

SC 773/2022
STATE Vs. KASIM
FIR No. 263 /2022
PS- (Badarpur)

22.02.2024

Present : Sh. Ashesh Kumar, Ld. Addl. PP for the State.
Accused produced from JC.
Sh. Pradeep Kumar & Sh. Dev Dutt, Ld. Counsels for
accused.
PW/Sh. Govind in person.
Mother of the deceased in person.

1. Today, the matter was listed for PE.
2. On the previous date of hearing, notice was issued to IO concerned. However, the report in respect thereof has been received back with the endorsement that he is on medical rest from 15.02.2024.
3. PW-3/Sh. Govind is partly examined-in-chief and discharged. However, his further examination and cross-examination is deferred at the request of Ld. Addl. PP for the State as he submits that the assistance of IO is required on some clarifications.
4. Under these circumstances, **let notice be issued to the concerned IO to appear in person on the next date of hearing**, for the assistance of Ld. Addl. PP for the State.
5. **Issue fresh summons to PW/Sh. Govind for further examination & cross-examination, PW/Nodal Officer Reliance JIO, PW/Dr. Balaji D & MHC(M)** with case property through IO concerned for the next date of hearing.
6. Re-list the matter for **PE** on **10.04.2024**.
7. At this juncture it is to be noted that Legal Heirs of the

victim have apprised the court that they have yet not received any interim compensation from the Government or any other authority. In terms of *Delhi Victim Compensation Scheme, 2018*, it is incumbent upon the DLSA to provide interim compensation to Legal Heirs of the victim.

8. The incident occurred in the year 2022, and we are in the year 2024, yet upon inquiry by this Court, from the father and mother of the deceased, they submitted that they have not received any compensation. They further submitted that despite the orders of this Court, Legal Heirs are being made run from pillar to post to get interim compensation, which is *due* to them and which is *owed* to them by the State.

9. In this regard, Ms Bijaynee Satapathy, Incharge, South-East DLSA, was called to this Court and she was asked as to what were the reasons for delay in grant of interim compensation to Legal Heirs. During the course of hearing, Legal Heirs apprised the Court that DLSA is asking for *Dependency Certificate* from the family members of the victim. When Ms Bijaynee Satapathy, Incharge, South-East DLSA was asked to point out in Delhi Victim Compensation Scheme, 2018 as to where is the requirement of obtaining Dependency Certificate, she could not show from the Scheme as to where such requirement was mandatory.

10. Be that as it may, this Court is of the opinion that if IO appears before the authority and identifies the Legal Heirs of the victim to be so, and a sworn statement in this regard is taken, that ought to suffice as proof of dependency. Even otherwise, the DLSA ought to have simply asked the Legal Heirs to adduce on record an affidavit to this effect. But the entire exercise of making Legal Heirs

run to the office of SDM to obtain the Dependency Certificate seems totally unwarranted or is apparent from the case above that obtaining such Dependency Certificate from SDM's office is an uphill task altogether.

11. Further, this Court is constrained to note that the IOs/SHOs ordinarily forward a copy of FIR in a case *inter alia* u/s 302 IPC to DLSA so that the Legal Heirs can get interim compensation under the Scheme of 2018. In such cases also, the DLSA ought to have taken steps to contact the Legal Heirs and provide interim compensation to them.

12. In this regard, Ms Bijaynee Satapathy, Incharge, South-East DLSA asked for some time to ascertain whether such a copy of FIR was forwarded by IO/SHO or not.

13. **Let copy of this order be sent to Ld. Secretary, DLSA, South-East District, with a request to ensure that the mandate of Delhi Victim Compensation Scheme, 2018 is given effect to forthwith without causing more agony to the Legal Heirs of the victim who have already suffered on one score i.e. loss of their son.**

14. Report be called from DLSA on **12.03.2024**.

**(ARUL VARMA)
ASJ-04 + Spl. Judge (NDPS),
South East District, Saket Court,
New Delhi /22.02.2024**