



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2018

C O R A M

WEB COPY

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

W.P. (MD) No. 2280 of 2018

Suganthi

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.

2. The Chair Person,
District Legal Services Authority,
Madurai District Court Campus,
Madurai.

3. The District Collector,
Madurai District,
Madurai.

4. The Superintendent of Police,
Madurai District.

5. The Inspector of Police,
Melur Police Station,
Madurai District.

... Respondents

(R4 and R5 are suo motu impleaded vide
Court order dated 05.02.2018)

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondents to provide compensation to the petitioner under the Tamil Nadu Victim compensation scheme 2013 on the basis of petitioner's representation dated 08.05.2017 within the stipulated time fixed by this Court.

For Petitioner : Mr. Ajmal Khan, Senior Counsel
(Amicus Curiae)

For R1 to R5 : M/s. J. Padmavathi Devi
Special Government Pleader

O R D E R

This Writ Petition has been filed by the wife of the victim in a case of murder seeking compensation under Tamil Nadu Victim Compensation Scheme, 2013.



2. According to the petitioner she is the wife of one Muthupandi, and her husband was murdered by one Raja and his henchmen due to some business motive on 21.11.2016. Immediately, the petitioner lodged a complaint before the Inspector of Police, Melur Police station and a case was registered in Crime No.1039 of 2016 for the offences punishable under Sections 147, 148 and 302 IPC., and now the investigation is going on.

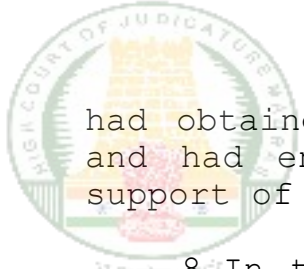
3. According to the petitioner, the petitioner is living with her two children and also with an age old mother-in-law. The husband of the petitioner was the sole bread winner of the family and after the demise of her husband, they left with no other income, now she has to take care of her age old mother in law and her minor children. In the said circumstances, the petitioner approached the District Collector, Madurai on 08.05.2017 seeking relief of compensation under the Tamil Nadu Victim Compensation Scheme, she has also produced necessary documents along with the application. But, so far, no action has been taken by the District Collector, Madurai / third respondent. Hence, the petitioner has filed the present writ petition.

4. This Court earlier appointed Mr. Ajmal Khan, learned senior counsel, as *Amicus Curiae* in this matter.

5. The learned senior counsel took me through various provisions of the Code of Criminal Procedure, and submitted that the State Government now prepared a scheme namely, Tamil Nadu Victim Compensation Scheme in the year 2013.

6. Under Section 357 (A) (3) of the Cr.P.C., the victim is entitled for compensation, pending trial and the interim relief also can be granted by the District Legal Services Authority under Section 357 (A) (6). Apart from that as per Section 357 (A) (4) of the Cr.P.C., where the offender is not traced, but the victim is identified, and no trial takes place, the victim or his dependants can make an application to the State or the District Legal Services Authorities for awarding compensation. In the instant case, the petitioner husband was murdered and a criminal case was also registered by the fifth respectively in Crime No.1039 of 2016 for the offences punishable under Sections 147, 148 and 302 IPC., Now the investigation is going on in the above matter, and the petitioner also submitted an application within a period of six months before the District Legal Services Authorities. Hence, according to the senior counsel, the petitioner is entitled for compensation under such scheme.

7. The learned Special Government Pleader appearing for the respondents submitted that even though the petitioner filed an application under the provisions of the said Scheme, she has not filed the legal heir certificate with the aforesaid application. But, on perusal of the records, it could be seen that the petitioner



had obtained the death certificate and the legal heir certificate and had enclosed the same in the typed set of papers filed in support of this Writ Petition.

8. In the above circumstances, since the application is already pending with the third respondent from 08.05.2017, the third respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed to approach the District Legal Services Authority and produce the required records for the purpose of granting compensation to the petitioner.

9. This Writ Petition stands disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CSI)

/True Copy/

Sub Assistant Registrar/-

To

1. The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.

2. The Chair Person,
District Legal Services Authority,
Madurai District Court Campus, Madurai.

3. The District Collector,
Madurai District, Madurai.

4. The Superintendent of Police,
Madurai District.

5. The Inspector of Police,
Melur Police Station,
Madurai District.

+1cc to The Special Government Pleader, SR.No.51004

ta

RL/7C/3P/KKR/SAR4/16/4/2018

W.P. (MD) No. 2280 of 2018