



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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Victims' Compensation under The Criminal Procedure Code, 1973

Meaning of the term “Victim”¹

The term victim refers to an individual/individuals, who have confronted with tremendous harm or deprivation, by another individual/individuals, who is/are regarded as the perpetrator(s).

The victim ends up suffering, in consequence of the commission of a criminal activity, by the perpetrator(s).

Meaning of the concept “Victims' Compensation”²

As stumbled upon earlier, the victims are the individuals, who suffer from deprivation, due to the evildoers. Therefore the Indian Judiciary emphasized the concept of compensation to the victims, under **Article 21** of the **Indian Constitution**, with a view to ascertain their rehabilitation

¹ Criminal Procedure (Amendment) Act, 2008, § 2(wa), No. 5, Acts of Parliament, 2008, (India)

² Anubhav Kumar Pandey, Compensation of victim of crime in India, [Compensation of victim of crime in India - iPleaders](#), (1st April, 2024, 1:00 A.M.)

predominantly. This very provision has also been elucidated under **sec 357** of the **Criminal Procedure Code, 1973** .

In order to get rendered with compensation, the following procedure is required to be followed:

Sec 357 of The Criminal Procedure Code, 1973³ (The Simplification of the sections)

This section emphasizes that, the court, when levies a fine or a sentence (it may be a death sentence as well), in which fine is also a part, in that case, either the entire quantum of fine recovered or a part of it may be directed by the court to be employed to⁴ -

- compensate the victim, so that the victim could meet up the expenditure of the costly litigation, [**sec 357(1)(a)**]
- compensate any person who has suffered certain disservice due to the prejudice, as caused by the censured, when such victim could recover the compensation in a civil court. [**sec 357(1)(b)**]
- compensate the persons, who are denominated to get compensated under the Fatal Accidents Act, 1855, due to the confrontation of the deprivation, as caused by the person, who has been sentenced, [**sec 357(1)(c)**]
- compensate the victims, to whom, theft/criminal misappropriation/criminal breach of trust or cheating has been committed by the accused. Predominantly the court directs for the recovery of the goods, however failure to which, the court orders for compensation. [**sec 357(1)(d)**]

³ Criminal Procedure Code, 1973, § 357, No. 2, Acts of Parliament, 1973 (India)

⁴ Criminal Procedure Code, 1973, § 357(1), No. 2, Acts of Parliament, 1973 (India)

- if a fine has been imposed in an appealable case, in that scenario, no compensation shall be paid up before the presentation or hearing of such appeal has passed. [**sec 357(2)**]
- if the court passes a sentence which is not punishable with fine, in that case, the court may order the accused to pay up a particular amount to the victim, who had undergone deprivation, by exercising its discretionary power. [**sec 357(3)**]

Section 357A (Victims' Compensation Scheme)

- The Victim Compensation Scheme shall be embellished by the State Government, in collaboration with the Central Government, with a view to render funds in order to pay up compensation to the victims as well as their dependents, who had endured deprivation and desire for rehabilitation. [**sec 357-A (1)**]
- If any recommendation is required to determine the quantum of compensation, then the District Legal Service Authority or the State Legal Service Authority shall ascertain it. [**sec 357-A (2)**]
- Moreover, when the compensation awarded under s. 357 is not apposite, for rehabilitation, then the Trial Court may ascertain it. [**sec 357-A (3)**]

- When the offender is not identified or becomes traceless but the victim is recognised and no trial has taken place, then either the victim or his dependents may apply for compensation before State or District Legal Service Authority. [**sec 357-A (4)**]
- Subsequently, the appropriate authority shall proceed with an inquiry and award congruous compensation after the completion of the inquiry, within 2 months. [**sec 357-A (5)**]
- The State or District Legal Service Authority is obliged to provide complementary first aid facilities to the victim, on receipt of the certificate issued by the police. [**sec 357-A (6)**]

Case Law:

Manish Jalan v. State of Karnataka⁵

Apex Court held that after taking into account certain factors, such as the capacity of the accused to compensate, severity of the offence and the consequence on the victim, the quantum of compensation needs to be fixed up.

Conclusion

⁵ Manish Jalan v. State Of Karnataka, AIR 2008 SC 3074

The imperative concept of Victims' Compensation is particularized under Art. 21 of THE CONSTITUTION OF INDIA, as a fundamental right too, besides the CRIMINAL PROCEDURE CODE, which is required to be taken into account before depriving a victim of his/her receipt of compensation.