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

CWP No.25259 of 2019(O&M)
Date of Decision: 31.05.2022

Jai Parkash

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Surinder Gandhi, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

On 19.12.2019, following order was passed:-

“Mr. Surinder Gandhi, learned counsel for the petitioner, would assert that the petitioner is entitled to compensation under Clause 45 of Annexure 1 to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. However, Annexure 1 is relatable to Rule 12(4) of the said Rules which speaks of relief being provided in cash to the victims of atrocities. Perusal of the judgment relied upon by the learned counsel for the petitioner reflects that the charge against the accused therein was only under Section 302 IPC simpliciter and there was no charge relating to any offence committed under the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989. Therefore, Rule 12(4) of the said Rules would not come into play at all.

Post on 30.1.2020 for further arguments.

**(SANJAY KUMAR)
JUDGE”**

19.12.2019
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Thereafter, last opportunity was granted to the learned counsel for the petitioner to address arguments vide order dated 30.01.2020.

There is no denial to the fact that the petitioner has claimed compensation under Clause 45 of Annexure 1 to Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995. The aforesaid Annexure 1 is relatable to Rule 12(4) of the aforesaid Rules, which provides for the relief in cash to the victims of atrocities. In the judgment dated 30.04.2018 passed in the trial of FIR No.79 dated 01.05.2015 under Sections 302, 120-B IPC, Police Station Patran, there was no offence in terms of SC and ST Act. Accused were charged only for the offence under Section 302 IPC and there was no charge relating to any offence under SC and ST Act.

In view of above, Rule 12(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 is not attracted.

In view of aforesaid factual position, no indulgence

can be granted in this writ petition and the same is accordingly dismissed.

31.05.2022
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No