



CRL OP(MD). No.16213 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

Tuesday, the Thirteenth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD). No.16213 of 2022

Pappa

... Petitioner/ Complainant

Vs

1 Vimalkanth

2 Gandhimathi

The Sub Inspector of Police
Puliyampatti Police Station
Thoothukudi District.

... Respondents No. 1 & 2 / Accused No. 1 & 2

Prayer :-

Criminal Original Petition filed under section 482 of Cr.p.c To direct the learned Additional District and Sessions Court,for PCR Act Cases,Thoothukudi to speedy trial and dispose the case in SC.No.116 of 2020 on the file of the Learned Additional District and Sessions Court for PCR Act Cases,Thoothukudi.



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ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.HENRI TIPHAGNE , Advocate for the Petitioner and of Mr.T.Senthilkumar Additional Public Prosecutor for the respondents, this Court made the following order:

This Criminal Original Petition has been filed to direct the learned Additional District and Session Court for PCR Act Cases, Thoothukudi to dispose of the case in S.C.No.116 of 2020.

2.By order dated 10.10.2022 this Criminal Original Petition was disposed of. On 15.11.2022 this Criminal Original Petition was listed “for reporting compliance.”

3. The learned Counsel for the Petitioner submitted that the case is of the year 2009. He would further submit that the case was transferred to the file of the learned Sessions Judge, Special Court for trial of Cases under SC/ST (PoA) Act (FAC), Thoothukudi, and the same was renumbered as S.C.No.116 of 2020. As per the remarks offered by the learned Sessions Judge, NBW issued against the accused 1 and 2 was recalled. The learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, is holding full additional charge of Special Court for trial



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of Cases under SC/ST (PoA) Act, Thoothukudi.

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4. In the case in S.C.No.116 of 2020, if the accused are repeatedly playing hide and seek and thereby, delaying the trial process, the learned Judge shall cancel the bail order, as per the ruling of the Hon-ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560], and to detain the accused in prison till the case is disposed of in one way or the other. The Court cannot be a silent spectator to the modus operandi of the Accused indulging in dilatory tactics.

5. The learned Additional Public Prosecutor submitted that the case was disposed off and ended in conviction. He had furnished the copy of the judgment. At this stage, the learned Counsel for the Petitioner submitted that the victim/Petitioner who had been seeking justice knocking at the Court against the torture suffered by her in the hands of the Respondent who are the Police Officials and who are the Accused in SC.No.116 of 2022 and who had tortured her to admit theft of jewels. Based on which, she had preferred a Complaint and the learned Magistrate ordered against the erring Officials. Therefore, the Court had not granted interim compensation for the victim of Police atrocity.



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6. On perusal of the judgment, it was found that the learned Sessions Judge/first Additional District and Sessions Judge under PCR cases, Thoothukudi in the judgment dated 28.10.2022 had imposed fine of Rs.25,000/- each on the Accused 1 and 2 for the offence under Section 326 of IPC and to undergo three years of imprisonment and for the offence under Section 323 of IPC to pay a fine of Rs.1,000/- each, totally Rs.52,000/- imposed on the Accused. Out of which, Rs.2,000/- to the State and Rs.50,000/- to be paid to the Petitioner/victim.

7. It is the contention of the learned Counsel for the Petitioner that the victim was not compensated at the earliest opportunity by way of interim compensation as she was tortured by the Police Officials to admit the case of theft of the jewels. She had suffered at the hands of the Respondents/Police Officials. She was waiting for the justice knocking at the doors of the Hon'ble Court. The learned Counsel for the Petitioner sought compensation under the Victim Compensation Scheme.

8. Considering the request of the learned Counsel for the Petitioner, the Chairman and the Secretary of the District Legal Services Authority shall conduct



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enquiry and dispose of the Petition for compensation as per the Tamil Nadu Victim Compensation Scheme as the woman victim having suffered torture at the hands of the Respondents/Police Officials. As per the Tamil Nadu Victim Compensation Scheme for Women Victim, 2018, the Petitioner shall be paid compensation. There is sufficient evidence before the trial Court that she was victimized and tortured to admit the offence of theft of jewels. Based on which, she had preferred a Complaint against the Police Officials and it was proved in trial before the learned Sessions Judge, Special Court under PCR Cases ending in conviction of the Accused/Police Officials. Therefore, she is to be compensated as per the Tamil Nadu Victim Compensation Scheme appropriately and the quantum is to be decided based on the enquiry conducted by the Chairman or Secretary of the Legal Services Authority of Thoothukudi District and the appropriate orders shall be passed thereby minimum of Rs.1,00,000/- (Rupees One Lakh only) is to be paid.

9.The Chairman and the Secretary of the District Legal Services Authority, Thoothukudi, are directed to dispose of the Petition for compensation within 60 days from the date of presentation of the victim. This is in addition to the compensation already ordered by the learned Sessions Judge from the Accused. The Legal Services Authority is awarding compensation, as per the victim Compensation



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Scheme, only for the pain and sufferings suffered by the victim of the Crime
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inflicted against her by State Officials.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/10/2023

Sub Assistant Registrar(CS)

TO

- 1.The Additional District and Sessions Judge,
(Court for PCR Act cases),
Thoothukudi.
2. The Chairman,
Legal Services Authority,
Thoothukudi District.
- 3.The Secretary,
Legal Services Authority,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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ORDER DATED : 13/06/2023

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ORDER
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Giving direction and etc.
as stated within.

DL/(25.10.2023)/ 7P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.