



W.P(MD)No.12977 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.12977 of 2024

Umarani

... Petitioner

Vs.

1.The District Collector,
Thiruchirappalli.

2.The District Legal Service Authority,
Thiruchirappalli.

3.The Inspector of Police,
Thuvakudi Police Station,
Thiruchirappalli 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 1st and 2nd respondents to take necessary action upon the petitioner's representations dated 11.12.2023 and 19.02.2024, which is pending consideration before the 2nd respondent, for determining the victim compensation to be paid to the petitioner and her children as per the judgment made in SC No.77 of 2017 on the file of the First Additional District and Sessions Judge (PCR), Trichy and consequently direct the 2nd respondent to pay the determined victim compensation amount to petitioner.



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For Petitioner : Mr.P.Bhaskar
For Respondents : Mr.K.Balasubramani
Special Government Pleader for R1 & R2
: Mr.A.Albert James
Government Advocate (Crl.side) for R3

ORDER

Heard both sides.

2. The petitioner's husband was done to death. In this regard, Crime No. 88 of 2015 was registered on the file of the Thuvakudi Police Station. The accused were tried in S.C.No.77 of 2017 on the file of the First Additional District Sessions Judge (PCR), Trichy. But then, the case ended in acquittal on 29.10.2021. The fact that the accused were acquitted need not come in the way. It is beyond dispute that the petitioner's husband was murdered.

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.



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(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).

(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.



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5. The second respondent is directed to fix compensation payable to the petitioner. This shall be done by the second respondent within a period of four weeks from the date of receipt of a copy of this order. The petitioner shall appear before the second respondent on 18.07.2024 at 03.00 pm. Thereafter, the second respondent shall forward the papers to the first respondent. The first respondent shall disburse the same as determined by the second 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.

6. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
rmi

To

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G.R.SWAMINATHAN, J.

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