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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 2293/2022**

MINOR K THR MOTHER S

..... Petitioner

Through: Ms. Prachi Nirwan, Advocate for
Mr. Anivesh Madhukar, Advocate (DHCLSC).

versus

STATE & ANR.

..... Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC
(Crl.) for State with SI Praveen Kumar, PS
Nangloi.

Mr. B. Badrinath and Mr. Dhruv Bhardwaj,
Advocates for R-2.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.04.2024

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1. This writ petition has been filed under Articles 226 and 227 read with Articles 14 and 21 of the Constitution of India and Section 482 Cr.P.C., challenging order dated 11.05.2022 and seeking modification of order dated 15.09.2022, to the extent of enhancement of interim compensation.
2. Learned counsel for Delhi State Legal Services Authority ('DSLISA'), West submits that under the Delhi Victim Compensation Scheme, 2018 or Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crime, 2018, a victim or his/her dependent(s) is eligible for compensation after satisfying the criteria laid down under the schemes. An application has to be filed under prescribed form before the DSLISA or the



concerned DLSA along with the FIR, medical report, copy of the judgment/recommendation of the Court, if the trial is over. It is submitted that in the present case no application in the prescribed form has been received from the Petitioner nonetheless present petition can be treated as representation in accordance with the scheme for enhancement of interim compensation.

3. Learned counsel for the Petitioner, on instructions and Ms. Rupali Bandhopadhyaya, ASC (Crl.) for State have no objection to this course of action. However, learned counsel for the Petitioner states that while taking a decision, the trauma and agony suffered by the Petitioner on account of rape, resultant pregnancy and illegal termination of pregnancy as well as the provisions of the scheme, which provides for maximum compensation of Rs.7 lakhs for rape and Rs.4 lakhs in case of pregnancy on account of the rape, be kept in mind. Petitioner undertakes to appear before the concerned Authority during the proceedings as and when called for.

4. This writ petition is accordingly disposed of, directing that the present petition will be treated as an application/representation on behalf of the Petitioner, which shall be considered by the DLSA (West). Needless to state that while considering the application, the procedure prescribed in Delhi Victim Compensation Scheme, 2018 including the Schedule prescribing the minimum and upper limit of compensation shall be taken into account for assessing the interim compensation payable to the Petitioner.

5. With the consent of the counsels for the parties, the Committee shall take up the matter for consideration on 13.05.2024 and the Investigating Officer shall ensure the presence of the prosecutrix on the said date.

6. Copy of this order shall be communicated to the Member Secretary,



Delhi State Legal Services Authority, Delhi for information and necessary compliance.

APRIL 29, 2024

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JYOTI SINGH, J