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

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+ BAIL APPLN. 619/2021 & CRL.M.A. 7163/2022

MANISH

.....Petitioner

Through: Ms. Prabhsahay Kaur,
Ms. Taruna Panwar, Ms.
Kavya Shukla, Mr. Aditya
and Ms. Shubhra Agarwal,
Advocates for (Bachpan
Bachao Andolan).

versus

STATE

.....Respondent

Through: Mr. Sanjeev Bhandari,
ASC for the State with SI
Jitender, PS Sarai Rohilla
Railway Station.
Mr. Ajay Verma, Ms.
Krishna Sharma, Ms.
Bhoomika Uppal,
Advocates for DSLSA.

7

+ BAIL APPLN. 2612/2021

AZAD BILLU @ BALLU

.....Petitioner

Through:

versus

STATE NCT OF GOVT. OF DELHI

.....Respondent

Through: Mr. Sanjeev Bhandari,
ASC for the State with SI
Shamsher Singh, PS Pul
Praladpur.
Mr. Ajay Verma, Ms.
Krishna Sharma, Ms.
Bhoomika Uppal,
Advocates for DSLSA.

8

+ BAIL APPLN. 3171/2021

UMESH

.....Petitioner

Through:



STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sanjeev Bhandari,
ASC for the State with SI
Sneh Singh and SI Arvind,
PS Gokalpuri.
Mr. Ajay Verma, Ms.
Krishna Sharma, Ms.
Bhoomika Uppal,
Advocates for DSLSA.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

06.05.2025

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1. The present applications were filed seeking regular bail in FIR No. 0008/2020 under Sections 376-D/ 377/ 34 of the Indian Penal Code, 1860 ('IPC'), FIR No. 358/ 2015 under Sections 363/ 377/ 506/ 323 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO') and FIR No. 201/ 2019 under Sections 363/ 376/ 506 of the IPC and Section 6 of the POCSO Act, respectively.

2. This Court *vide* order dated 27.08.2021 while dismissing the BAIL APPLN. No. 619/ 2021 in FIR No. 0008/2020, noted that not only the victim in the said case, but also the victims in other FIRs were not provided any interim compensation. It was informed by the learned Member Secretary, DLSA, Mr. Kanwal Jeet Arora, that as far as providing interim compensation to the victims under the Delhi Victims Compensation Scheme is concerned, the Delhi State Legal Services Authority ('DSLSA') relies on the intimation sent to it by the Delhi Police and Delhi Commission for Protection of Child Rights, and thereafter the Nodal Officer in DLSA initiates steps to provide compensation as well as counselling to the victim.

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3. On the said date, the learned Member Secretary further informed that on cross-checking, three FIRs were never received by DSLSA. It was further stated by Mr. Rajesh Deo, Consultant CRO and Mr. Rajan Bhagat, DCP (Legal) that a meeting of all the stakeholders would be convened to discuss the issue and take necessary steps so that no further default or miscommunication occurs in timely forwarding the information to DSLSA.

4. It is pertinent to mention here that the BAIL APPLN. No. 2612/ 2021 became infructuous owing to the fact that the trial had concluded in the case, whereafter, the applicant therein preferred an appeal bearing Crl.A No. 390/ 2022. It is also observed that the BAIL APPLN. No. 3171/ 2021 was not heard on merits and the applicant in BAIL APPLN. No. 3171/ 2021 filed a second bail application bearing BAIL APPLN. No. 1679/ 2022, which was dismissed as withdrawn, with liberty to file afresh before the learned Trial Court. Despite the same being the position, the bail applications were kept pending.

5. Thereafter the matters were listed together on a number of dates wherein directions were given to the authorities like Delhi Police, DSLSA, Delhi Commission for Women and others, to file status reports with regard to the number of cases where compensation has not been paid and affidavits in regard to the corrective steps taken. Directions have also been passed to the Delhi Government to release certain amounts to meet the claims of some of the victims. Moreover, DSLSA in consultation with other stakeholders prepared the Standard Operating Procedure ('SOP') in order to deal with disposed of POCSO cases where the relief has not been granted to the victims.

6. On 12.12.2022 this Court passed certain directions to the learned Principal District and Sessions Judge to direct the
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concerned Judges/ Ahlmads/ Record Room Incharges to identify and trace the disposed POCSO/ rape and other sexual offence case files and allow the same to be inspected by the team of counsels of Bachpan Bachao Andolan, who had offered to provide their team for file inspection, in collaboration with Kailash Satyarthi Children's Foundation, as DSLSA found itself in a conundrum regarding payment of fees for inspection in disposed of cases to the empanelled lawyers. This exercise was to be executed so that the compensation applications can be filed at the earliest.

7. Pursuant to the order dated 14.01.2025, the DSLSA filed a fresh status report wherein it was stated that out of 1315 cases, there were 1065 cases in which applications for compensation had not been moved. It is stated that in 295 cases, victims were not willing to receive any compensation amount from the DSLSA under Delhi Victims Compensation Scheme, 2018, in 555 cases, application for compensation cannot be moved due to various reasons i.e. victim turned hostile, compensation already granted, victim expired, FIR quashed, victim married, victim could not be contacted etc., in 215 cases, victims were untraced as per the report filed by IOs.

8. By the order dated 11.03.2025, this Court took note of the of the fact that there was a shortfall of funds due to which grant in aid has not been released and as a result of which the compensation has not been paid to the victims. In this regard, the Department of Law, Justice and Legislative Affairs ('LJ&LA') has filed a status report indicating the reasons for not releasing the said amount, and under took to comply with all necessary steps.

