

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice S.S.SUNDAR

Suo Motu W.P.(MD) No.24907 of 2018

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

... PETITIONER

- Vs. -

1 STATE REP. BY
THE PRINCIPAL SECRETARY TO GOVERNMENT (HOME DEPARTMENT),
FORT. ST.GEORGE, CHENNAI.

2 THE DIRECTOR GENERAL OF POLICE,
TAMIL NADU, CHENNAI.

3 THE SUPERINTENDENT OF POLICE, THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KUMBAKONAM.

(*) 5 THE MEMBER SECRETARY
HIGH COURT LEGAL SERVICES COMMITTEE,
CHENNAI.

6 THE MEMBER SECRETARY
DISTRICT LEGAL SERVICES AUTHORITY,
THANJAVUR.

... RESPONDENTS

(R5 & 6 ARE SUO MOTU IMPEADED VIDE COURT
ORDER DT.28/01/19)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus, a) directing the concerned authorities to ensure proper, fair and impartial investigation is done in the matter of Crime No.11/18 on the file of the All Women Police Station, Kumbakonam, Thanajvur District. b) or any other as this Honourable Court may deem fit and proper circumstances of the case.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.PALA.RAMASAMY, Advocate for the petitioner and Mr.K.CHELLAPANDIAN, Additional Advocate General, assisted by Mr.A.MUTHUKARUPPAN Additional Government Pleader for R1 to R4, and of Mr.P.GANAPATHI SUBRAMANIAN, Advocate for R5 and R6, the court made the following order:-

[Order of the Court was made by N.KIRUBAKARAN, J.]

It is represented by Mr.K.Chellapandian, learned Additional Advocate General that as per the direction of this Court, a sum of Rs.2 lakhs has been paid to the victim on 29.01.2019 by way of Cheque bearing No.458662 dated 25.01.2019 drawn on the State Bank of India, Tanjore.

2.However, Mr.P.Ganapathi Subramanian, learned counsel appearing for the respondents 5 and 6 would submit that as per Section 3 of the Tamil Nadu Victim Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018, the compensation has to be handed over to the Tamil Nadu State Legal Services Authority or the District Legal Services Authority and as per 11 of the Regulation, 75% amount of compensation has to be deposited atleast for a period of three years in Fixed Deposit in the name of the victim and 25% of the amount shall be paid to the victim directly.

3.Therefore, the respondents 5 and 6 shall verify the fact as to whether 75% of the amount has been deposited in the name of the victim at present.

4.The learned Additional Advocate General would submit that all the three accused were arrested and remanded to judicial custody and investigation has been completed and charge sheet has been filed on 08.02.2019 and the same was taken on file in P.R.C.No.1 of 2019 on the file of the learned Judicial Magistrate No.1, Kumbakonam.

5.Print the name of Mr.Pala Ramasamy, learned counsel appearing for the petitioner and post the matter next week for verification regarding the deposit of compensation.

sd/-
11/02/2019

/ TRUE COPY /

TO

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT
(HOME DEPARTMENT), FORT. ST.GEORGE, CHENNAI.
- 2 THE DIRECTOR GENERAL OF POLICE , TAMIL NADU, CHENNAI.
- 3 THE SUPERINTENDENT OF POLICE, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE ,
ALL WOMEN POLICE STATION, KUMBAKONAM.
5. THE MEMBER SECRETARY,
HIGH COURT LEGAL SERVICES COMMITTEE,
CHENNAI.
6. THE MEMBER SECRETARY,
DISTRICT LEGAL SERVICES AUTHORITY,
THANJAVUR.

COPY TO:

1. THE REGISTRAR(JUDICIAL)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
2. THE JUDICIAL MAGISTRATE NO.1, KUMBAKONAM.
3. THE SUB ASSISTANT REGISTRAR, WRIT SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

WP(MD) No.24907 of 2018
Date :11/02/2019

TK/PN/SAR-3/21.02.2019/3P/10C

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