br><u>(3) Madavi Budhra</u><br><u>(4) Sodi Nanda (5)</u><br><u>Madavi Budhra s/o</u><br><u>Bhima 28 years of</u><br><u>Phoolpad (6)</u><br><u>Jabeli's Ashram</u><br><u>warden Soni Sodi,</u><br>whom I recognized.  |

|                                     |   |   |
|-------------------------------------|---|---|
| <p>The description of the crime</p> | <p><u>Out of fear, I hid in the jungle and saw these people</u> and also listened to the conversation of these people, that this time Avadhesh Gautam and people of the police station survived the attack. Next time, whenever we attack, not even one police man should survive and the police station should also be blown up in the bomb blast. Saying this they were walking towards the jungle.</p> | <p><u>Out of fear, I hid in the jungle and saw these people</u> who were saying, that the older building of the Tehsil Office should also have been blown up, which we will blow up next time. And the documents should be blown up and destroyed. Saying this they were walking towards the jungle, which I heard.</p> |
| <p>The description of the crime</p> | <p><u>Later on I came to know that in the night the Naxalites along with the above-mentioned people</u> attacked the police station and the police personnel in police</p>  | <p><u>Later on I came to know that the Naxalites along with the above-mentioned people</u> blasted the newly constructed Tehsil Bhavan, and destroyed it. The</p>   |



|  |   |
|--|---|
|  | witnesses in an identical order.<br>3. Each testimony speaks about the unfinished crime which must be completed.<br>4. Even though the witnesses saw the said accused accompanying the naxalites 2-3 months ago, they are reporting this on the same day and before the same Investigating Officer. |
|--|---|

28. The prosecution eye witnesses are seven policemen and the driver of B.K. Lala who does not say that he knew Soni Sori from before. No TIP is conducted in respect of the driver. Moreover, the driver of B.K. Lala, accused no. 1 will have diminished value in view of the fact that he is the driver of the principal accused and his evidence will be akin to that of a co-accused since he could be treated as an agent of the principal accused.

29. Five of the seven policemen who are eyewitnesses have recorded two statements—one on the day after the incident, 10.9.11, and another supplementary statement, two months later on 18.11.11. In the original statements, none of the seven policemen have said that they knew the Petitioner from before, and none has noted that the Petitioner Soni Sori had fled from the site. Instead, all the original statements talk about the fact that the accused were brought to the Police Station directly from the

incident site. It is only in the Supplementary statements of five of these seven policemen, recorded more than two months after the incident on 18.11.11 that it is noted that the Petitioner Soni Sori fled from the site, and also all these five policemen state that they recognized the Petitioner from before. The sample part of the 161 Cr.P.C. statements of one of the police party (Constable No. 483, Pushpendra Chandra of PS Kuakonda, District Dantewada) is set out herein below.

Original sample statement dated 10.9.2011:

"I am posted at PS Kuakonda as Constable. Today, on 09.09.2011, I along with the police station in-charge and Head Constable 137 Gautam Pande, Constable 1130 Sandip Bhagat, Constable 815 Rajesh Bateria, Constable 1055 Madusundan Mandavi, ASI Ramkishan Markam went for a Naxali patrol and to check the weekly market of Palnar. Sahu Sahab assigned us the duty of surrounding the market on all sides and hiding behind bushes and bridges to look out for suspicious people. Around 12:00 noon, BK Lala came in his vehicle Bolero pick-up van number CG-18H 968 and parked his vehicle near a bridge and came out from the

vehicle. Seeing this Linga Kodopi and Soni Sori came near BK Lala and started talking to him. BK Lala took out a plastic bag and gave it to Lingaram Kodopi which has Rs. 15,00,000.00 comprising of 30 packets of 500 -500 Rupees each, which were in three bundles. Each packet had 100 notes of Rs. 500. Sahu Sahab made a dehati nalsi on the site and conducted the seizure, and we brought the money, vehicle and accused to Police Station.”