9. The DSLSA was directed to file a break-up of the 555



cases where the application for compensation has not been moved, citing different reasons and also file a fresh status report. In compliance of the same DSLSA has filed the status report which states as under:

2. That pursuant to the directions of this Hon'ble Court and as per fresh data received from all the District Legal Services Authorities (DSLAs), regarding cases considered fit for moving of application for compensation, so compiled after obtaining the status of each case/FIR from the respective DSLAs (as on 30.04.2025), it is revealed that out of the total number of 1315 fit cases, compensation in 61 cases/FIRs have been allowed in which total amount of ₹2,12,97,500/- (Rupees Two Crores Twelve Lakhs Ninety Seven Thousand Five Hundred only) has been disbursed, into the accounts of the victims/beneficiaries by DSLSA, except in 6 additional cases, amounting to 231 Lakhs wherein amount could not be disbursed yet due to shortage of funds. It is respectfully submitted that the first instalment of Grants-In-Aid amounting to ₹37,50,00,000/- (Rupees Thirty Seven Crores Fifty Lakhs only) issued to DSLSA was expected to be received from Government of NCT of Delhi on 1st April, 2025, however, the same has yet not been received. Further, compensation proceedings in 132 cases now have been disposed of as disallowed, either by District Victims Compensation Committee (DVCC) or by the learned POCSO Courts, as the case may be, in respective DSLAs.

3. That subsequently, the pendency of disposed of cases where proceedings for compensation are pending in the District Victims Compensation Committee (DVCC) or in the trial courts now has been reduced from 19 to 17 cases. Further, on account of victims in some cases having been traced by the Delhi Police, now 33 cases have been put in process by DSLSAs, and after recording statements and verification of identity as well as banking details, applications in all such cases shall be moved before the DVCC or the Ld. Trial Court.

4. That out of said 1315 cases, there are 1072 cases in which applications for compensation have yet not been moved, as in 305 cases, victims are not willing to receive any compensation amount from the DSLSA under Delhi Victims Compensation Scheme, 2018 (DVCS, 2018). In 550 cases, application for compensation cannot be moved due to various reasons i.e. victim turned hostile, compensation already granted, victim expired, FIR quashed, victim did not appear etc. In 217 cases, victims are untraced as per the report filed by IOs in the respective DSLAs. The updated status of aforesaid 1315 disposed of cases depicting therein the District-wise data of number of cases in which applications for compensation are being moved/has been moved, is annexed herewith as Annexure-'A' for kind perusal of this Hon'ble Court.



5. That so far as the direction to file a break-up of the 555 cases, where the application for compensation has not been moved is concerned, the undersigned respectfully submits that upon receipt of reasons for not moving the application for compensation from the DLSAs concerned, it is revealed that there are 2 cases, in which application for compensation is pending in the District Victims Compensation Committee concerned, in 2 cases application for compensation has been allowed, in 1 case application for compensation is pending before Ld. POCSO Court and 1 case is still in process before moving of application for compensation. Besides, there is one more case in which application for compensation could not be moved as the trial court record is in Delhi High Court. In this situation, now the total number of cases where the applications for compensation have not been moved comes down to 550. The break-up of the aforesaid 550, which was earlier 555 cases, is annexed herewith as Annexure-‘B’ for kind perusal of this Hon'ble Court.

10. The Delhi Police was also directed to re-assess the 295 cases where the victims were not willing to receive any compensation, in terms of para 8 of the Standard Operating Procedure for implementation of directives of the Delhi High Court. In compliance of the same, the Delhi Police has filed a fresh status report, stating as under:

3. That the said cases were re-assessed accordingly and it has come out of the 295 cases, victims of 120 cases are not willing to receive compensation; victims of 53 cases are willing to receive compensation; victims of 104 cases are untraceable; and 07 cases are found out of context, as the same are not sexual offence cases and are registered under other sections of law.

4. That the victims of 05 cases had already received compensation and 01 case is a repeated entry. Victims of 03 cases have married to the accused person due to which they did not get compensation and in remaining 02 cases, matter is already pending before DLSA. Accordingly, the DLSAs concerned have been intimated about the victims' willingness/unwillingness. The cases where victims are not traced yet, further efforts are being made to trace the victims.

5. That on 29.04.2025, a meeting was convened with the Nodal Officers (Addl. DCPs/Districts) to sensitize them on implementation of the Standard Operating Procedure at the ground level in true letter and spirit.

11. Upon perusal of the status reports, this Court is satisfied



that the steps are being taken by the respective authorities for the disbursement of the compensation to the victims in disposed POCSO/ rape and other sexual offence cases. It is expected that going forward, prompt action will be taken by the concerned authority, that is, Department of Law, Justice and Legislative Affairs.

12. Significant effort has already been made by this Court in order to resolve the issue at hand, however, the same cannot be left pending to be monitored by this Court, to record the compliances of the authorities, especially in the present Bail Applications.

13. The Principal Secretary, ('LJ&LA') is directed to facilitate the future compliances and call for quarterly compliance report from the authorities with regard to the compensation to be released to the victims in such cases, to curb any lapse on part of the concerned authorities.

14. In view of the above, no purpose would be served by keeping the present bail applications alive.

15. The present Bail Applications are disposed of in the aforesaid terms.

16. A copy of this order be placed in all the matters.

AMIT MAHAJAN, J

MAY 6, 2025