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Crl.R.C.No.430 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2023

CORAM:

THE HON'BLE Mr. JUSTICE P.VELMURUGAN

Crl.R.C.No.430 of 2020

Nalankilli

... Petitioner

Vs.

1. The State Represented by
The Inspector of Police,
All Women Police Station,
T.Nagar, Chennai – 600 017.

2. The Government of Tamil Nadu,
Represented by The Secretary,
Home Department, Secretariat,
Fort St. George, Chennai 600 009.

[R2 impleaded as per Court order

dated 03.01.2023 in Crl.M.P.No.20105 of 2022]

... Respondents

Prayer: Criminal Revision Petition filed under Section 379 and 401 of Cr.P.C.,
to call for the records of the order dated 26.11.2019 passed in
Crl.M.P.No.22746 of 2019 in S.C.No.212 of 2016 on the file of the Mahila
Court, Chennai and set aside the same with respect to the quantum alone and
enhance the compensation.



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For Petitioner : Mr.J.Saravana Vel

For Respondents : Mr.R.Murthi,
Government Advocate (Criminal Side)

ORDER

This Criminal Revision Petition has been filed against the order dated 26.11.2019 passed in Crl.M.P.No.22746 of 2019 in S.C.No.212 of 2016 on the file of the Mahila Court, Chennai and set aside the same and prayed to enhance the quantum of compensation.

2. Petitioner is P.W.1/defacto-complainant in S.C.No.212 of 2016 on the file of the Mahila Court, Chennai. Judgment was delivered on 05.03.2019 by convicting the accused for the offence under Section 10 of POCSO Act and sentenced him to undergo 5 years of simple imprisonment and to pay fine of Rs.5000/- and in default to undergo simple imprisonment for a period of six months.



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3. The petitioner herein has filed Crl.M.P.No.22746 of 2019, seeking to award compensation to the victim before the said Mahila Court. The learned Mahila Judge awarded compensation of Rs.1,00,000/- to the victim child, vide order dated 26.11.2019. Aggrieved over the same, the petitioner, being the father of the victim/de-facto complainant, has filed the present Criminal Revision Petition.

4. Heard both sides and perused the materials available on record.

5. Learned counsel for the petitioner, while bringing it to the notice of this Court a Government Order (MS) No.33, in Social Welfare and Nutritious Meal Programme (SW.5(2)] Department, dated 03.10.2020, and the relevant portions are extracted hereunder:

1. The Government after careful consideration direct that a fund called “The Tamil Nadu Child Victim Compensation Fund under the Protection of Child from Sexual Offences Act, 2012” be created for awarding interim compensation of a sum of Rs.20,000/- and a quantum



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of compensation (Minimum Rs.50,000/- and Maximum Rs.10,00,000/-)

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as detailed in annexure to the victim children under the Protection of Children from Sexual Offences Act, 2012.

2. The rules governing the compensation and administration of the “Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012” will be issued separately.

3. The Government also sanction a sum of Rs.2.00 crore (Rupees Two Crore only) a initial amount contribution to “ The Tamil Nadu Child Victim Compensation Fund” created in para 2 above.

6. In view of the above G.O and taking into consideration the submissions made by the learned counsel on both sides, this Court is inclined to enhance the compensation amount from Rs.1,00,000/- to Rs.2,00,000/- and accordingly the same is enhanced. The enhanced compensation amount of Rs.2,00,000/- (Rupees Two Lakhs) shall be paid to the victim within four weeks from today.



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7. With the abovesaid enhancement of compensation alone, the Criminal

Revision case is disposed of.

06.01.2023

mfa

Index:yes/No

Internet:yes/No

To

1. The Sessions Judge,
Mahila Court,
Chennai.
2. The Inspector of Police,
All Women Police Station,
T.Nagar, Chennai – 600 017.
3. The Secretary,
Home Department,
Secretariat,
Fort St.George,
Chennai 600 009.
4. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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