

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

CWP No.4457 of 2016
Date of Decision:05.04.2016

Raj Bano

. . . .Petitioner

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.H.S. Rakhra, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is praying for a writ in the nature of mandamus for directing respondents No.1 and 2 to grant compensation in terms of Section 357A of the Cr.P.C. (Victim Compensation Scheme).

I have heard learned counsel for the petitioner. Section 375A of the Cr.P.C. (Victim Compensation Scheme) is reproduced as under: -

*“357A. Victim compensation scheme. -(1)
Every State Government in co-ordination
with the Central Government shall prepare
a scheme for providing funds for the
purpose of compensation to the victim or his
dependents who have suffered loss or
injury as a result of the crime and who
require rehabilitation.*

*(2) Whenever a recommendation is made by
the Court for compensation, the District
Legal Service Authority or the State Legal
Service Authority, as the case may be, shall*

decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit."

According to the aforesaid provision, the State Government has to co-ordinate with the Central Government to prepare a scheme for providing funds for the purpose of

compensation to the victim or his dependents, who have suffered loss or injury as a result of the crime and who require rehabilitation. However, the compensation is to be awarded on the recommendation made by the Court to the District Legal Service Authority or the State Legal Service Authority, as the case may be, who would decide the compensation.

In the present case, the petitioner has approached this Court after the decision of the Additional Sessions Judge, SAS Nagar, Mohali dated 14.11.2014 for the purpose of grant of compensation in terms of the aforesaid provisions. The petitioner is required to approach the same Court i.e. the Additional Sessions Judge, SAS Nagar, Mohali, who has ordered the conviction and sentence of the accused therein for the purpose of recommendation of her case to the District Legal Service Authority under the Legal Services Authority Act, 1987 for the purpose of deciding the quantum of compensation.

Hence, the present petition before this Court is not maintainable and the same is hereby dismissed. The petitioner may, if so advised, avail her remedy in accordance with law as stated above.

05.04.2016*Vivek***(RAKESH KUMAR JAIN)
JUDGE**