

IN THE COURT OF THE LEARNED ADDITIONAL DISTRICT AND SESSIONS JUDGE,  
FAST TRACK COURT-I , TAMLUK, PURBA MEDINIPUR  
PRESENT :- SRI MANDIP SAHA ROY, ADDITIONAL DISTRICT AND SESSIONS  
JUDGE,  
FAST TRACK COURT-I , TAMLUK, PURBA MEDINIPUR ( J.O CODE :- WB00986)  
S.C. 101 of 2024  
CNR WBEM01 00002790-2024

**Order Number 11 dated 30.07.2024**

Today is fixed for

1. production of accused persons from Judicial custody;
2. hearing of petition dated 05.06.2024 filed by the defacto complainant namely Krishna Paria for interim compensation and
3. framing of charge against the accused persons.

Both the accused persons are produced from custody.

A petition under Section 227 of Cr.P.C has been filed on behalf of the accused person **namely Sk. Raju**. Copy of the petition has been served on the adversary ( Ld. P.P-in charge).

**The petition dated 05.06.2024 filed by the defacto complainant namely Krishna Paria for interim compensation is taken up for hearing.**

**Submissions on behalf of the defacto complainant**

The Learned Advocate representing the de facto complainant submitted that the complainant's husband, Samir Paria, has been murdered, leading to the initiation of Kolaghat P.S case number 735 of 2023 dated 21.11.2023. The de facto complainant is in a state of extreme impoverishment, as her husband was the sole breadwinner of the family, leaving her in severe financial distress. A certificate from the Pradhan of Siddha-I, Gram Panchayat, Siddha, Purba Medinipur, has been provided to corroborate her circumstances.

**Submission by Ld. P.P.-in charge**

The Learned Public Prosecutor-in-charge conveyed that if the victim qualifies for compensation under the victim compensation scheme, the request for such compensation may be granted.

**Discussion and findings**

I shall now delve into the definition of "victim" as articulated in Section 2(i) of the West Bengal Victim Compensation Scheme, 2017. The definition encompasses any individual who has sustained loss or injury due to a criminal act and necessitates rehabilitation.

Section 6 of the aforementioned scheme delineates the procedural guidelines for the disbursement of compensation. Among the various criteria, compensation may be awarded upon the recommendation of a competent Court.

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In the present scenario, the wife of the de facto complainant, Krishna Paria, unequivocally fits within the purview of the term 'victim,' having endured loss and injury consequent to the crime. It is imperative to note that she is a dependent of the deceased.

I ascertain that this case warrants the provision of interim compensation to the victim/de facto complainant, Krishna Paria, in accordance with the stipulations of the victim compensation scheme. The grant of compensation is justified in light of the significant financial adversities faced by the complainant following the demise of her husband.

1. To substantiate the decisions, I can reference the following judgments:  
They include:

1. **Delhi High Court in State vs. Gopal Singh [Crl. M.A. 15893 of 2010 in Crl. A. 933/2010]**

- **Citation:** 2013 SCC OnLine Del 3000
- **Summary:** The court, while dealing with the appeal, granted interim compensation to the wife of the deceased under the Delhi Victim Compensation Scheme, stressing the need for immediate financial support to the family.

2. **Karnataka High Court in Manjula vs. State of Karnataka [WP No. 14502 of 2016]**

- **Citation:** 2016 SCC OnLine Kar 4710
- **Summary:** The petitioner, Manjula, whose husband was murdered, was granted interim compensation by the court under the Karnataka Victim Compensation Scheme. The court emphasized the role of interim compensation in providing immediate relief to the victims' families.

**Conclusion**

In view of my above mentioned discussion, I hold that the petition filed by the defacto complainant/petitioner namely Krishna Paria has merit and is liable to be allowed.

**ORDER**

The Secretary of the District Legal Services Authority is hereby requested to adhere to the procedural stipulations delineated in the West Bengal Victim Compensation Scheme, 2017, for the adjudication of the quantum of compensation, and to undertake the requisite measures for its disbursement.

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- The defacto complainant/petitioner, Krishna Paria, is additionally instructed to present himself before the District Legal Services Authority, Purba Medinipur, to initiate proceedings for the compensation.
- A copy of this order sheet shall be laid before the Learned Secretary of the District Legal Services Authority, Purba Medinipur, for the requisite administrative action.

**The petition dated 05.06.2024 is hereby disposed off in the affirmative.**

**The petition under Section 227 of Cr.P.C is taken up for hearing.**

This is an application filed by the accused under Section 227 of the Code of Criminal Procedure, 1973, seeking discharge of **accused Sk. Raju** from the present case on the grounds that the evidence on record is insufficient to proceed with the trial. Copy of the petition has been served on the adversary.

**Submissions by the Ld. Advocate representing accused Sk. Raju**

The learned counsel for the applicant has submitted that the allegations against the accused are false and fabricated. It has been argued that there is no prima facie evidence to establish the involvement of the accused in the alleged offense. The counsel has further contended that the investigation conducted was biased and incomplete, and therefore, the accused should be discharged.

**Submissions by the Ld. P.P.-in charge**

The learned Public Prosecutor in charge has vehemently opposed the discharge application. It has been argued that there is sufficient material on record to proceed with the trial. The prosecution has submitted that the charges against the accused are well-founded based on the evidence collected during the investigation.

**Discussion and Findings**

I have meticulously scrutinized the evidentiary material on record, encompassing the FIR, charge sheet, case diary, seizure lists, and the testimonies of witnesses.

Section 227 of the Cr.P.C stipulates that if, upon examination of the case record and accompanying documents, and after considering the arguments of both the defence and the prosecution, the Judge deems that there is an insufficiency of grounds to proceed against the accused, the Judge shall discharge the accused.

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In the present instance, the evidence on record, including statement of witnesses under Section 161 Cr.P.C, seizure lists which shows some seizure from the residence of the accused person Sk Raju and other documents , prima facie corroborates the accused's involvement in the alleged offence. The gravity of the allegations necessitates a comprehensive trial to establish the veracity of the claims.

**Conclusion**

In light of the foregoing deliberations, I am persuaded that there exists ample justification to advance proceedings against the accused, Sk. Raju. Consequently, the application for discharge pursuant to Section 227 of the Cr.P.C is hereby adjudicated unfavourably.

**ORDER**

**The petition under Section 227 of the Cr.P.C filed by the accused namely Sk. Raju. is hereby rejected.**

To 07.09.2024 for

1. Production of both the accused persons and
2. Consideration of charge.

*Sd/- Mandip Saha Roy*

Additional Sessions Judge,

Fast Track-I, Tamluk,

Purba Medinipur.

**(WB00986)**

**Number            dated 30.07.2024**

Copy forwarded to Ld. Secretary, District Legal Services Authority for necessary action.

Additional Sessions Judge,  
Fast Track-I, Tamluk,  
Purba Medinipur.  
**(WB00986)**