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

**CWP No.11875 of 2021
Date of Decision: 06.12.2021**

PAL KAUR ALIAS HARPAL KAUR
.....Petitioner

Vs
DISTRICT LEGAL SERVICES AUTHORITY AND ANR
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vivek Gupta, Advocate
for the petitioner.

Mr. A.S. Manaise, Advocate
for respondents No.1 and 2.

RAJ MOHAN SINGH, J.(Oral)

[1]. Petitioner has preferred this writ petition for the issuance of an appropriate writ, order or direction especially in the nature of certiorari quashing the impugned order dated 02.07.2019 passed by the Sessions Judge-cum-Chairperson, District Legal Services Authority, Sangrur upholding the order dated 14.02.2019 passed by the Secretary, District Legal Services Authority, Sangrur.

[2]. Perusal of the record would show that the petitioner was married with one Darshan Singh in the year 2002. This was her second marriage. Petitioner was having one minor son from

her previous marriage which was solemnized with one Jagwant Singh. The marriage solemnized with Darshan Singh was after taking legal divorce from Jagwant Singh. Due to indifferent attitude of Darshan Singh, petitioner got lodged FIR No.26 dated 13.03.2014 under Sections 323, 356, 506 IPC at P.S. Cheema, District Sangrur against him. Petitioner also lodged FIR No.27 dated 13.04.2015 under Sections 323, 325, 34 IPC at P.S. Cheema, District Sangrur, besides filing the case under Domestic Violence Act in the Court of Sub Divisional Judicial Magistrate, Sunam against Darshan Singh. In the trial conducted by the Sub Divisional Judicial Magistrate, Sunam Darshan Singh was convicted and sentenced in the criminal case arising out of aforesaid FIR No.26.

[3]. Darshan Singh remained unsuccessful in appeal before the Additional Sessions Judge, Sangrur which was dismissed on 19.01.2019. Cross-appeal filed by the petitioner for grant of compensation under Section 357 Cr.P.C. was also disposed of by the lower Appellate Court thereby recommending the case to the District Legal Services Authority for grant of compensation under Section 357-A Cr.P.C.

[4]. Accordingly the matter was placed before the Secretary, District Legal Services Authority, Sangrur. The case of the petitioner was considered under the Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other

Crimes, 2018 and The Punjab Victim Compensation Scheme, 2017. The Secretary, District Legal Services Authority, Sangrur vide order dated 14.02.2019 rejected the claim of the petitioner for compensation on the ground that she has received simple assault under Section 323 IPC and there is nothing on record to suggest that she has suffered any disability in the occurrence. The petitioner remained unsuccessful in the appeal before the Sessions Judge-Chairperson of District Legal Services Authority, Sangrur. The appeal has been rejected on the premise that the petitioner's case is not of sexual assault, therefore, no compensation can be granted in her favour.

[5]. Learned counsel for the petitioner submits that the case of the petitioner falls under Sr. No.9 of the schedule applicable to women victim of crimes.

[6]. Column 9 of the aforesaid schedule is reproduced hereasunder:-

Sr. No.	Particulars of loss or injury	Minimum Limit of compensation	Upper Limit of compensation
9	Grievous physical injury or any mental injury requiring rehabilitation	Rs.1 Lakh	Rs.2 Lakh

[7]. With reference to the aforesaid particulars, learned counsel for the petitioner further submits that the petitioner is in litigation with her husband since long. On 25.01.2014, there was hearing of her case in Court at Sunam. In order to attend the

hearing of the case, she was waiting for bus at the bus stand situated at Model Town No.2 Sheron. At about 9.30 A.M., Darshan Singh came there on a motorcycle and on finding the petitioner alone, he at once snatched her polythene bag having her mobile and currency notes of Rs.2,000/- besides some other important documents. He also caused injuries upon her by giving kick blows in her abdomen and mishandled the petitioner from her arm. Petitioner suffered pain and humiliation. On raising alarm, her husband Darshan Singh fled away from the spot after giving threats of killing. Petitioner had earned the amount of Rs.2000/- by selling milk through her son Jaskaran Singh. The FIR was lodged in this context and ultimately husband of the petitioner was convicted and sentenced in the following manner:-

Sr. No.	Name of the convict	Under Section	Sentence
1	Darshan Singh	356 IPC	To undergo rigorous imprisonment for two years and to pay fine of Rs.1000/-. In default thereof, he will further undergo rigorous imprisonment for one month.
		323 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.500/-. In default thereof, he will further undergo rigorous imprisonment for one month.
		506 IPC	To undergo rigorous imprisonment for one year and to pay fine of Rs.500/-. In default thereof, he will further undergo rigorous imprisonment for one month.

All the aforesaid sentences were ordered to run concurrently.

[8]. It was in a cross-appeal filed by the petitioner for grant of compensation, the recommendations came to the passed by the lower Appellate Court while rejecting the appeal of her husband Darshan Singh.

[9]. Learned counsel for the petitioner contends that ongoing litigation with her husband certainly caused mental injury to the petitioner for which she was entitled for rehabilitation as per the Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018.

[10]. Perusal of the impugned orders would show that the claim of the petitioner has been rejected only on the premise that the petitioner has not received any grievous injury and there is no proof of mental injury suffered by her which requires rehabilitation.

[11]. In my considered view, the recommendation came to be passed only on account of litigation and injury suffered by the petitioner in the incident dated 25.01.2014. Petitioner has contested number of cases against her husband including domestic violence and that has certainly created mental injury to her particularly in view of the fact that she is living alone with her minor son. Since the District Legal Services Authority has not considered the entitlement of the petitioner as per clause No.9 of the Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018, therefore, the case needs to be

remanded back to respondent No.2 to assess the compensation as per the limits provided therein.

[12]. For the reasons recorded hereinabove, the impugned orders dated 02.07.2019 passed by the Sessions Judge-cum-Chairperson, District Legal Services Authority, Sangrur and 14.02.2019 passed by the Secretary, District Legal Services Authority, Sangrur are set aside. Respondent No.2 shall undertake the exercise of assessing compensation as per Sr. No.9 of the schedule of Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018 within a period of one month from the date of receipt of certified copy of this order.

[13]. Writ petition stands disposed of.

December 06, 2021

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No