Supplementary statement of the same Constable dated 18.11.11:

“I am posted at PS Kuakonda as Constable for the past approximately one and a half years. On date of the incident, 09.09.2011, when along with the police party, I was on the look out for suspicious people in the Palnar bazaar, then I saw Soni Sori and Lingaram Kodopi close to the bridge which is at a slight distance from the Palnar Bazaar approach BK Lala who had stepped down from his vehicle Bolero number CG-18H 968 and talk to him. I recognize the said accused from the time I have been stationed at Kuakonda Police station. BK Lala

gave a green coloured plastic bag to Lingaram Kodopi. At that time, the police party surrounded and nabbed BK Lala and Lingaram Kodopi, and Soni Sori fled from there and taking benefit of the crowded market, escaped successfully from the site. When the police station in-charge, got the notes counted after taking them out in front of witnesses, then I came to know that there were three bundles of Rs 500 notes. Each bundle had 10 packets containing a 100 notes of Rs 500 denomination. On completing the counting of the notes, it was learned that the sum of money was Rs. 15,00,000.00.”

30. The alleged confession of Soni Sori recorded in the 161 Cr.P.C. Statements which is inadmissible in evidence is set out at **Annexure P-4. (pages \_\_\_\_\_ to \_\_\_\_\_)**

31. Soni Sori has now been in custody from 4.10.11 and charges have not been framed. Her youngest daughter aged 7 years suffers from Thalassemia and need blood transfusions frequently. The other children are aged 11 and 13. Her presence with her children is of utmost importance given the death of the father.

32. It is the prosecution's case that Shri B.K. Lala, accused no. 1, in Crime 26 of 2011, a contractor of the ESSAR Company was arrested on 9.9.11 while paying a huge amount to naxalites through couriers Soni Sori and Lingaram Kodopi. The incident happened at the Palnar weekly market at 1 p.m. on 9.9.11. It is alleged that when the police reached Soni Sori escaped and B.K. Lala and Lingaram Kodopi were arrested from the spot.

33. The IO deliberately delayed filing the charge sheet until after 90 days had passed and since B.K. Lala had filed a bail application he was granted bail on 4.2.12. Similarly, the General Manager of ESSAR Steel, Shri D.V.C.S. Verma was granted bail on 3.1.2012. A translated copy of the order dated 3.1.2012 enlarging D.V.C.S. Verma on bail is at **Annexure P-5. (pages \_\_\_\_\_ to \_\_\_\_\_)**

34. Against D.V.C.S. Verma the following charges were made:

“[C]onspiring to have fellowship with the active members of the banned organization CPI(Maoist), for illegally providing economic assistance to the party in order to foment war against the administration, and for being

embroiled in illegal activities to further their self-interest.”

35. A perusal of the charge sheet and the impugned order will show that the principal accused B.K. Lala was enlarged on bail on 4.2.12. A translated copy of the order dated 4.2.2012 enlarging B.K. Lala on bail is at **Annexure P-6. (pages\_\_\_\_\_to \_\_\_\_\_)**

36. The charge sheet filed by the Sub Divisional Police Officer, Kirandul dated 6.3.2012 has been annexed herewith and marked as **Annexure P-7. (pages\_\_\_\_\_to \_\_\_\_\_)**

37. The petitioner herein filed the bail application on 01.07.2013, True copy of the bail application filed in the High Court of Chhattisgarh at Bilaspur is marked hereto and annexed as **Annexure P-8. (pages\_\_\_\_\_to \_\_\_\_\_)**

### **3. DECLARATION IN TERMS OF RULE 4(2):**

The Petitioner states that no other petition seeking Special Leave to Appeal has been filed by them against the impugned order passed by the Hon'ble Chhattisgarh High Court at Bilaspur.

### **4. DECLARATION IN TERMS OF RULE 6:**

The Petitioner states that the Annexures P – 1 to P - 8 produced along with the Special Leave Petition are true copies

of the pleadings/documents which form part of the records of the case in the Courts below against whose orders the Special Leave to Appeal is sought for this petition.

