

CWP No.17212 of 2015

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.17212 of 2015
Date of decision:29.03.2016**

Mukesh Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.K.Yadav, Advocate,
for the petitioner.

Ms. Gaganpreet Kuar, AAG, Haryana.

Mr. G.S.Sidhu, Advocate,
for respondent Nos.2 and 3.

Rakesh Kumar Jain, J.

The petitioner, who was a victim of attempt to rape, made an application to the District Legal Services Authority, Rewari under the Haryana Victim Compensation Scheme, 2013 (hereinafter referred to as the “Scheme”) for award of compensation. The said application was allowed on 29.12.2014, awarding compensation of ₹50,000/- to the petitioner. Aggrieved against that order, the petitioner filed an appeal before the Member Secretary, Haryana State Legal Services Authority-cum-Appellate Authority under the Scheme. The said appeal was dismissed on 28.07.2015 and hence, the present petition has been filed.

Counsel for the petitioner has submitted that as per the Scheme,

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in case of rape, the compensation to be awarded to the victim is ₹3 lacs, whereas in case of loss or injury causing severe mental agony to women and child victims in cases like human trafficking, kidnapping and molestation etc., the compensation is of ₹50,000/-. It is sought to be argued that the rape would also include the attempt to rape, therefore, the petitioner is entitled to ₹3 lacs as compensation instead of ₹50,000/-.

I have heard learned counsel for the parties and perused the available record.

The compensation is to be awarded as per Schedule-I of the Scheme, which is reproduced as under:-

Sr. No.	Particular of loss or Injury	Maximum Limit of Compensation	
1	2	3	4
1	Loss of Life	a. Age 40 years or below 40 years. b. Age about 40 years and up to 60 years. c. Age above 60 years.	₹3 lacs ₹2 lacs ₹1 lacs
2	Loss of any limb or part of body (80%) including loss due to acid attack	a. Age 40 years or below 40 years. b. Age about 40 years and up to 60 years. c. Age above 60 years.	₹2 lacs ₹1 lacs ₹50,000/-
3	Loss of any limb or part of body (50%) including loss due to acid attack	a. Age 40 years or below 40 years. b. Age about 40 years and up to 60 years. c. Age above 60 years.	₹1 lacs ₹50,000/- ₹25,000/-
4	Rape		₹3 lacs

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Sr. No.	Particular of loss or Injury	Maximum Limit of Compensation	
5	Loss or injury causing severe mental agony to women and child victims in cases like human trafficking, kidnapping and molestation etc.		₹50,000/-
	The following expenses shall be payable in additional to compensation outlined above.		
	(i) Funeral expenses		₹2000/-
	(ii) Medical Expenses- Actual expenses incurred before death or on account of injury supported by bills/vouchers but not exceeding ₹15,000/-		

There is no dispute that the accused in FIR No.68 dated 25.04.2014, under Sections 376/511/506/323 IPC, registered at Police Station Khol has been convicted and sentenced by the Additional Sessions Judge, Rewari vide his judgment dated 22.10.2014/31.10.2014 under Sections 376/511 IPC for a period of 10 years with fine of ₹5,000/- and under Section 506 IPC for one year with fine of ₹1,000/-. Since the admitted case of the parties is that the accused in the aforesaid FIR has been convicted for the attempt to rape, therefore, the said act of the accused can be brought within the definition of molestation etc. for which the compensation has been fixed as ₹50,000/- and cannot be termed as 'rape' for the award of compensation of ₹3 lacs.

Consequently, I do not find any error in the impugned order(s) and hence, the present petition is hereby dismissed being denuded of any merit.

March 29, 2016
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(Rakesh Kumar Jain)
Judge