



CNR: KAHC030026982026

NC: 2026:KHC-K:11584
CRL.A No. 200073 of 2026

IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 28TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CRIMINAL APPEAL NO.200073 OF 2026

(372(Cr.PC)/413(BNSS))

BETWEEN:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

...APPELLANT

(BY SMT. SWATI M.N., ADVOCATE)

AND:

1. THE MEMBER SECRETARY
KARNATAKA STATE LEGAL
SERVICES AUTHORITY,
BENGALURU – 560 027.
2. THE MEMBER SECRETARY,
DISTRICT LEGAL SERVICES AUTHORITY,
DISTRICT COURT PREMISES,
NEAR TAHASIL OFFICE,
BIDAR – 585 401.

...RESPONDENTS

(BY SRI B.C. JAKA, ADVOCATE)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 413 OF BNSS, PRAYING TO, 1. MODIFY THE ORDER DATED 17.10.2022 PASSED IN SPECIAL CASE NO. 174/2020 BY II ADDL. DIST. AND SESSIONS JUDGE BIDAR, SITTING AT BASAVAKALYAN. IN SO FAR AS IT RECOMMENDS THE DLSA, BIDAR TO PAY COMPENSATION OF Rs.25,000/- TO THE





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VICTIM. 2. PASS AN ORDER RECOMMENDING DLSA, BIDAR TO AWARD THE COMPENSATION BETWEEN RS.4,00,000/- TO 7,00,000/- AS PER VICTIM COMPENSATION SCHEME AND ETC.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 31.07.2026 COMING ON FOR 'PRONOUNCEMENT OF JUDGMENT' THIS DAY, THE COURT DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY)

This appeal is filed by the appellant, who is the complainant in the case in Spl.C.No.174/2020 on the file of the learned II Addl. District and Sessions Judge and Special Judge, Bidar sitting at Basavakalyan (for short 'the learned Special Judge') praying to modify the order dated 17.10.2022 of the Special Judge in the said case *insofar* as the trial Court recommends the District Legal Services Authority, Bidar (for short 'DLSA') to pay compensation of Rs.25,000/- to the daughter of the appellant and recommend DLSA to pay enhanced compensation in the range from Rs.4,00,000/- to



Rs.7,00,000/- as per NALSA's Compensation Scheme for Women Victims/ Survivors of Sexual Assault/ other Crimes-2018 (for short 'Victims Compensation Scheme').

2. The appellant is father of the victim in the case in Spl.C.No.174/2020 against the accused for the offence punishable under Section 366A, 376(i), 370(iv) of IPC, Sections 4 and 12 of POCSO Act and Sections 8 and 10 of Prohibition of Child Marriage Act.

3. The case alleged against the accused is that the accused kidnapped victim from her house on 20.12.2019 during night hours, took the victim to Jalimger Kalyan Mantap and married her on 23.12.2019 at about 12.00 noon by tying Tali. Thereafter the accused took the victim to his sister's rented house at Mumbai and committed sexual assault on the victim.

4. The learned Special Judge found the accused guilty of the offence punishable under Sections 366A,



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376(1), 370(4) of IPC, Sections 8 and 10 of Prohibition of Child Marriage Act and Sections 4 and 12 of POCSO Act as per the judgment dated 17.10.2022 and thereby as per the order dated 18.10.2022 sentenced the accused as hereunder:

- to undergo rigorous imprisonment for 7 years and to pay fine of Rs.8,000/- for the offence punishable under Section 366A of IPC, in default to pay fine, to undergo simple imprisonment for one year,
- to undergo rigorous imprisonment for 10 years and to pay fine of Rs.10,000/- for the offence punishable under Section 376(1) of IPC, in default to pay fine, to undergo simple imprisonment for one year,
- to undergo rigorous imprisonment for 10 years and to pay fine of Rs.10,000/- for the offence punishable under Section 370(4) of IPC, in default to pay fine, to undergo simple imprisonment for one year,
- to undergo rigorous imprisonment for one year and to pay fine of Rs.5,000/- for the offence punishable under Sections 8 and 10 of Prohibition of Child Marriage Act, in default to pay fine, to undergo simple imprisonment for 2 months,
- to undergo rigorous imprisonment for 10 years and to pay fine of Rs.10,000/- for the offence punishable under Section 4 of POCSO Act, in



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default to pay fine, to undergo simple imprisonment for one year, and

- to undergo rigorous imprisonment for one year and to pay fine of Rs.2,000/- for the offence punishable under Section 12 of POCSO Act, in default to pay fine, to undergo simple imprisonment for one month.

The sentences of imprisonment shall run concurrently.

