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

COCP-839-2021 (O&M)

Date of decision: 24.02.2023

Ajay Kumar

....Petitioner

Versus

Priyanka Soni

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Amrita Garg, Advocate
for the petitioner.

Mr. P.K. Longia, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 06.01.2020 vide which in a State case/complaint registered under Sections 153-A, 504, 505, 506 IPC and Sections 3(1)(r)(z)(za) & 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Additional Sessions Judge, Hisar on the asking of the complainant/victim has held that the victim is entitled to compensation from the State Government as per the provisions of Section 15A(11)(b) of the Act and necessary direction was issued to the Deputy Commissioner, Hisar. It was observed in the order dated 06.01.2020 that the charge-sheet has already been submitted in the said case and therefore, the Deputy Commissioner, Hisar was directed to examine the case of the victim in order to provide requisite relief, if found eligible for the same.

However, counsel for the petitioner has submitted that only report under Section 173(2) Cr.P.C. has been submitted, but the charges

are yet to be framed.

Though Section 15A(11)(b) of the Act provides that it shall be duty of the concerned State to specify an appropriate scheme to ensure implementation to provide immediate relief in cash or in kind to the atrocity victims or their dependents, however, till date no scheme is framed by the Government and therefore till the time, the trial is concluded and the accused is held guilty of the offence, it cannot be held that any atrocity is committed on a victim merely because the police has submitted a report under Section 173 Cr.P.C. Moreover, at the time of conclusion of trial, adequate relief can be granted under Section 357-A of Cr.P.C.

Therefore, finding that the order dated 06.01.2020 is passed at the stage, when even the charges have not been framed, no willful disobedience by the Deputy Commissioner, Hisar is made out at this stage.

Disposed of.

However, it will be open for the Additional Sessions Judge, Hisar to pass afresh order at appropriate stage.

(ARVIND SINGH SANGWAN)
JUDGE

24.02.2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No