

## **POCSO victim 'taken handcuffed' to court: Madras HC 'must take suo moto cognisance'**

**27 November 2023**

Henri Tiphagne, director of the human rights organisation People's Watch, based in Madurai, has taken strong exception to a woman constable taking a 15-year-old Protection of Children from Sexual Offences (POCSO) Act victim to the court handcuffed to record a statement. The victim, said Tiphagne in a complaint to the Chief Justice of the Madras High Court, was accompanied by a woman police constable from Annai Sathya Home to the magistrate court in Kotagiri to record a statement under section 164. The woman police constable took the victim in a bus to Kotagiri from Ooty.

“Once they deboarded the bus at Kotagiri bus stand, the woman police constable handcuffed the victim and walked nearly 400 meters and reached the court. The handcuffs were removed only at the entrance of the court, and after recording the statement, the woman police constable handcuffed the victim again near the court premises and made her walk to the bus stand on the public road, which caused mental agony to the victim”, he said.

“On November 15, 2023, the mother of the victim lodged a complaint to the superintendent of police in Ooty, which was written by the victim regarding the handcuffing. In the name of inquiry into the complaint, a higher police official visited the victim at Annai Sathya Home at Ooty and threatened the victim, saying that, ‘She will be detained in the home till she turns 18 years old.’ then he obtained the sign of the victim on a paper, without allowing the victim to read it”, Tiphagne noted.

“Later, the police used the letter, purportedly written by the child, stating that she gave a false statement about handcuffing, and the victim asked her mother to withdraw the complaint lodged with the Superintend of Police of Nilgirs”, he added, asking the Chief Justice of Madras High Court as also the chairperson, State Human Rights Commission, to take “suo-moto cognizance” of the whole episode "under section 12 (a) of the Protection of Human Rights (Amendment) Act, 2019”.

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