



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10900 of 2021

R.Tamizhazhagan

...Petitioner

Versus

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The District Superintendent of Police,
Tiruvannamalai District.

3.The Deputy Superintendent of Police,
Arni-Sub Division,
Tiruvannamalai District.

4.The Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.
(Crime No.561/2011).

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents 1-4 to pay the relief amount of Rs.2,00,000/- as per the Rule 12(4) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Rules 2016 in connection with Crime No.561/2011 on the file of the 4th respondent and it has been committed to the Sessions Judge, Special Court for Trial Cases under SC/ST (POA) Act, Tiruvannamalai in Spl.S.C.No.167 of 2019 within a stipulated time that may be fixed by this Court.

For Petitioner	:	Mr.M.Rebecca
For Respondents	:	Mr.A.Damodaran, Government Advocate (Crl. Side)

ORDER

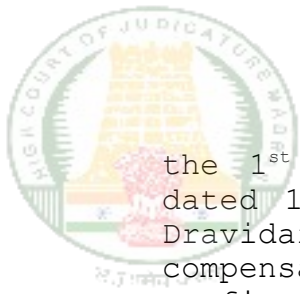
This Criminal Original Petition has been filed to direct the respondents to pay relief amount of Rs.2,00,000/- as per the Rule 12(4) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Rules, 2016 in connection



with the FIR in Crime No.561 of 2011 on the file of the 4th respondent, which culminated into charge sheet and filed before the learned Sessions Judge, Special Court for Trial Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Tiruvannamalai in Special S.C.No.167 of 2019.

2.The grievance of the petitioner is that the petitioner belongs to Hindu Adi Dravidar Community. On 26.10.2011, at about 04.00 p.m., near Ammapalayam Village public pathway, all the accused in Crime No.561 of 2011 formed themselves into unlawful assembly and beaten the petitioner black and blue with stick, iron pipe and caused injuries on his right side cheeks and all over the body. Not satisfied with the same, the petitioner hands were tied and attempted to throw him in a well with an intention to cause murder and uttered "இத்தோடு தொலைந்து போகட்டா". During attack, the accused abused the petitioner by using his caste name. On the complaint of the petitioner, a case in Crime No.561 of 2011 was registered, for offence under Sections 147, 148, 341, 323, 324, 307 IPC r/w Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act on 28.10.2011. On completion of investigation, the charge sheet was filed before the Sessions Judge, Special Court for Trial of Cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Tiruvannamalai for offence under Sections 147, 148, 323, 307 r/w Section 3(2)(v) & 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, listing the witnesses LW1 to LW13 and annexing documents.

3.The learned counsel for the petitioner further submitted that though the FIR was registered on 28.10.2011, the 4th respondent Police did not secure the accused and dragging on the investigation for one reason or other. Hence, the petitioner filed a petition in Crl.O.P.No.1190 of 2019, in which, this Court, by order, dated 01.02.2019 directed the Police to number the final report and proceed with the case in accordance with law. Then only, the investigation completed, charge sheet filed and the same was taken on file as Special S.C.No.167 of 2019. From the charge sheet, it is seen that the accused had committed the offence punishable with imprisonment for a period of ten years and more. Hence, the petitioner to be paid relief amount of Rs.4,00,000/- as per the Rule 12(4) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Rules, 2016, but so far he was paid only a sum of Rs.6,250/- as relief amount. This was as per the order of the 1st respondent, dated 28.05.2013 in Na.Ka.No.K4/16775/2015. The petitioner made representation to the respondent on 25.08.2020 seeking appropriate compensation to be paid by the accused in Crime No.561 of 2011. On receipt of the petitioner's representation,



the 1st respondent sent a communication in OM(C4)/12041/2020), dated 16.06.2020 to the 2nd respondent and to the District Adi Dravidar Welfare Officer, Tiruvannamalai to take steps to give compensation and thereafter to, no action taken which is confirmed by the information received through the Right to Information Act, 2005 from the Additional Superintendent of Police, Tiruvannamalai, in communication Na.Ka.No.121/RTI/ADSP/HQ/TVM/2020, dated 25.08.2020. Thereafter, again, the petitioner sent a representation dated 01.04.2021 to the respondents 1 to 3 seeking compensation. Despite the representation, the due amount not paid to the petitioner.

4.The learned counsel for the petitioner relied on the decision of this Court in "Crl.O.P(MD)No.9209 of 2017, dated 27.07.2019 in the case of K.Shanthi Versus The District Collector, Dindugul District, Dindugal and others" wherein this Court had directed the concerned authorities to pay compensation within a period of six weeks, which is similar to the petitioner's case.

