

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

CWP No.25600 of 2019

Date of Decision:12.09.2019

Repreet Kaur

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Veena Kumari, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner who is stated to be a minor is an unfortunate rape victim. For such reason her name is being with-held.

The instant writ petition has been filed through her father namely Surinder Pal Singh.

Counsel submits that on the complaint made by the father of the victim FIR No.51 under Sections 354, 376, 34IPC and Section 8 of POCSO Act, was registered at Police Station Jandiala, Amritsar dated 03.04.2017 against three accused. As there were three accused, vide order dated 04.08.2017 passed by the Trial Court, offence was altered from Section 376 to 376-D IPC. In the trial that ensued all the three accused stand convicted vide Trial Court judgment dated 29.01.2019 and have been convicted to undergo 20 years rigorous imprisonment alongwith fine of Rs.20,000/-each and in default of payment of fine to undergo RI for two years. Judgement of conviction passed by the Trial Court has been appended as Annexure P-1 alongwith the instant petition.

Petitioner seeks a mandamus for issuance of directions to be granted compensation as per the Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2018 and as formulated

by NALSA.

Counsel contends that as per schedule attached to the Scheme of Compensation amount varying between 05 to 10 lakhs rupees is to be released in favour of the petitioner. Under Clause 6 of the Scheme the Secretary of the respective District Legal Services Authority is to take a decision on the application/claim filed by a victim in terms of provisions of the Scheme itself.

It is submitted that a claim/representation dated 09.07.2019 (Annexure P-6) already stands filed with the Punjab State Legal Service Authority, Chandigarh.

Counsel prays that she would be satisfied if the instant writ petition was to be disposed of with a direction to the authority concerned to take a final decision thereupon.

Prayer made by counsel is found to be just and reasonable.

Without opining on merits and without even ascertaining the correctness of the averments made in the instant petition, I deem it appropriate to dispose of the writ petition with a direction to competent authority under the Punjab State Legal Services Authority/respondent No.2 to examine the claim of the petitioner for grant of compensation as per provisions of Scheme noticed hereinabove and to take a final decision expeditiously and in any case within a period of two months from the date of receipt of certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

September 12, 2019

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No