**5. GROUNDS:**

A) BECAUSE the Applicant is innocent and has been falsely implicated in the offence. The police have been harassing the Applicant for over a year, and she has been repeatedly falsely implicated by the police in several cases- The previous cases have all been false is borne out by the fact that the Applicant has been acquitted or granted bail in all of the other cases. The present case is the latest in a series of such false cases against the Applicant.

B) BECAUSE the Applicant is being systematically harassed and persecuted by the police. Prior to the filing of this case, the police used the cases filed against her to intimidate and threaten the Applicant, and subsequent to this case, after the Applicant took the case of her police harassment to national media, the police retaliated by torturing her in custody.

C) BECAUSE the Applicant has not committed any offence as has been alleged by the prosecution. The Applicant was neither aware nor was she part of the alleged deal with the so-called naxalites. The fact that her father's house was

attacked by the Naxalites merely a few months before her alleged crime is further proof that the Applicant has no connection with the banned outfit.

D) BECAUSE the entire case is a fabricated one, as evidenced by the recorded conversation between the Applicant and Constable Mankar in the Tehelka sting. Prime witness, Jairam Khora, was extensively tortured to elicit his statement before the magistrate. In spite of being made aware of these allegations, the SIT investigating this case did not investigate the veracity of these serious claims of police malpractice, thus vitiating the entire investigation.

E) BECAUSE on the basis of the evidence collected by the prosecution, the Applicant cannot be convicted for the offences alleged against her.

F) BECAUSE even though the charge sheet has been filed, and the case having been committed to the sessions, the trial of the case is not likely to be concluded in near future and has been inordinately delayed.

G) BECAUSE the Applicant is in custody since 5/10/2011 and as such a period of about one year six months has passed without there being an iota of admissible evidence against her which has resulted in grave violation of- fundamental right of personal liberty of the Applicant.

H) BECAUSE even though charge sheet in the case has been filed but till date charges have not been framed even after passing of one and half years and case is not likely to conclude in the near future as the court before which the matter is pending is lying vacant as the learned Additional Sessions Judge has been transferred to Fast Track Court.

I) BECAUSE two other co-accused in the present case, DVCS Verma and BK Lala have been enlarged on bail.

J) BECAUSE on perusing the entire charge sheet and FIR it is clear that present applicant was not present in the so called exchange of money as alleged by the prosecution and she has been falsely implicated in the case.

K) BECAUSE the Hon'ble High Court erred in considering the fact that the co-accused have already been granted bail for the alleged crime committed and that the evidences produced by the prosecution have all been false and fabricated.

L) BECAUSE the Applicant has three young children aged 6, 10 and 12 years, with the youngest daughter suffering from sickle cell anemia and in need of frequent blood transfusions. The husband of the Applicant was similarly

imprisoned by the police under false charges for three years and has been recently acquitted, but suffered from a paralytic stroke inside prison and needs full time care.

M) That the Applicant herself is in need of urgent medical care and treatment, because of medical complications arising from her torture in police custody and her failing health inside the jail.

**6) PRAYER:**

Petitioner therefore prays:

- a. Grant Special Leave to Appeal against the judgment of the Hon'ble High Court of Chhattisgarh High Court dated 8.7.13 in Misc Criminal Case No. 3017 of 2013.
- b. And pass such further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of this case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS  
IN DUTY BOUND SHALL EVER PRAY**

FILED BY:

Drawn by: Amiy Shukla

Drawn on:

Filed on:

**(JYOTI MENDIRATTA)**

Advocate for the Petitioner



2. That it is the prosecution's case that Shri B.K. Lala, accused no. 1, in this case, a contractor of the ESSAR Company was arrested on 9.9.11 while paying a huge amount to naxalites through couriers Soni Sori and Lingaram Kodopi. The incident happened at the Palnar weekly market at 1 p.m. on 9.9.11. It is alleged that when the police reached Soni Sori escaped and B.K. Lala and Lingaram Kodopi were arrested from the spot.
3. A perusal of the charge sheet and the impugned order will show that the principal accused B.K. Lala was enlarged on bail on 4.2.12. The IO deliberately delayed filing the charge sheet until after 90 days had passed and since B.K. Lala had filed a bail application he was granted bail on 4.2.12. Similarly, the General Manager of ESSAR Steel, Shri D.V.C.S. Verma was granted bail on 3.1.2012.
4. That the facts and circumstances leading to the filing of the present Special Leave Petition and the challenge to the impugned order is explained in detail in the accompanying petition and hence are not repeated herein for the sake of brevity and may be read as the part of the application.
5. That out of the four accused persons in this case, 2 have been out of bail but the Hon'ble High Court of Chhattisgarh erred in denying the bail of the petitioner inspite of she not having any direct evidences against her in the same case.

