

In the Court of A.D.J, 2nd Court [Spl. Court under POCSO Act], Purulia.
Sessions (Spl.) Case No.15 of 2024

[Barabazar P.S. Case No.39/2024, dt.12.03.24, U/s 376DA IPC r/w S.6, POCSO Act and S.3(i)(e)(w)/3(2)(v) of SC/ST (POA) Act and S.67(B)(a)(e) of IT Act]

Or. No.13 (later)

Dt.04.04.24

The case record is taken up today again.

Ld. Spl. P.P Mr. A. A. Ansary is present.

Ld. Advocate Miss Sujata Singh, appointed by DLSA, Purulia is also present for said defacto complainant and has filed one petition in sealed cover along with its redacted copy, praying for compensation of the victim girl. Said petition has been duly signed by the father of the victim girl.

Said petition for compensation for the V.G is taken up for consideration.

The father of the victim girl is personally present before this court.

Perused the petition for compensation to the victim girl. Also perused the other materials in the case record as well as in the C.D.

Heard Ld. Advocate of the defacto complainant. Also heard Ld. Spl. P.P.

Ld. Advocate for the defacto complainant has submitted that the father of the V.G has prayed for interim compensation of Rs.7 lakhs for the victim girl as the alleged offence is very serious in nature and punishable under the provision of the POCSO Act as well as under the provision of the IPC and of the I.T.Act.

Ld. Spl. P.P has prayed for necessary order for interim compensation for the V.G.

Considered.

In the instant case the victim girl is about 15 years old and the alleged offence is U/s 376DA IPC r/w S.6, POCSO Act and S.3(i)(e)(w)/3(2)(v) of SC/ST (POA) Act and S.67(B)(a)(e) of IT Act.

The relevant provisions under the POCSO Act regarding the interim compensation to the victim girl is as below :

“9. Compensation. - (1) The Special Court may, in appropriate cases, on its own or on an application filed by or on behalf of the child, pass an order for interim compensation to meet the needs of the child for relief or rehabilitation at any stage after registration of the First Information Report. Such interim compensation paid to the child shall be adjusted against the final compensation, if any.”

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Rule 9 (4) & (5) of the Protection of Children from Sexual Offences Rules, 2020 deal with the provisions regarding payment of such interim compensation by the State to the victim girl which runs as below :

“ (4) The compensation awarded by the Special Court is to be paid by the State Government from the Victim's Compensation Fund or other scheme or fund established by it for the purposes of compensating and rehabilitating victims under Section 357-A of the Code of Criminal Procedure, 1973 or any other law for the time being in force, or, where such fund or scheme does not exist by the State Government.

(5) The State Government shall pay the compensation awarded by the Special Court within 30 days of receipt of such order.”

Rule 9 (3) of the Protection of Children from Sexual Offences Rules, 2020 has laid down the parameters which are to be taken into consideration at the time of passing order regarding payment of interim compensation to the victim girl.

The **Hon'ble High Court at Calcutta** in its judgment passed in the case of **Bijoy @ Guddu Das v. The State of West Bengal [C.R.A 663 of 2016 (CRAN 4926 of 2016)]**, communicated by the Hon'ble Court's Memo No.942-RG, dt.06.02.2017, has been pleased to give several directions including the payment of interim compensation to the victim girl pendency of the case.

The State Government has made specific Scheme called the **West Bengal Victim Compensation Scheme, 2017**, for payment of compensation to the victim girl.

In the instant case the alleged offence is punishable **U/s 376DA IPC r/w S.6, POCSO Act and S.3(i)(e)(w)/3(2)(v) of SC/ST (POA) Act and S.67(B)(a)(e) of IT Act**, i.e, for aggravated penetrative sexual assault and 04 accused persons are allegedly involved in the commission of said offence.

As the victim girl is about 15 yrs. old and she is a victim of aggravated penetrative sexual assault, then as per the provisions of the **West Bengal Victim Compensation Scheme, 2017**, the **minimum amount of compensation** to which the victim girl is entitled is **Rs.3,00,000/-**.

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Considering the entire facts and circumstances including the age of the victim girl, the physical and mental trauma caused to her and considering the heinous nature of crime committed to her by 04 accused persons including 02 minor accused (CCL), this Court is of the considered opinion that if the victim girl is awarded and interim compensation of Rs.5,00,000/- (Rs. Five lac) only then it will be just and proper.

Accordingly, the instant petition dt.04.04.2024 filed by the father of the V.G for interim compensation to the V.G, is hereby allowed and the V.G is hereby awarded an interim compensation of Rs.5,00,000/- (Rs. Five lac) only to be paid by the State.

The State is hereby directed to pay said interim compensation of Rs.5,00,000/- (Rs. Five lac) only to the victim girl by account payee cheque in the name of the victim girl, through the District Legal Services Authority, Purulia (Sadar).

The mother of the victim girl is entitled to receive the cheque said of the victim girl on her behalf as her guardian, after opening a Bank Account in the name of the victim girl and shall deposit the cheque in said Bank Account of the victim girl. Investment of the full or part amount of the cheque in any Fixed Deposit Scheme in favour of the victim girl for any period and withdrawal of money from said Account can be done only for the welfare of the victim girl and shall be subject to a specific order of the District Legal Services Authority, Purulia (Sadar).

Let a copy of this order be sent to the Secretary, District Legal Services Authority, Purulia (Sadar) for information and for taking necessary steps for payment of interim compensation by the State to the victim girl within the stipulated time period.

Let another copy of this order be also supplied to the defacto complainant (mother of the V.G), through her Ld. Advocate Miss Sujata Singh, appointed by DLSA, Purulia Sadar, for information.

Let another copy of this order be also sent to the District Magistrate, Purulia for information and for taking appropriate steps in this matter.

The petition dt.04.04.2024 for compensation to the victim girl is accordingly disposed of.

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**The detail particulars of the V.G and of the defacto complainant
be sent to the Secretary, District Legal Services Authority, Purulia
(Sadar) in sealed cover (to prevent disclosure of identity of the V.G in any
manner) for opening of bank account in the name of the V.G for deposit
of the cheque of interim compensation amount to be paid by the State.**

To date (18.04.2024).

D/c. by me

Judge

**ADJ, 2nd Court, Purulia.
[Spl. Court under POCSO Act]
J.O. Code : WB00673.**

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