

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

CRR No.760 of 2022 (O&M)

Date of decision: 22.08.2023

Radha and others

...Petitioners

Versus

State of UT, Chandigarh and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. P.P.S. Duggall, Advocate,
for the petitioners.

Mr. Rajeev Anand, Addl. P.P.,
for U.T., Chandigarh.

Ritu Bahri, J.

CRM-15055-2022

For the reasons mentioned in the application, same is allowed and
delay of 712 days in filing of the petition is condoned.

CRR No.760 of 2022

This petition has been filed against the order dated 23.02.2022
(Annexure P-2) passed by the District Legal Services Authority, Chandigarh,
vide which, application filed by the complainant seeking compensation
under Section 357-A Cr.P.C. under the Victim Compensation Scheme, U.T.,
Chandigarh, has been dismissed.

A perusal of the order dated 23.02.2022 (Annexure P-2) shows
that the Legal Services Authority was examining the provisions of the
scheme, which is called as Union Territory of Chandigarh Victim Assistance
Scheme, 2018. Clause 9 of the said scheme lays down the procedure for

grant of compensation and the compensation can only be granted by the District Legal Services Authority, if any recommendation, in this regard, has been made by the trial Court.

In the present case, vide judgment dated 06.02.2018, the accused were convicted and sentenced in a case bearing FIR No.191 dated 01.12.2016, under Section 302 read with Section 34 IPC, registered at Police Station, Maloya, U.T., Chandigarh. Since no recommendation regarding compensation was made by the trial Court, while convicting the accused, the aforesaid application has been rightly dismissed by the CJM-cum-Secretary, District Legal Services Authority, Chandigarh.

However, in the present case, against the judgment of conviction dated 06.02.2018, the accused have filed their respective appeals (CRA-D-429-DB-2018 and CRA-D-330-DB-2018), which are still pending before this Court. Therefore, the compensation can be granted by this Court while entertaining the revision filed by the complainant.

In this case, the victims are widow and minor children of deceased Bablu, who was stated to have been murdered by the accused. The benefit of compensation cannot be deferred till the final decision of the appeal, as it will not serve the purpose of making the Union Territory of Chandigarh Victim Assistance Scheme, 2018 (Annexure P-3). This scheme is not disputed by learned counsel for the U.T., Chandigarh. The judgment of conviction was passed in the year 01.12.2016 and almost five years have gone by and no compensation has been given to the victims.

In view of the above discussion, the present petition is allowed and the respondents are directed to grant compensation of Rs.4,00,000/- to petitioner No.1-Radha (widow). Minor children namely Annie and Anant

Rs.3,00,000/- each, which will be kept deposited in the shape of FDRs in a nationalized bank till they attained majority and interest accrued on the said FDRs will be given to their mother Radha-petitioner No.1, so that she can utilize the same on their education etc. The compensation shall be awarded to the victims-petitioners within a period of four weeks. Compliance report of this order be sent to this Court.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

22.08.2023
ajp

Whether Speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No