



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2018

CORAM:

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P(MD)No.2 of 2018

P.Vijayabharathy : Petitioner

Vs.

1.The District Collector cum District Magistrate,
Dindigul District,
Dindigul-624 001.

2.The Deputy Superintendent of Police,
D.S.P Office,
Palani Sub Division,
Dindigul District.

3.The Inspector of Police,
Chathirapatty Police Station,
Dindigul District,
Cr.No.55/2014.

:Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondents Nos.1 to 3 to grant the relief amount of Rs.3,15,000/- (after deducting Rs.60,000/- already disbursed from the 75% of the total relief Rs.5,00,000) meant for the victim of Caste atrocities as per the Rule 12(4), Annexure-1, Serial Number: 44 of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Amendment Rules, 2016 to the petitioner within a stipulated time that may be fixed by this Honourable Court.

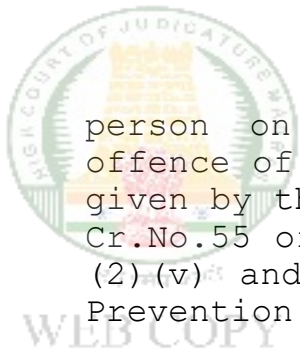
For Petitioner : Mr.A.Sahayaphilomin Raj

For Respondent : Mr.K.Suyambulinga Bharathi
Government Advocate (Cr1.Side)

O R D E R

This petition has been filed seeking for a direction to the first respondent to pay victim compensation to the petitioner in line with Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 1995.

<https://hcservices.ecourts.gov.in/hcservices/> 2.The case of the petitioner is that she belongs to a scheduled caste community and she fell in love with the accused person, who belongs to the Hindu Backward Community. The accused



person on 15.04.2014, waylaid the petitioner and committed an offence of rape against the petitioner. On the basis of a complaint given by the petitioner, the third respondent registered an F.I.R in Cr.No.55 of 2014 for an offence under Sections 417, 376 I.P.C r/w 3 (2)(v) and 3(2)(va) of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act, 2014 (Amendment Ordinance).

3.The learned counsel for the petitioner would submit that the petitioner is entitled for victim compensation under the Rules. Initially, a petition was filed before this Court in CrI.O.P.No.20074 of 2014, seeking for the relief amount and this Court, by an order dated 07.11.2014, directed the first respondent to pay a sum of Rs.1,80,000/- to the petitioner. Subsequent to the orders, the petitioner was only paid a sum of Rs.60,000/-. Thereafter, the petitioner has been making representations to the concerned authorities, but, however, no payment has been made to the petitioner.

4.The learned counsel for the petitioner would submit that the petitioner is statutorily entitled to receive the victim compensation in accordance with the Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 1995 r/w clause 44 of the Annexure-I to the Rules.

5.The learned Government Advocate (CrI.Side) would submit that the petitioner has already approached this Court and an order was also passed by this Court in the year 2014. The counsel would further submit that this Rule came into force only in the year 2016 and for an incident that took place in the year 2014, such compensation cannot be given to the victims.

6.The Legislature thought it fit to bring in certain remedial measures in order to safeguard the victims, who suffered due to the backwardness and due to the fact that they belong to the Scheduled Caste and Scheduled Tribe Community. A beneficial piece of legislation must be interpreted in a purposive manner which would effectuate the object of the welfare legislation and the Court must always lean in favour of applying the beneficial measures that have been given to victims, even in cases where the incident had happened before 2016. Therefore, this Court is not in agreement with the submissions made by the learned Government Advocate (CrI.Side) to the effect that this rule cannot be taken advantage by the petitioner and the petitioner is not entitled for claim victim compensation in accordance with the rules, which came into effect only in the year 2016.

7.The petitioner has given a representation dated 31.10.2016 to the first respondent. In the said representation, the petitioner has stated the entire facts and has also sought for payment of the balance amount in tune with the Rule 12(4) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 1995.



8.The first respondent is directed to consider the said representation in the light of the above observation and pass necessary orders within a period of four weeks from the date of receipt of a copy of this order.

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9.This Criminal Original Petition is disposed of with the above direction.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar (CS-IV)

vs
To

- 1.The District Collector cum District Magistrate,
Dindigul District,
Dindigul-624 001.
- 2.The Deputy Superintendent of Police,
D.S.P Office,
Palani Sub Division,
Dindigul District.
- 3.The Inspector of Police,
Chathirapatty Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.OP. (MD) No.2 of 2018

NM/SV/SAR 4/27.09.2018/3P/5C



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