

No. Gen/XIX/Misc/1335/2024/1820

Dated: 11/12/2024

From: Registrar General,
Rajasthan High Court,
Jodhpur.

To : All the District & Sessions Judges.

Sub. : Circulation of order dated 04.11.2024 passed by Hon'ble the Supreme Court of India, New Delhi in Criminal Appeal No. 4495/2024, Saibaj Noormohammad Shaikh Vs. State of Maharashtra & anr.

Sir,

While enclosing herewith a copy of order dated 04.11.2024 passed by Hon'ble the Supreme Court of India, New Delhi in Criminal Appeal No. 4495/2024, Saibaj Noormohammad Shaikh Vs. State of Maharashtra & anr, I am under direction to request you to circulate the same amongst all the Presiding Officers of Subordinate Courts situated in your Judgeship for information and necessary action.

Yours sincerely,

Encl. : As above.


11/12
REGISTRAR (ADMN.)

All Communications Should be
Addressed to Registrar by
Designation and not by Name.
Pin Code - 110001

BY SPEED POST

D. No. 35415/2024

SEC-II-A

SUPREME COURT OF INDIA

NEW DELHI

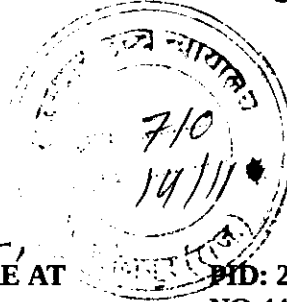
07th November, 2024

From:

The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

- 1 THE REGISTRAR, GENERAL,
HIGH COURT OF JUDICATURE AT
BOMBAY,
DISTRICT- MUMBAI, MAHARASHTRA
PID: 248806/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 2 THE REGISTRAR GENERAL,
HIGH COURT OF ANDHRA PRADESH AT
AMRAVATI, AMRAVATI
DISTRICT- AMRAVATI, ANDHRA PRADESH
PID: 248809/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 3 THE REGISTRAR GENERAL,
HIGH COURT FOR THE STATE OF
TELANGANA AT HYDERABAD,
DISTRICT- HYDERABAD, TELANGANA
PID: 248810/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 4 THE REGISTRAR GENERAL,
GAUHATI HIGH COURT,
DISTRICT- GUWAHATI, ASSAM
PID: 248812/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 5 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT PATNA,
DISTRICT- PATNA, BIHAR
PID: 248813/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 6 THE REGISTRAR GENERAL,
HIGH COURT OF CHHATISGARH AT
BILASPUR,
DISTRICT- BILASPUR, CHHATTISGARH
PID: 248815/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 7 THE REGISTRAR GENERAL,
HIGH COURT OF DELHI AT NEW DELHI,
DISTRICT- NEW DELHI, DELHI
PID: 248816/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 8 THE REGISTRAR GENERAL,
HIGH COURT OF GUJARAT AT
AHMEDABAD,
DISTRICT- AHMEDABAD, GUJARAT
PID: 248817/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 9 THE REGISTRAR GENERAL,
HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA,
DISTRICT- SHIMLA, HIMACHAL PRADESH
PID: 248818/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 10 THE REGISTRAR GENERAL,
HIGH COURT OF JAMMU & KASHMIR AND
LADAKH AT JAMMU,
DISTRICT- JAMMU, JAMMU & KASHMIR
PID: 248819/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 11 THE REGISTRAR GENERAL,
HIGH COURT OF JHARKHAND AT RANCHI,
DISTRICT- RANCHI, JHARKHAND
PID: 248820/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)



