

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CWP-6415-2020

Date of Decision:28.09.2022

Dinesh

.....Petitioner

Versus

Haryana State Legal Services Authority
and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ajit Kumar Sharma, Advocate for
Mr. Ram Darshan Yadav, Advocate,
for the petitioner.

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari raising a challenge to the order dated 08.11.2019 (Annexure P-2) passed by District Legal Services Authority, Narnaul as well as the order dated 23.01.2020 (Annexure P-4) passed by the Appellate Authority. A further prayer has been sought for issuance of a writ in the nature of mandamus directing the respondents to grant compensation under the Haryana Victim Compensation Scheme, 2013 since the petitioner had suffered 100% disability on account of the injuries sustained by him.

Learned counsel appearing on behalf of the petitioner contends that the petitioner had sustained injuries in an incident dated 20.11.2004 qua which an FIR bearing No.202 was got registered by the father of the

petitioner for the commission of offences punishable under Sections 323, 325, 307, 506, 34 IPC at Police Station Kanina. He submits that the petitioner had duly appeared as a witness in the said case and supported the case of the prosecution thus resulting in conviction of the accused vide judgment dated 26.02.2009 passed by the Additional Sessions Judge, Narnaul. The appeal against the aforesaid judgment bearing No.CRA-S-757-SB-2009, is still pending consideration. He contends that the petitioner/victim had moved an application before the Secretary, Legal Services Authority, Narnaul on 10.07.2019 for seeking compensation under the Haryana Victim Compensation Scheme, 2013. However, the said application was declined by the Secretary, District Legal Services Authority, Narnaul vide order dated 08.11.2009.

Aggrieved of the same, an appeal under Clause 9 of the Haryana Victim Compensation Scheme, 2013 was preferred before the Haryana State Legal Services Authority, which was also dismissed vide order dated 23.01.2020.

Hence the present civil writ petition.

I have heard learned counsel for the petitioner and have gone through the impugned orders passed by the District Legal Services Authority as well as the Haryana State Legal Services Authority.

It has been specifically held by the Authorities in their orders that the incident in question pertains to the year 2004 whereas the Scheme itself had been notified in the year 2013. Apart therefrom, there is no order passed by the Court to award compensation under Section 357-A, sub-sections 2 and 3 of the Code of Criminal Procedure. The case of the petitioner was also not recommended by the trial Court for compensation

under the Haryana Victim Compensation Scheme, 2013 at the time of passing of judgment. It is observed that the application for grant of compensation had been moved after nearly 10 years of the passing of the judgment and that too on 10.07.2019. The petitioner thus did not fulfil the eligibility criteria laid down under Regulation 4 or the prescribed time period under Regulation 8 of the Haryana Victim Compensation Scheme, 2013. A claim for victim compensation as per Regulation 8 of the Scheme could be entertained after a period of six months from the date of the Notification of the Victim Compensation Scheme.

Learned counsel appearing on behalf of the petitioner has not been able to refer to any provisions as per which the petitioner would be entitled to benefits of the Haryana Victim Compensation Scheme, 2013 even with respect to the incident that has taken place in the year 2004. He has also not been able to dispel the merits of the orders so passed by the Authorities below. There is no dispute that the claim does not fall within the eligibility conditions prescribed in the Scheme.

Consequently, I find no reasons to interfere with the impugned orders passed by the authorities below concurrently. It cannot be held that the decision is perverse, improper, illegal or is based on erroneous consideration of the statutory provisions.

The present civil writ petition is thus dismissed in *limine*.

September 28, 2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No