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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 11.06.2020**

CORAM

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.6625 of 2020**

Meena ... Petitioner

Vs

1.The District Collector,
Madurai District.

2.The Chairman,
District Legal Service Authority,
Madurai.

3.The Secretary,
District Legal Service Authority,
Madurai.

4.The Superintendent of Police,
Madurai District.

5.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District. ... Respondents

**Prayer**: Petition filed under Article 226 of Constitution of India seeking a Writ of Mandamus directing the respondents to pay the suitable compensation to the petitioner in view of severity of the petitioner's injury, expenditure with regard to grafting and reconstruction surgery, physical and mental pain and for disability by acid attack in connection with Crime No.451 of 2014 on the file of the 5th respondent police, as per the Victim Compensation Scheme framed under Section 357(A)of IPC.

For Petitioner : Mr.R.Udhayakumar

For Respondent Nos.1 to 5 : Mr.K.K.Ramakrishnan, Additional Public Prosecutor

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**ORDER**

The petitioner before this Court a victim, who suffered an acid attack in the year 2014 and she has filed this writ petition for issuance of a writ of mandamus directing the respondents to pay suitable compensation to her in view of the severity of her injury and for the expenditure for grafting and reconstruction surgery.

2. According to the petitioner, on 12.09.2014, when she was studying first year B.A.(English) degree course at Tirumangalam, the accused in Crime No.451 of 2014 threw acid on her face, on account of which, she suffered grievous injury and lost her right eye. Along with the petitioner, one Angalaeswari has also suffered serious injury in the said acid attack. A case was registered in Crime No.451 of 2014 on the file of the Tirumangalam Town Police Station, as against the accused for the offence under Sections 326A, and 307 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. The accused was arrested and the Police has also filed the final report. Now, the petitioner has come up with this petition claiming compensation as per the dictum laid down by the Hon'ble Supreme Court of India, in ***Lakshmi Vs Union of India,*** reported in ***2015 SAR (Criminal) 638***.

3. When the matter came up for admission on 10.06.2020, the learned Additional Public Prosecutor, who took notice for the respondent Nos.1, 4 and 5, submitted that the District Legal Service Authority is the competent authority under the Compensation Scheme for Women victims / Survivors of Sexual Assault / Other Crimes. He further submitted that the District Legal Service Authority, Madurai, by order dated 13.12.2019, in V.C.P.48 of 2018, has also passed an award in favour of the petitioner and that the State Legal Service Authority is the competent authority to disburse the award amount.

4. Courts cannot rest with punishing the accused alone, but has to take care of the victim also. That is why victim compensation scheme has evolved. Based on the directions of the Hon'ble Supreme Court in ***W.P.(C)No.565 of 2012, in Nipun Saxena v. Union of India***, the National Legal Services Authority has set up a committee and has framed 'Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes – 2018'. In ***Ravada Sasikala v. State of Andhra Pradesh***, reported in ***(2017) 4 SCC 546***, the Hon'ble Supreme Court has upheld the entitlement of the victim to receive compensation, even though the occurrence had taken place prior to the incorporation of Section 326A IPC.

5. It is very unfortunate that in this case, though the award was ordered on 13.12.2019, the amount has not been disbursed to the victim and therefore, the learned Additional Public Prosecutor was directed to get written instructions as to the steps taken by the

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respondents 1, 4 & 5 for getting the compensation for the victim. The matter was directed to be listed today as first item and the Registry was directed to inform the third respondent / Secretary, District Legal Service Authority, Madurai about the filing of this case.

6. Today, when the matter is taken up for hearing, Ms.Deepa, Secretary, District Legal Service Authority -cum-Subordinate Judge, Madurai / third respondent herein connected to this Court through Webex Meet and submitted that pursuant to the filing of this writ petition, the Member Secretary, State Legal Service Authority, Tamil Nadu has been apprised of this petition and the compensation amount, as ordered by the District Legal Service Authority, has been disbursed to the victim's bank account today.

7. The Secretary, District Legal Service Authority, Madurai, further submitted that the compensation amount ordered to the another victim, namely, Angalaeswari has also been disbursed to her bank account today.

8. Recording the submission made by the Secretary, District Legal Service Authority, Madurai / third respondent, this petition is closed as no further order is required to be passed. However, if the petitioner is aggrieved by the quantum of compensation amount, it is open to her to file necessary appeal before the State Legal Service Authority, as provided under Rule 17 of the Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes - 2018.

9. This Court places on record its appreciation for the steps taken by the Secretary, District Legal Service Authority, Madurai / third respondent for ensuring that the compensation amount reached the victim in time.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

**NOTE:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

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Madurai District.

2.The Chairman,
District Legal Service Authority,
Madurai.

3.The Secretary,
District Legal Service Authority,
Madurai.

4.The Superintendent of Police,
Madurai District.

5.The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

**W.P(MD)No.6625 of 2020**
**11.06.2020**

SDS (29.06.2020) 4P-7C

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