



W.P(MD)No.12861 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12861 of 2024

Chitra

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Superintendent of Police,
Pudukkottai District.

3.The Secretary,
District Legal Service Authority,
Pudukkottai.

4.The Inspector of Police,
Illupur Police Station,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 3 to provide victim compensation to the petitioner by considering her representation dated 17.03.2024 at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.N.G.A.Nataraj
Government Advocate for R1 & R3
: Mr.A.Albert James
Government Advocate for R2 & R4



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ORDER

Heard the learned counsel on either side.

2. The petitioner's husband Thiru.Murugesan was brutally done to death on 22.02.2023. In this regard, Crime No.52 of 2023 was registered on the file of the Illupur Police Station. Investigation was done and final report was filed. The case is presently pending trial in S.C.No.121 of 2023 on the file of the Additional District and Sessions Court, Pudukkottai.

3. All that the petitioner wants is payment of victim compensation. It is true that the prosecution is still pending. But that need not come in the way of disbursing compensation to the petitioner. Section 357 A of Cr.P.C, 1973 reads as follows:-

357 A Victim Compensation Scheme

(1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who, require rehabilitation.

(2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred in sub-Section (1).



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(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under Section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendation or on the application under Sub-Section(4), the State or the District Legal Services Authority shall after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer incharge of the police station or a Magistrate of the area concerned or any other interim relief as the appropriate authority deems fit.

4. The Government of Tamil Nadu has also implemented the scheme known as Tamil Nadu Victim Compensation Scheme, 2013. The learned counsel on either side agree that 2013 scheme is relevant for the present purposes. It is seen that the fourth respondent has already recommended the case of the petitioner. The third respondent is directed to fix the compensation payable to the petitioner. This quantification shall be done by the third respondent within a period of eight weeks from the date of receipt of a copy of this order. The petitioner shall appear before the third respondent on



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18.07.2024 at 03.00 pm. Thereafter, the third respondent will forward the papers to the first respondent and the first respondent will disburse the amount as decided by the third respondent within a period of twelve weeks thereafter. It is made clear that what is provided to the petitioner is only interim relief. That will not come in the way of the petitioner staking a claim of higher compensation later as per law.

5. The Writ Petition is allowed on these terms. No costs.

19.06.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

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G.R.SWAMINATHAN, J.

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