5.The learned Government Advocate (Crl. Side) appearing on behalf the respondents submitted that the representation of the petitioner received by the concerned authorities and steps are taken to pay the compensation to the petitioner. If the petitioner is entitled for compensation as per Rule 12(4) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Rules 2016, the compensation amount would be paid to him.

6.This Court considered the rival submissions and perused the materials available on record.

7.On the complaint of the petitioner, a case in Crime No.561 of 2011 was registered for offence under Sections 147, 148, 341, 323, 324, 307 IPC r/w Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. On completion of investigation, charge sheet was filed and the same was taken on file as Special S.C.No.167 of 2019 by the learned Sessions Judge, Special Court for Trial Cases under the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, Tiruvannamalai. There are totally 9 accused.

8.In Section 15-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Rights of victims and witnesses have been clearly enlisted. In the sub clause of 15-A



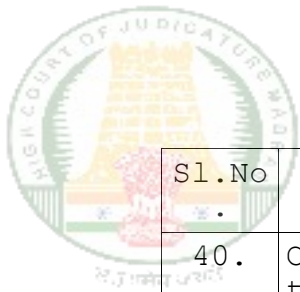
of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, a proper scheme to be implemented has been specified. In Section 15-A(11)(n) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, to execute the rights of atrocity victims or their dependents or associated organizations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights, has been stated. Added to it, Section 12(4) of the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act reads as follows:-

"12(4) The District Magistrate or the Sub-Divisional Magistrate or any other Executive Magistrate shall make necessary administrative and other arrangements and provide relief in cash or in kind or both within seven days to the victims of atrocity, their family members and dependents according to the scale as provided in Annexure-I read with Annexure-II of the Schedule annexed those rules and such immediate relief shall also include food, water, clothing, shelter, medial aid, transport facilities and other essential items.

(4-A) For immediate withdrawal of money from the treasury so as to timely provide the relief amount as specified in sub-rule (4), the concerned State Government or Union territory Administration may provide necessary authorization and power to the District Magistrate.

(4-B) The Special Court or the Exclusive Special Court may also order socio-economic rehabilitation during investigation, inquiry and trial, as provided in clause (c) of sub-section 6 of Section 15-A of the Act."

9. In Annexure-I of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995, totally 47 contingencies have been enlisted. The 40th contingency is extracted as follows:-



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Sl.No	Name of the Offences	Minimum amount of Relief
40.	Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3 (2) of the Act]	Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payments to be made as follows: (i) 25 percent at First Information Report (FIR) stage; (i) 50 percent when the charge sheet is sent to the Court; (iii) 25 percent when the accused are convicted by the lower Court.

10.As per the above contingency, the petitioner is entitled to be paid of Rs.4,00,000/-. Admittedly, in this case only Rs.6,520/- sofar paid. The petitioner ought to have been paid Rs.1,00,000/- (25% of Rs.4,00,000/-) on registration of FIR. Thereafter, the amount of Rs.2,00,000/- (50% of Rs.4,00,000/-) ought to be paid when the charge sheet is sent to the Court. In this case, the charge sheet was sent to the Court as early as in the year 2013 and for some reason, it was kept pending and finally taken on file as Special S.C.No.167 of 2019. Hence, the petitioner is entitled for Rs.2,00,000/- (50% of Rs.4,00,000/-). After conviction, the balance amount of Rs.1,00,000/- (25% of Rs.4,00,000/-) to be paid.

11.The petitioner till now ought to have been paid Rs.3,00,000/- out of Rs.4,00,000/-. Admittedly, the amount of Rs.6,520/- has been paid sofar. Subtracting the same, if any amount paid thereafter, the balance amount to be paid to the petitioner.

12.As per Section 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the payment of compensation to be paid within 7 days. In this case, the petitioner is made to run from pillar to post for his rightful compensation for years.

13.In view of the above, the 1st respondent is directed to ensure that the entitled compensation amount due to the petitioner to be paid within four weeks from the date of receipt of a copy of this order.



14. With the above directions, this Criminal Original Petition is disposed of.

15. Post the matter for reporting compliance on 31.08.2021.

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s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Sessions Judge,
Special Court for Trial Cases under SC/ST (POA) Act,
Tiruvannamalai.
2. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
3. The District Superintendent of Police,
Tiruvannamalai District.
4. The Deputy Superintendent of Police,
Arni-Sub Division,
Tiruvannamalai District.
5. The Inspector of Police,
Kannamangalam Police Station,
Tiruvannamalai District.
6. The Public Prosecutor,
High Court, Madras.

Copy to
The Section officer,
Criminal Section,
High Court, Madras 104

CRL.O.P.No.10900 of 2021

LN(CO)
KKV/29/07/2021