

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Crl.O.P.No.18426 of 2020

Gowthami
D/o, Rajendran,
37/24, Karnan Street,
Mugappair (West),
Chennai - 600 037.

...Petitioner

-Vs-

1. The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.

2. State Represented by
The Additional Deputy Commissioner of Police,
Prevention of Crime against Women and Children,
Vepery,
Chennai - 600 007.

3. State represented by
The Sub-Inspector of Police,
W8 Thirumangalam AWPS Police Station,
Chennai - 600 101.

.... Respondents

Prayer:

Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the 1st respondent to reimburse travelling expenses incurred during the investigation and also direct the 1st respondent to provide daily allowances, maintenance expenses including diet/food expenses to the petitioner, who is a victim of atrocity in the case registered with Crime No.12 of 2020 on the file of the W8 Thirumangalam AWPS Police Station, Chennai as per G.O.Ms.No.32 of Adi Dravidar & Tribal Welfare [POA(1)] Department, dated 27.05.2016 read with Rule 11 of the SC/ST (Prevention of Atrocities) Rules, 1995 as amended in 2016 at the earliest.

For Petitioner : Mr.C.Prabhu
For Respondents: Ms.M.Prabhavathi
Additional Public Prosecutor

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O R D E R

The Criminal Original Petition has been laid by the petitioner seeking for a direction to the first respondent to reimburse the travelling expenses incurred during the investigation and also to direct the 1st respondent to provide daily allowances, maintenance expenses including diet/food expenses to the petitioner, who is a victim of atrocity in the case registered in Crime No.12 of 2020 on the file of the W8 Thirumangalam AWPS Police Station, Chennai as per G.O.Ms.No.32 of Adi Dravidar & Tribal Welfare [POA(1)] Department, dated 27.05.2016 read with Rule 11 of the SC/ST (Prevention of Atrocities) Rules, 1995 as amended in 2016.

2. According to the petitioner, she belongs to the Scheduled Caste community and was victim of the occurrence in respect of the Crime No.12 of 2020 on the file of W8 Thirumangalam AWPS, Chennai and the F.I.R has been registered based on her complaint for the offences punishable under sections 323, 417, 316, 506(2) of IPC and Sections 3(1)(r), 3(1)(w)(i), 3(1)(z), 3(2)(v) of SC/ST (POA) Amendment Act, 2015.

3. According to the petitioner, as per G.O.Ms.No.32 of Adi Dravidar & Tribal Welfare [POA(1)] Department, dated 27.05.2016 read with Rule 11 of the SC/ST (Prevention of Atrocities) Rules, 1995 as amended in 2016, she is entitled to seek for the expenses/allowances as provided therein and the grievance of the petitioner is that though she had given her representation dated 13.08.2020 for claiming the benefits of the abovesaid G.O read with Rule 11 of the SC/ST (Prevention of Atrocities) Rules, 1995 as amended in 2016, the first respondent has not considered the same and hence according to the petitioner, she had been necessitated to prefer the Criminal Original Petition for appropriate reliefs.

4. At the time when the matter is taken up for hearing, it is represented by the Additional Public Prosecutor that a suitable direction may be given to R1 and R2 to consider the representation of the petitioner dated 13.08.2020 with reference to the reliefs prayed for within a time frame and the same would be considered by R1 and R2 in accordance with law.

5. It is represented by the petitioner's counsel that he would be satisfied if there is a direction given to R1 and R2 to consider the representation of the petitioner seeking reimbursement of the travelling expenses and provision of various allowances/expenses as per the abovestated G.O read with Rule 11 of the SC/ST (Prevention of Atrocities) Rules,1995 as amended in 2016.

6. Considering the facts and circumstances of the case, in my considered opinion, the interest of justice would be met, if a suitable direction is issued to R1 and R2 to consider the representation of the petitioner dated 13.08.2020 for seeking the various reliefs as claimed in the present Criminal Original Petition and dispose of the same in accordance with law.

7. For the reasons aforesaid, R1 and R2 are directed to consider the representation preferred by the petitioner dated 13.08.2020, seeking for the reimbursement of travelling expenses and provision of various allowances/expenses as per the abovestated G.O read with Rule 11 of the SC/ST (Prevention of Atrocities) Rules,1995 as amended in 2016 and dispose of the same within six weeks from the date of receipt of a copy of this order and dispose of the same in accordance with law.

8. With the abovesaid directions, the Criminal Original Petition is disposed of.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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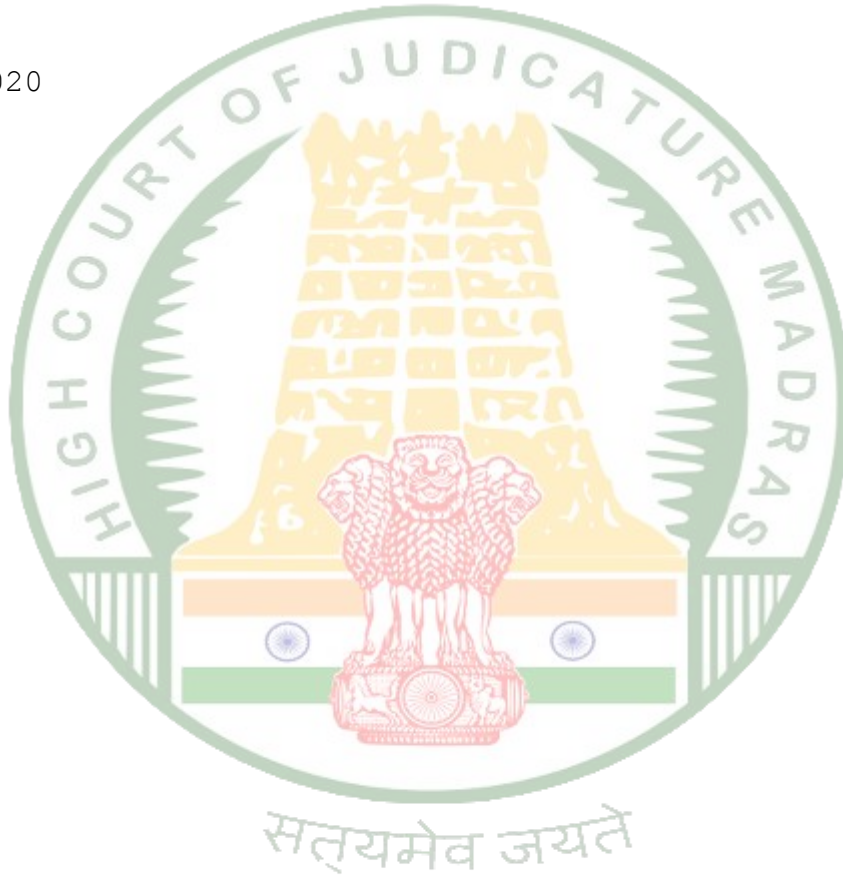
1. The Commissioner of Police,
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2. The Additional Deputy Commissioner of Police,
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3. The Sub-Inspector of Police,
W8 Thirumangalam AWPS Police Station,
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4 .The Public Prosecutor,
High Court, Madras.

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