

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.08.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
CRL.O.P.No.12189 of 2020

1.Dhanasekaran
S/o. Chinnapayan

2.Ravi
S/o. Santhappan

3.Mani
S/o. Thangavel

4.Naveen
S/o. Murugan

5.Alamelu
S/o. Mani

6.Chinnapaiyan
S/o. Thangavel

All the petitioners are residing at
Suriyanthangal Village,
Arundhatiyar Colony, Konalur,
Keelpennathur Talukka,
Tiruvannamalai - 606 755. ... Petitioners

Vs

1.The District Collector cum District Magistrate,
Tiruvannamalai District - 606 604.

2.The State Represented by
The Deputy Superintendent of Police,
Tiruvannamalai - 606 601.

3.The State Rep. by
Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai - 606 754. ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C, praying to direct the respondent No.1 to release the
pending monetary relief of Rs.25,000/- to each victim of
atrocities in the case registered with Crime No.78 of 2020 on

the file of the Vettavalam police Station as per Annexure I, S.No.41 of Rule 12(4), of the Sc/St (Prevention of Atrocities) Amended Rules 2016 at the earliest.

For Petitioners : Mr. C.Prabhu

For Respondent - 1 : Mr. Elumalai
Government Advocate

For Respondents 2&3 : Mr. S.Karthikeyan
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking direction directing the first respondent to release the pending monetary relief of Rs.25,000/- to each victim of atrocities in the case registered with Crime No.78 of 2020 on the file of the Vettavalam police Station as per Annexure I, S.No.41 of Rule 12(4), of the Sc/St (Prevention of Atrocities) Amended Rules 2016 at the earliest.

2. Learned counsel for the petitioners would submit that the petitioners are victims in Crime No.78 of 2020 registered for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 506(2) IPC, 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Caste & Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015). He further submitted that on 25.03.2020 at 06.00 P.M. a group of twenty persons belonging to Most Backward Community attacked the petitioners with wooden rods and also abused them in the name of caste and due to which the petitioners sustained injuries on their head, mouth and hand and the vehicles of the petitioners were also damaged. He further submitted that as per Annexure I, S.No.41 of Rule 12(4), of the SC/ST (Prevention of Atrocities) Amended Rules 2016, (hereinafter referred as "the Rules" for brevity) the petitioners are entitled for a sum of Rs.2,00,000/- each, on payment made by 25% at First Information Stage, 50% when the charge sheet is sent to the Court and 25% when the accused are convicted by the lower Court. He further contended that on registration of FIR, the petitioners have received only a sum of Rs.25,000/- and yet to receive another sum of Rs.25,000/- out of Rs.2,00,000/-. Learned counsel for the petitioner submitted that the entire investigation has been completed and though the petitioners have made repeated request

to the first respondent by way of repeated representations, the first respondent did not consider the same and had not paid the remaining amount as per the Rules. Hence the present petition.

3. Learned Additional Public Prosecutor appearing on behalf of the second and third respondents would submit that the petitioners are entitled for compensation of Rs.2,00,000/- in which they are entitled to receive 25% immediately after registration of FIR and the 25% of Rs.2,00,000/- goes to Rs.50,000/- in which they received a sum of Rs.25,000/- and they are yet to receive a sum of Rs.25,000/- out of Rs.2,00,000/-.

4. It is seen that on a complaint lodged by the first petitioner, the third respondent registered the FIR in Crime No.78 of 2020 registered for the offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 506(2) IPC, 3(1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Caste & Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015). As per, Annexure I, S.No.41 of Rule 12(4), of the SC/ST (Prevention of Atrocities) Amended Rules 2016, the petitioners are entitled to have compensation for a sum of Rs.2,00,000/- in which they were paid a sum of Rs.25,000/- after registering the FIR and they are yet to receive a sum of Rs.25,000/-. S.No.41 of Schedule Annexure I of Rule 12(4) reads as follows:



Sl. No.	Name of the Offence	Minimum Amount of Relief
41	Committing offences under the Indian Penal Code specified in the Schedule to the Act punishable with such punishment as specified under the Indian Penal Code for such offences [Section 3 (2) (va) read with schedule to the Act]	Two lakh rupees to the victim and or his dependents. The amount would vary if specifically otherwise provided in this schedule. Payment to be made as follow: 25 percent at First Information Report (FIR) stage; 50 percent when the charge sheet is sent to the Court. 25 percent when the accused are convicted by the lower Court.

5. Considering the above facts and circumstances of case, the first respondent herein is directed to pay the remaining sum of Rs.25,000/- out of Rs.2,00,000/- to each of the petitioners herein, forthwith.

6. With the above direction, the Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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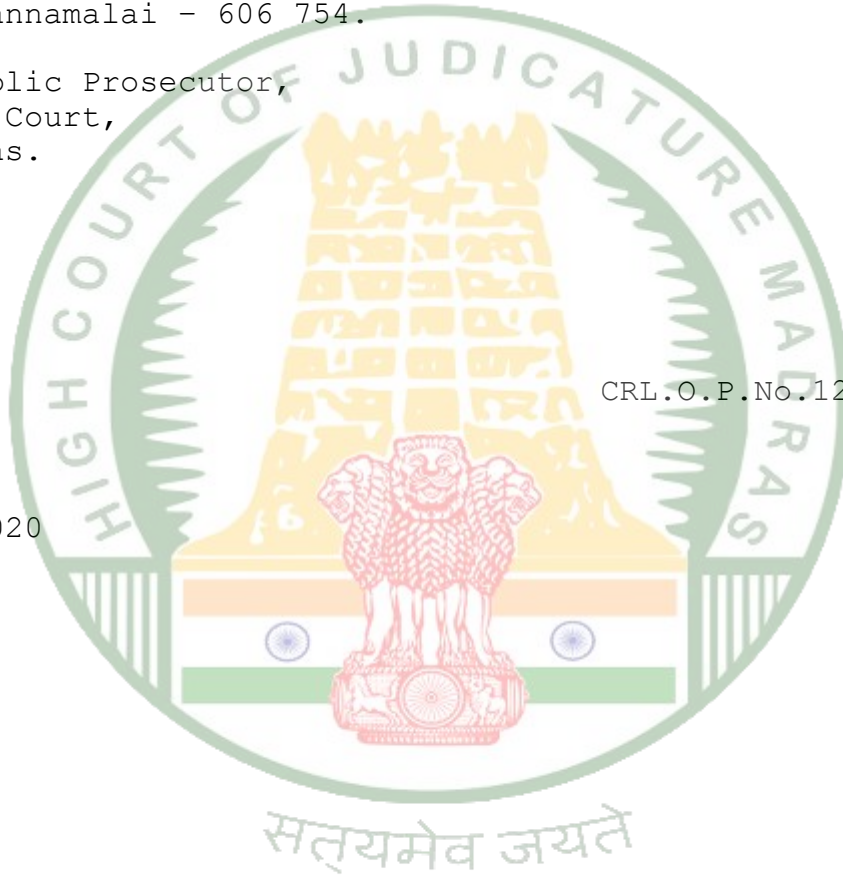
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To

- 1.The District Collector cum District Magistrate,
Tiruvannamalai District - 606 604.
- 2.The Deputy Superintendent of Police,
Tiruvannamalai - 606 601.
- 3.The Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai - 606 754.
4. The Public Prosecutor,
High Court,
Madras.

CRL.O.P.No.12189 of 2020

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