



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE A.D. JAGADISH CHANDIRA**

Writ Petition (MD) No.24072 of 2019

P.Alagarsamy

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Home Secretary,
Home Department,
Fort St. George,
Secretariat, Chennai - 600 009.

2.The District Collector,
Madurai District,
Madurai.

3.The Superintendent of Police,
Sivagangai, Sivagangai District.

4.The District Adi-Dravidar Welfare Officer,
District Adi-Dravidar Welfare Officer,
Sivagangai,
Sivagangai District.

5.The Deputy Superintendent of Police,
(P.C.R. Unit)
Sivagangai, Sivagangai District.

6.The Assistant Superintendent of Police,
Devakottai, Sivagangai District.

7.The Inspector of Police,
Taluk Police Station,
Devakottai,
Sivagangai District.
(Crime No.229 of 1997)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents 1 to 6 herein for early disbursement of victim compensation under Section 15(11)(b) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 as well as 357-A of the Code of Criminal Procedure to the petitioner/Victim in the case in Cr.No.229 of 1997 on the file of the respondents 5 to 7 by considering the representation of the petitioner dated 22.07.2019 within a stipulated time fixed by this Court.



For Petitioner : Mr.A.Saravanan
For Respondents : Mrs.S.Bharathi,
Government Advocate (Crl.side)

WEB COPY

ORDER

This writ petition is filed seeking a direction to the respondents 1 to 6 herein for early disbursement of victim compensation under Section 15(11)(b) of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 as well as 357-A of the Code of Criminal Procedure to the petitioner/Victim in the case in Cr.No.229 of 1997 on the file of the respondents 5 to 7 by considering the representation of the petitioner, dated 22.07.2019.

2.The learned counsel appearing for the petitioner would submit that the petitioner is the victim/de-facto complainant in Spl.C.C.No.4 of 2010 on the file of the Special Court for SC/ST (POA) Act, Sivagangai. The trial Court, by Judgment dated 12.04.2019, convicted the accused. Though the trial court categorically came to the conclusion that the charges against the accused has been clearly proved beyond reasonable doubt, but imposed only lesser sentence and no victim compensation has been awarded. In view of the awarding lesser sentence and failure to award any victim compensation as provided under the said SC/ST Act as well as under Section 357-A of Cr.P.C, the petitioner filed criminal revision petition before this Court in Crl.RC(MD)No.358 of 2019 and the convicted accused persons also filed C.A(MD)No.210 of 2019 and both the cases are pending. He would submit that under the said provisions of SC/ST Act, it is mandatory on the part of the respondents to provide relief of cash to the petitioner as a victim in the case of SC/ST Atrocities Act. Hence, the petitioner sent a representation to the respondents on 22.07.2019 seeking to provide appropriate compensation to him. Since the said representation has not been considered so far, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though this Writ Petition has been filed praying for a larger relief, it would suffice if the representation of the petitioner is disposed of on merits and in accordance with law within the time stipulated by this Court.

4. The learned Government Advocate (criminal side) appearing for the respondents would submit that the representation of the petitioner will be considered, on merits and in accordance with law.

5. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the respondents are directed to pass appropriate orders on the representation of the



petitioner, dated 22.07.2019, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

skn
To

- 1.The Home Secretary, Home Department,
Fort St. George, Secretariat, Chennai - 600 009.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Superintendent of Police,
Sivagangai, Sivagangai District.
- 4.The District Adi-Dravidar Welfare Officer,
District Adi-Dravidar Welfare Officer,
Sivagangai, Sivagangai District.
- 5.The Deputy Superintendent of Police,
(P.C.R. Unit) Sivagangai, Sivagangai District.
- 6.The Assistant Superintendent of Police,
Devakottai, Sivagangai District.
- 7.The Inspector of Police,
Taluk Police Station,
Devakottai, Sivagangai District.

+1 CC to M/s.S.MUTHUKUMAR, Advocate (SR-105639[F]

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avs(CO)
TR(08.01.2020) 3P 9C