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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1959/2021

SAIF ALI alias SOHAN Petitioner
Represented by: Mr.Avadh Kaushik, Advocate.

Versus

THE STATE NCT OF DELHI Respondent
Represented by: Mr.Tarang Srivastava, APP for the
State.
Mr.Kanwal Jeet Arora, Member
Secretary, DSLSA with Ms.Meghna
Nimbekar, LCCRA.

**CORAM:
HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER
06.07.2021**

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The hearing has been conducted through video conferencing.

1. The present bail application had been filed by the petitioner seeking regular bail in case FIR No. 258/2017 under Sections 5 & 6 of the POCSO Act registered at P.S. Baba Haridas Nagar, for the reason, though the petitioner has been convicted by the learned Trial Court vide order dated 20th October, 2020, however, no order on sentence was passed till 3rd June, 2021 as the Victim Impact Report had not been received from DSLSA. At the outset, learned counsel for the petitioner informs that the order on sentence has been passed now and though to that extent, the present bail

application has become infructuous, however, the larger question of delay in receiving the Victim Impact Report still remains to be addressed.

2. Considering the peculiar situation and that two other similar matters were listed before this Court, this Court on 3rd June, 2021 called for a report from the Secretary, DSLSA informing the time required to submit the Victim Impact Report which is essential for determining the compensation, order whereon, has to be passed while awarding the sentence to an accused and as to how many cases of assessment of Victim Impact Report were pending before the DSLSA.

3. Mr. Kanwal Jeet Arora, learned Member Secretary, DSLSA is present through video conferencing and a report has been duly sent to this Court, which is taken on record. As per the report filed by the Member Secretary, DSLSA in compliance of the order dated 3rd June, 2021 passed by this Court, it is stated that the Full Bench of this Court vide judgment dated 27th November, 2020 in CrI.A. 352/2020 titled Karan Vs. State of NCT of Delhi held that the decisions of the Hon'ble Supreme Court in (2013) 6 SCC 770 Ankush Shivaji Gaikwad Vs. State of Maharashtra and (2015) 2 SCC 227 Suresh Vs. State of Haryana, cast a mandatory duty on the Court concerned to apply its mind on the question of awarding the compensation in every criminal case. The Full Bench of this Court thus directed all the Trial Courts in Delhi to take the assistance of the DSLSA in this regard after recording a finding of conviction in order to arrive at an effective and adequate compensation to be awarded to the victim of offence.

4. The learned Member Secretary, DSLSA informs that after the receipt of the order dated 3rd June, 2021 passed by this Court, all the judicial officers have been sensitized at Delhi Judicial Academy for expediting the

procedure, for the reason, immediately on pronouncement of the judgment and on the copy of the judgment having been supplied to the accused who is convicted, 10 days' time is given to the accused to file an affidavit indicating his financial capability to pay the compensation. It is further informed that in some cases where copy of the judgment is not provided to the convict or he is not represented effectively by a lawyer or if his family members are outside, the time taken to file an affidavit stretches beyond 10 days as provided in terms of the guidelines. Thereafter, some time is taken in the affidavit of the convict being received by the DSLSA, based whereon, on additional material and information being collected, the SDM office has to submit the Victim Impact Report. It is stated that fresh efforts have been made to streamline the system of expediting the Victim Impact Report and till today, 173 affidavits of convicts have been received from the various Trial Courts seeking the Victim Impact Report, out of which reports in 106 cases have already been obtained and submitted to the Courts concerned. It is further submitted that the reports in balance 67 affidavits will also be expedited and submitted to the Courts concerned.

5. Since the preparation of Victim Impact Reports would now be an on-going process, the Member Secretary, DSLSA is requested to prepare a further report as to the steps required to be taken to streamline the entire system so that the affidavits in respect of the financial capability of the accused and preparation of the reports take place in a time bound manner.

6. The suggestions in respect of further streamlining the system will be filed by the Member Secretary before this Court well before the next date of hearing.

7. List on 29th July, 2021.

8. Order be uploaded on the website of this Court.

JULY 06, 2021/akb

MUKTA GUPTA, J.