

P. Rathinam

Vs

Union of India and Others

Writ Petition (Criminal) No. 381 of 1988

(Ranganath Misra, M. N. Venkatachaliah JJ)

28.10.1988

ORDER

1. The State has filed an affidavit pursuant to the notice indicating therein that four of the police officers of the different grades said to be involved in the incident of rape have since been suspended from service, taken into custody and are being proceeded against. The matter is under investigation and learned counsel assures us that as soon as investigation is over if a prima facie case is found, charge-sheet shall be submitted without delay. We find that the accused persons are in custody, their bail having been cancelled by the High Court.

2. The victim Kalpana Sumathi in our view has become entitled to reasonable compensation. She has undergone treatment for a long period away from house and at a place out of the State; she has undergone a lot of suffering - physical and mental. An interim compensation of Rs. 20,000 is directed to be paid to her by the State within two weeks hence. Whether she would be entitled to any further sum of compensation is left open to be decided any leave is granted to the petitioner to apply to this Court after the criminal trial reaches finality at the trial stage. The payment of Kalpana shall be made by the District Magistrate of Dharampura either personally or through a competent officer to ensure actual payment and a report of compliance shall be made to the Registry of this Court. Writ petition is disposed of accordingly.

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