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- 12 THE REGISTRAR GENERAL,
HIGH COURT OF KARNATAKA AT
BENGALURU,
DISTRICT- BANGALORE, KARNATAKA
PID: 248821/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 13 THE REGISTRAR GENERAL,
HIGH COURT OF KERALA AT
ERNAKULAM,
DISTRICT- ERNAKULAM, KERALA
PID: 248822/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 14 THE REGISTRAR GENERAL,
HIGH COURT OF M.P PRINCIPAL SEAT AT
JABALPUR,
DISTRICT- JABALPUR, MADHYA PRADESH
PID: 248823/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 15 THE REGISTRAR GENERAL,
HIGH COURT OF ORISSA AT CUTTACK,
DISTRICT- CUTTACK, ORISSA
PID: 248824/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 16 THE REGISTRAR GENERAL,
HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH,
DISTRICT- CHANDIGARH, CHANDIGARH
PID: 248825/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 17 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR,
DISTRICT- JODHPUR, RAJASTHAN
PID: 248826/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 18 THE REGISTRAR GENERAL,
HIGH COURT OF SIKKIM AT GANGTOK,
DISTRICT- EAST, SIKKIM
PID: 248827/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 19 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT MADRAS
AT CHENNAI,
DISTRICT- CHENNAI, TAMIL NADU
PID: 248828/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 20 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
ALLAHABAD,
DISTRICT- ALLAHABAD, UTTAR PRADESH
PID: 248829/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 21 THE REGISTRAR GENERAL,
HIGH COURT OF UTTARAKHAND AT
NAINITAL,
DISTRICT- NAINITAL, UTTARAKHAND
PID: 248830/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 22 THE REGISTRAR GENERAL,
HIGH COURT AT CALCUTTA,
DISTRICT- KOLKATA, WEST BENGAL
PID: 248831/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 23 THE REGISTRAR GENERAL,
HIGH COURT OF MANIPUR AT IMPHAL,
DISTRICT- IMPHAL WEST, MANIPUR
PID: 248832/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)
- 24 THE REGISTRAR GENERAL,
HIGH COURT OF MEGHALAYA,
DISTRICT- EAST KHASI HILLS,
MEGHALAYA
PID: 248833/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)

25 THE REGISTRAR GENERAL,
HIGH COURT OF TRIPURA AT
AGARTHALA,
DISTRICT- WEST TRIPURA, TRIPURA

PID: 248834/2024 IN CRL.A.
NO.4495/2024 (SEC II-A)

CRIMINAL APPEAL No. 4495 OF 2024

SAIBAI NOORMOHAMMAD SHAIKH

... Petitioner(s)

THE STATE OF MAHARASHTRA AND
ANOTHER

Versus

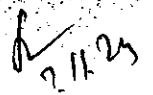
... Respondent(s)

Sir,

I am directed to forward herewith, a certified copy of the order of this Court, as contained in the record of proceeding dated **04th November, 2024** passed by this Hon'ble Court in the matter above-mentioned for your information, necessary action and compliance.

Please acknowledge receipt.

Yours faithfully,



ASSISTANT REGISTRAR

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 4495 OF 2024
(@ Special Leave Petition (Crl.) No. 13890/2024)

SAIBAJ NOORMOHAMMAD SHAIKH

... APPELLANT (S)

VERSUS

24092305

STATE OF MAHARASHTRA & ANR.

... RESPONDENT (S)

O R D E R

Leave granted.

Certified to be true copy
Assistant Registrar (Judl.)
2024
Supreme Court of India

By order dated 14.10.2024, Shri Sanjay Hegde, learned senior counsel was requested to appear as Amicus Curiae for respondent no.2/victim along with Shri Mukund P. Unny, learned Advocate-on-Record (AOR) as instructing counsel in the matter.

We have heard Shri Karl Rustomkhan, learned counsel for the appellant, Shri Prastut Mahesh Dalvi, learned counsel for the respondent/State and Shri Sanjay Hegde, learned senior counsel/Amicus Curiae along with Shri Mukund P. Unny, learned counsel for respondent no.2/victim and perused the material on record.

Being aggrieved by dismissal of the Interim Application No.951/2020 in Criminal Appeal No.306/2020 on 14.03.2024 by the Bombay High Court under Section 389 of the Code of Criminal Procedure of India, 1973 (CrPC) seeking suspension of sentence and grant of bail, the appellant is before this Court.

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Briefly stated, the facts are that the appellant was convicted for the offences punishable under Sections 376-D, 354 of the Indian Penal Code (IPC) and Section 4 of the Protection of Children from Sexual Offences Act ('POCSO Act' for short) and sentenced to suffer twenty years imprisonment with fine of Rs.10,000/- and in default, to undergo simple imprisonment for six months. For the offence punishable under Section 4 of the POCSO Act, the appellant was sentenced to undergo ten years' rigorous imprisonment and fine of Rs.2,500/- and in default, to undergo simple imprisonment for one month.

Being aggrieved by the conviction and sentence imposed, the appellant has preferred Criminal Appeal No.306/2020 before the High Court. In the said appeal, Interim Application No.951/2020 was filed seeking suspension of sentence and bail. By impugned order dated 14.03.2024, the said application has been dismissed. Hence, this appeal.