6. That the prosecution eye witnesses are seven policemen and the driver of B.K. Lala who does not say that he knew Soni Sori from before. No TIP is conducted in respect of the driver. Moreover, the driver of B.K. Lala, accused no. 1 will have diminished value in view of the fact that he is the driver of the principal accused and his evidence will be akin to that of a co-accused since he could be treated as an agent of the principal accused.

7. That five of the seven policemen who are eyewitnesses have recorded two statements—one on the day after the incident, 10.9.11, and another supplementary statement, two months later on 18.11.11. In the original statements, none of the seven policemen have said that they knew the Petitioner from before, and none has noted that the Petitioner Soni Sori had fled from the site. Instead, all the original statements talk about the fact that the accused were brought to the Police Station directly from the incident site. It is only in the Supplementary statements of five of these seven policemen, recorded more than two months after the incident on 18.11.11 that it is noted that the Petitioner Soni Sori fled from the site, and also all these five policemen state that they recognized the Petitioner from before.

8. That the petitioner has now been in custody from 4.10.11 and charges have not been framed. Her youngest daughter aged 7 years suffers from Thalassemia and need blood transfusions frequently. The other children are aged 11 and 13. Her presence with her children is of utmost importance given the death of the father (Petitioner's husband) recently.
9. That there has been instances of police torture and abuse of the petitioner while in police custody and judicial custody during her stay at the Jail in Chhattisgarh.
10. That the petitioner has been acquitted in 5 out of 6 other cases and has been granted bail in the 6<sup>th</sup> case against her as highlighted in the petition attached herein.
11. That her acquittal simultaneously in all the cases stated above in the petition shows that all the cases have been framed against her are falsely implicated and are frivolous in nature.
12. That the applicant believes that she has a good case on merits and wishes to be decided in her favour as the co-accused are already on bail for the same crime and she being innocent is still lodged in the judicial custody.

**PRAYER**

It is therefore prayed that the Hon'ble Court may be pleased to:

- a) Release the petitioner on bail to the satisfaction of the Learned Court of Additional District Judge (Fast Track Court), Dantewada in Crime No. 26/2011 on such terms and conditions as this Hon'ble Court deems fit.
- b) And pass such further order or orders, as this Hon'ble Court may deem fit and proper in the circumstances of this case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS  
IN DUTY BOUND SHALL EVER PRAY**

FILED BY:

Drawn by:

Drawn on:

Place: New Delhi

**(JYOTI MENDIRATTA)**

Advocate for the Petitioner

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

**SPECIAL LEAVE PETITION (CRIMINAL) OF 2013**

(Arising out of the impugned Judgment and final Order dated 8.7.13 passed by the Hon'ble High Court of Chhattisgarh in Misc.Crl.C No.3017 of 2013)

**IN THE MATTER OF:**

Soni Sori ...Petitioner

Versus

State of Chhattisgarh ...Respondent

**CERTIFICATE**

I hereby certify that the Special Leave Petition is confined only to the pleadings before the Court whose order is challenged and the other documents relied upon in those proceedings. It is further certified that the copies of the documents/ annexures attached to the Special Leave Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. No additional documents are adduced and additional ground is sought which was not filed in the courts below. This certificate is given on the basis of the instructions given by the Petitioner/person authorized by the Petitioner whose affidavit is filed in support of the Special Leave Petition

**JYOTI MENDIARATTA**

**New Delhi**

**(ADVOCATE FOR PETITIONER)**