

ORDER FOR INTERIM COMPENSATION

Special POCSO Case No. 38 of 2025

1. Background of the Case

1.1 The present case arises out of FIR No. 11211050250468/2025 dated 30/07/2025, registered at Thangadh Police Station, Surendranagar for offences punishable under section 12,3(a), 5(l),(m),(n) of the Protection of Children from Sexual Offences Act, 2012, and Section 63(a),64(1)(2)(i)(m),65(2) of the BNS–2023.

1.2 The victim is a minor girl aged 11 years, 6 Months and 14 days at the time of the incident. As per the medical records placed on record, the victim was become pregnant as a direct consequence of the sexual assault by her father.

1.3 An application seeking interim compensation has been moved on behalf of the victim for immediate financial assistance towards medical treatment, pregnancy–related expenses, nutrition, psychological counselling, and rehabilitation.

2. Statutory Provisions

2.1 Section 33(8) of the Protection of Children from Sexual Offences Act, 2012 empowers the Special Court to direct payment of compensation to the child for physical or mental trauma caused by the offence.

2.2 Section 396 of the BNNS, 2023 mandates that every State Government in co ordination with central government shall prepare a Victim Compensation Scheme for providing funds to victims of crime who require rehabilitation.

2.3 The Government of Gujarat has notified the Gujarat Victim Compensation Scheme, 2019 under Section 357A CrPC, 1973, which provides for grant of interim as well as final compensation to victims of sexual offences, including child victims under the POCSO Act.

3. Entitlement to Interim Compensation

3.1 The victim in the present case is a minor i.e. **11 years, 6 Months and 14 days** old and has suffered grave physical injury, mental trauma, and social stigma as a result of the offence.

3.2 The minor victim necessitates urgent medical care, nutritional support, safe accommodation (if required), and psychological counseling.

Calculation of interim compensation

Gujarat Victim Compensation Scheme, 2019

maximum compensation awardable as per schedule appended in rape case is Rs.7,00,000/-

Para/ Rule- 9(5) of the Gujarat Victim Compensation Scheme, 2019

If the victim is minor, the limit of the compensation shall be deemed to be 50% higher than the amount mentioned in the schedule appended to this scheme.

**Hence, 50% higher = 7,00,000+3,50,000/-=10,50,000/-
Maximum compensation awardable.**

Hence, 25 percent of the maximum compensation awardable as per schedule appended is Rs. 2,62,500/-

Para/ Rule- 12- Interim relief to the victim

Provided further that interim relief so granted shall not be less than 25 percent of the maximum compensation awardable as per schedule appended to this scheme, which shall be paid to the victim in total.

Considering the prima facie material on record, Charge sheet etc. this Court is satisfied that immediate financial assistance is necessary to alleviate the suffering of the victim pending trial. Hence in the interest of justice, I pass the following order.

4. Order

4.1 In exercise of powers under Section 33(8) of the POCSO Act and Section 357A CrPC, 1973, Section 396 of the BNNS, 2023 read with the Gujarat Victim Compensation Scheme, 2019, this Court hereby recommends and directs grant of interim compensation of Rs. 3,00,000/- (Rupees three lakh only) to the victim.

4.2 The Ld. Secretary, District Legal Services Authority, Surendranagar, shall disburse the aforesaid amount within the period of 60 days.

4.3 The amount shall be credited directly or through A/c Payee cheque to the joint bank account of the victim and guardian, in accordance with the Scheme guidelines.

4.4 A compliance report shall be submitted before this Court by Ld. Secretary, District Legal Services Authority, Surendranagar.

4.5 For necessary compliance, Copy of the order Shall forward to the Ld. Secretary, DLSA, Surendranagar forthwith.

4.6 This interim compensation shall be adjustable against the final compensation, if any, awarded upon conclusion of trial.

Pronounced in open Court on this 12th day of June, 2026.

Date: - 12/06/2026
Place: Surendranagar

(Maheshkumar R.Thakkar)
Exclusive F.T.S.POCSO Judge,
Surendranagar
Judge Code - GJ00963