During the course of submission, learned counsel for the appellant contended that no doubt the Sessions Court has convicted the appellant and has imposed the sentences, as referred to above; that the appellant has already undergone nine years and seven months of actual sentence and ten years and seven months of sentence with remission; that 50% of the

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of victim compensation scheme and under the said provision, it is noted that direction for payment of victim compensation is to be implemented by the District Legal Services Authority or the State Legal Services Authority, as the case may be, and the compensation has to be released to the victim as early as permissible.

On a reading of the order and judgment of the Trial Court, which has convicted the appellant herein for the offence, *inter alia*, under Section 376-D of the IPC except imposing the fine of Rs.12,500/- (Rs.10,000/- + Rs.2,500/-), we find that no direction for payment of victim compensation to the second respondent/victim has been ordered. Such a lapse on the part of Sessions Court would only delay payment of any compensation under Section 357-A of the CrPC.

In the circumstances, we direct that a Sessions Court, which adjudicates a case concerning the bodily injuries such as sexual assault etc. particularly on minor children and women shall order for victim compensation to be paid having regard to the facts and circumstances of the case and based on the evidence on record, while passing the judgment either convicting or acquitting the accused. Secondly, the said direction must be implemented by the District Legal Services Authority or State Legal Services Authority, as the case may

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be, in letter and spirit and in the quickest manner and to ensure that the victim is paid the compensation at the earliest.

There can also be a direction for payment of interim compensation which could be made by the Sessions Court depending upon the facts of each case.

For the purpose of implementing the said provision in letter and spirit we direct that a copy of this order be circulated by the Registry of this Court to all the High Courts addressed to the Registrar Generals of the High Courts, who are requested to transmit the said order to all the Principal District Judges in all the Districts of the respective States and for onward transmission to the Sessions Judges dealing with such matters, who are under an obligation to order for victim compensation in an appropriate case.

In the facts and circumstances of the present case, the second respondent shall also be entitled to be considered for compensation under Rule 7 of the POCSO Rules, 2012 and now under Rule 9 of the POCSO Rules, 2020.

Insofar as the present case is concerned, since the Sessions Judge has not awarded any victim compensation to the second respondent, we request the High Court to consider the case for the purpose of awarding of the said compensation,

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which shall be interim in nature, at the earliest.

Before parting, we record our sincere appreciation of the assistance rendered by Shri Sanjay Hegde, learned senior counsel/Amicus Curiae along with Shri Mukund P. Unny, learned Advocate-on-Record as instructing counsel in the matter and particularly for advancing arguments on the payment of the victim compensation to the victims of crime under Section 357-A of the CrPC.

With these observations, the appeal is allowed and disposed of.

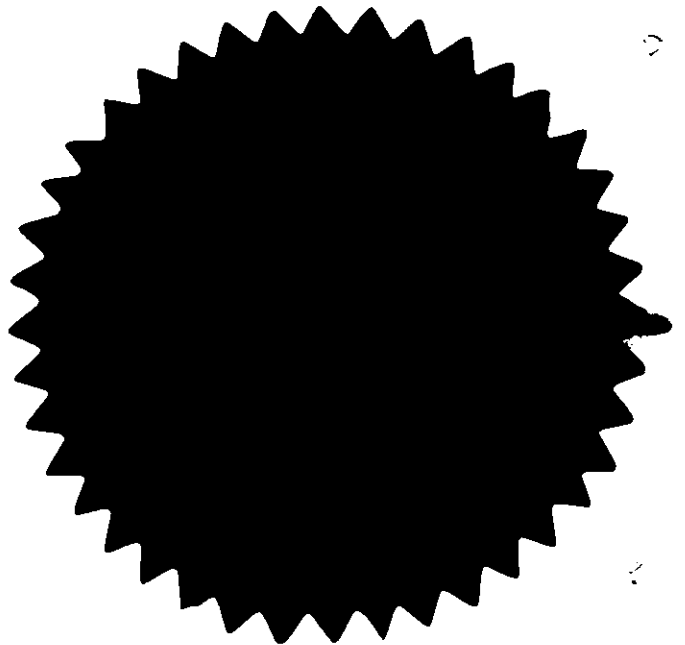


.....J.
[B.V. NAGARATHNA]



.....J.
[PANKAJ MITHAL]

NEW DELHI
NOVEMBER 04, 2024



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SEALED IN MY PRESENCE