

240

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

**CRM-M-43973-2021 (O&M)
DATE OF DECISION :19.10.2023**

DEVI BAI ALIAS DEVL	...PETITIONER
VERSUS	
STATE OF HARYANA AND OTHER	...RESPONDENTS

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr.Ashish Naik, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for respondent no.1.

Ms. Tanu Bedi, Advocate, for respondent no.2.

MANISHA BATRA, J.(ORAL)

Heard.

2. Perusal of the record reveals that vide judgment of conviction dated 26.06.2020, pronounced in case bearing No.SC/171/2019 arising out of FIR No.885, dated 15.12.2018, the accused Man Singh had been held guilty for the commission of offence punishable under Section 306 of the IPC and vide order of quantum of sentence dated 01.07.2020, sentence was awarded to him. Apart from this, directions were given to the Secretary, District Legal Services Authority, Palwal to award appropriate compensation to three children of the deceased-Geeta under Section 357-A of the Cr.P.C. as per the Haryana Government Victim's Compensation Rules. This compensation was to be awarded to them through the brother of the deceased i.e. maternal uncle of the children of the deceased.

3. The petitioner who is the grandmother of the children of the deceased-Geeta has placed on record Annexure P-4, a copy of the application filed by her before the trial Court submitting therein that the minor children of deceased-Geeta are residing with her as the complainant has abandoned them. She is shown to have made a prayer that the order dated 01.07.2020 be modified to the effect that the amount of compensation be ordered to be given to the minor children of the deceased through their grandmother i.e. the petitioner herein.

4. Annexure P-5 is a copy of the order passed by the learned trial Court rejecting the application on the ground that the said Court had become *functus officio*.

Annexure P-3 is a copy of the statement of complainant-Raju as recorded before learned Chief Judicial Magistrate-cum-Secretary, DLSA, Palwal, to the effect that the children of his sister were living with their grandmother -Devi Bai alias Devli and that he did not want any compensation.

5. Learned counsel for respondent no.2 has submitted that in the absence of any direction by the Court, it is unable to assess and release the amount of compensation in favour of minor children of the deceased-Geeta.

6. In the peculiar circumstances, this Court is of the considered opinion that since the minor children of the deceased-Geeta are residing with the petitioner-Devi Bai alias Devli instead of the complainant-Raju, hence the prayer made by her deserves to be accepted. Accordingly, the petition is allowed and direction is given to respondent no.2 to assess and release the compensation awarded under Section 357-A of the Cr.P.C. to the minor children of the

deceased-Geeta through their grandmother-Devi Bai alias Devli, petitioner herein, as per requisite rules.

7. Disposed of accordingly.

19.10.2023
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(MANISHA BATRA)
JUDGE

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