

**SC No. 9348/16
State Vs. Santosh Kumar Dubey
FIR No. 59/16
PS Vasant Kunj (N)
U/Sec.366/376D/201/34 IPC & Sec.6/16
POCSO Act**

24.09.2016

Present: Sh. Ravindra Kumar, Ld. APP for State.
Sh. Ratnesh Kumar counsel for accused Santosh Kumar Dubey.
Sh. Pramod Tyagi counsel for accused Ravi.
Sh. Haneef Mohd. and Sh. Gaurav Dua counsel for accused Jatin.
None for accused Naresh.
Sh. V. K. Sisodia counsel for victim.
All accused from JC.
Accused Madhav already discharged.

PW2 examined and discharged.

An application for bail on behalf of accused Ravi was moved on 22.09.2016.

Part arguments heard. During the course of arguments, it is submitted by counsel for accused that he is not pressing this bail application, at this stage and will press the same after the completion of examination-in-chief of victim.

An application under Section 7(1) of POCSO Act., 2012 was filed on behalf of the victim for granting interim

compensation on 17.09.2016.

It is submitted in the application that the victim in the present case is a girl aged about 16 years child who was raped by accused persons. The prosecutrix is under mental trauma and facing other physical problems. She is in dire need of rehabilitation and immediate financial assistance. A request is, therefore, made that she may be granted interim compensation.

A report has been called from the Investigating Officer **SI Adesh Kumari**, who has submitted in the report that the father of victim is an auto driver in Bihar and has 10 children to look after.

Charge sheet has already been filed in the Court. The perusal of the record shows that the prosecutrix is a young girl of about 16 years. Father of prosecutrix is an auto driver in Bihar. She has 9 brothers and sister.

Section 33(8) of POCSO Act, 2012 provides that in appropriate cases, compensation may be prescribed to the child for physical and mental trauma caused to him/her or for the immediate rehabilitation.

Rule 7 of POCSO Rules, 2012 further provides that while making directions for awarding the compensation

to the victim, some of the relevant factors to be considered are as follows :

- (i) type of abuse, gravity of offence and severity of the mental or physical harm or injury suffered by the child ;
- (ii) the expenditure incurred or likely to be incurred on his medical treatment for physical and/or mental health ;
- (iii) loss of educational opportunity as a consequence of the offence ;
- (iv) loss of employment as a result of the offence ;
- (v) the relationship of the child to the offender ;
- (vi) Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
- (vii) whether the child became pregnant as a result of the offence;
- (viii) Whether the child contracted a sexually transmitted disease (STD) as a result of the offence;
- (ix) Whether the child contracted human immunodeficiency virus (HIV) as a result of offence;
- (x) any disability suffered by the child as a result of the offence;
- (xi) financial condition of the child against whom the offence has been committed so as to determine his need for rehabilitation; and
- (xii) any other factor that the Special Court may consider to be relevant.

Section 357 Cr.P.C also provides for compensation. **Rule 3 and 5** read with **entry 2** to the Schedule to the **Delhi Victims Compensation Scheme, 2011** (notified on 2.2.2012) provides for grant of compensation to the victim to a maximum of three lacs in a case of rape. In the present case, the girl is about 16 years of age and is dependent for her expenses.

Considering the young age of the prosecutrix, the mental trauma that she have undergone and that she needs financial support to continue her studies, it is

recommended that she be given a interim compensation of Rs.20,000/-.

Copy of this order be also sent to the prosecutrix and to Delhi State Legal Services Authority, for disbursement of compensation.

Copy be also supplied to the complainant and the complainant may also approach DLSA for disbursement of compensation.

The application is disposed of accordingly.

Seen report on letter received from FSL Rohini. As per the letter, the report will be ready on 30.09.2016.

Put up for FSL report on 03.10.2016.

(Rakesh Pandit)
ASJ-01/PHC/New Delhi District
24.09.2016