



## Dalit girl's gangrape has hung for 11 yrs on an MLA's note

**Parimal Dabhi** Posted online: Thursday , Dec 31, 2009 at 0848 hrs

**AHMEDABAD/VADODARA** : She was a minor; her alleged assaulter a man with clout. The police initially turned her away; while a decade later, her case is still on in courts. And while Ruchika Girhotra's tragic story may have got the nation's and government's ear, no one remembers the then 13-year-old Dalit girl who was allegedly gangraped on the night of the Dhuleti festival, a day after Holi, in a Vadodara village by an MLA's relative and a friend of his.

In the 11 years since, the case is still at a stage where the witnesses are to be examined. Her grandfather has had to sell most of his land in the court battle, while the girl herself is now married to a local youth and has two children.

As for Khumansinh Chauhan, on whose official letterhead a handwritten note was sent to the police sub-inspector concerned over the case (a copy of which is with The Indian Express), he continues to be the Congress MLA from Savli.

On the night of March 13, 1998, the girl from Mokshi village was reportedly abducted from her home by Ramesh Baria and his friend, gangraped and found abandoned and bleeding near the village pond the next morning. Her grandfather Vashram Vankar had just stepped out, leaving her alone (her parents having split, she was being raised by Vashram).

"We took her to the police outpost, but they told us to go to the Bhadarva Police Station. The Bhadarva police did not register a case, and told us to take her to hospital for medical examination," Vankar says.

At the SSG Hospital, the doctors initially thought that the girl, who was in deep shock, was mentally challenged, and referred her to the Vadodara Hospital for Mental Health. The doctors there realised she had been raped and sent her back. A medical examination confirmed rape.

It took four days for the police to register a complaint. "When the police kept delaying, we met the then Vadodara Superintendent of Police, but he accused us of making up the case to extort money," says Vankar.

The police finally relented after Vankar moved the Gujarat High Court. The family believes the note on Chauhan's letterhead that was hand-delivered to the Bhadarva Police Station on March 14, 1998, even before the grandfather had reached there with the rape complaint, was behind the police delay.

The letter, signed by Chauhan, says the person delivering it was known to him: "Virendra B Solanki is from Mokshi. He is a personal supporter of mine, I had introduced him to you earlier too. His is the issue concerning the rape case. I know this issue. So, it is my recommendation that you too understand the issue as he will tell you, and do the needful."

Chauhan claims his letterhead may have been "misused" by someone and that he doesn't know anybody by the name of Ramesh Baria. "I routinely give many recommendation letters, but I don't recall giving any such letter," he told The Indian Express. "I would never do that, not in a serious case like rape."

Valjibhai Patel, secretary of the Council for Social Justice, which took up the issue, says Chauhan isn't telling the truth. "Baria was definitely a relative on his maternal side," he says.

The police were just the first stumbling block. At every stage, the Vankars met delay, callousness and apathy:

\* Police take a month to submit a chargesheet before the local Sessions Court, on April 25, 1998, naming Baria and accomplice Ramesh Vankar.

\* A year later, on April 14, 1999, the Additional Sessions Judge refers the case to the Lok Adalat, deciding that the gangrape of a minor was a fit case to try for an amicable "compromise". The girl's family doesn't agree.

\* Eight more years would pass, until May 30, 2007, before the court, which had by then completed the entire trial proceedings, would realise that proper procedure was not followed in submitting the chargesheet and that it was submitted directly to the Sessions Court instead of the court of the Judicial First Class Magistrate (JFMC), which could have committed it to the Sessions Court. The case papers were sent back to the Investigating Officer, who was told to submit those to the JFMC court.

\* Police would take five months, till October 9, 2007, to submit the case to the Magistrate.

\* As things stand, the Sessions Court is to conduct "further hearing" in the case on January 23, 2010.

Says former Gujarat High Court judge Justice S M Soni: "A case so serious as rape cannot go to the Lok Adalat. The court should not have done that. As for sending it back to the Investigating Officer after the trial was almost over, the court could have found some way to rectify the error instead of following mere official formality."

Vashram Vankar, who is in his late 70s now, and the girl's maternal uncle Suresh Vankar say they are determined to fight on. "We were offered Rs 50,000 by relatives of the accused... We refused," says Suresh.

"I wish someone understood our pain," adds the grandfather. "Our only relief is she has settled down with a loving husband and in-laws, who do not object to her appearing in court to fight for justice."