5. The learned Special Judge has also directed that on deposit of the fine amount, Rs.25,000/- out of the fine amount shall be given to the victim girl/ PW6 as compensation, as provided under Section 357(1)(b) of Cr.P.C. Further, as per Section 33(8) of POCSO Act and Rule 7(2) of the Protection of Children from Sexual Offences Rules, 2012 (for short 'POCSO Rules'), DLSA is recommended to pay compensation of Rs.25,000/- to the victim under Victims Compensation Scheme.

6. Being aggrieved by the quantum of compensation ordered to be paid to the victim under



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Victims Compensation Scheme, the appellant is before this Court in the present appeal.

7. The main contention of the appellant is that the compensation recommended by the learned Special Judge payable to the victim is very much meager. The learned Special Judge has recommended DLSA, Bidar to pay a sum of Rs.25,000/- as compensation to the victim/ PW6 under Victim's Compensation Scheme. It is true that out of the fine amount, an amount of Rs.25,000/- is ordered to be paid to the victim under Section 357(1)(b) of Cr.P.C.

8. The compensation payable under Section 33(8) of POCSO Act is as per Victims Compensation Scheme. The learned counsel for the appellant has drawn the attention of this Court to the Victims Compensation Scheme, wherein the compensation payable to the victim under unnatural sexual assault is Rs.4,00,000/- to Rs.7,00,000/-. This would show that



minimum limit of compensation is Rs.4,00,000/- and upper limit is Rs.7,00,000/-.

9. Moreover, as per the Victims Compensation Scheme, some of the factors to be considered while awarding compensation are as under:

- a. Gravity of the offence and severity of mental or physical harm or injury suffered by the victim;*
- b. Expenditure incurred or likely to be incurred on the medical treatment for physical and/or mental health including counselling of the victim, funeral, traveling during investigation/ inquiry/ trial (other than diet money);*
- c. Loss of educational opportunity as a consequence of the offence, including absence from school/college due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;*
- d. Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason.*



The above facts would show that the gravity of the offence and severity of mental and physical harm of the victim shall be one of the factors for determining the compensation.

10. In the case on hand, the victim was subjected to aggravated sexual assault by the accused and she was aged about 16 years at the time of incident. She suffered sexual assault. Therefore, trauma suffered by the victim would show that the compensation of Rs.25,000/- under Victims Compensation Scheme is very much meager.

11. It is relevant to refer to the order dated 27.06.2023 of the coordinate Bench of this Court in **Crl.A. No.100269/2022 (Smt. Lalita W/o. Narasimha Siddi vs. State of Karnataka and Another)**, wherein referring to the decision of the Hon'ble Apex Court in **WP(C) No.565/2012 (Nipun Saxena and Another Vs. Union of India and Others)** and the case of Delhi High Court in **Crl.A.**



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No.63/2022 (“X” Vs. State of NCT Delhi (Acting through its Secretary) and Another), the provision of Victims Compensation Scheme and the compensations payable under Sections 357(1) and 357A of Cr.P.C., are dealt with in detail and in the similar case compensation payable to be victim of the case under POCSO Act is enhanced. It is held in the said decision that:

“While fixing the compensation in between Rs.4,00,000/- to Rs.7,00,000/- i.e., minimum and maximum, the trial Court Judges shall have to appreciate the evidence on record in terms of Rule 9(3)(i) to (xii) of Rules 2020.”

It is also held in the said decision that:

“The NALSA’s Scheme 2018 provides for 50% enhancement if the victim is minor. In the present case victim is not only minor but also mentally retarded and dumb, therefore, in terms of Rule 9(3) of NALSA’s Scheme 50% of Rs.7,00,000/- has to be awarded which would come to Rs.3,50,000/-. Thus, the victim is entitled for total compensation of (Rs.7,00,000/- + Rs.3,50,000/-)= Rs.10,50,000/-.”



12. The facts of the above referred decision of the coordinate Bench of this Court are not similar to the facts of the case on hand. But in the said case and also in the case on hand the offence alleged against the accused is punishable under POCSO Act and the victim is minor, that too, she is child within the meaning of POCSO Act. Hence, considering the facts of the case and evidence available on record, it would be clear that the victim is entitled to maximum compensation of Rs.6,00,000/- as she being the child aged about 16 years subjected to sexual assault. The factors to be considered while awarding the compensation as per the Victims Compensation Scheme, it is clear that the amount of Rs.6,00,000/- would be just and reasonable compensation payable to be victim. Hence, in the case on hand, considering the facts and circumstances of the case the victim shall be entitled to the compensation of Rs.6,00,000/-. As per the facts of the case, the incident



took place in the month of December 2019 and at that time the victim was aged 16 years. Hence, now the victim should have already attained age of majority. Therefore, the compensation is payable to her and hence, this appeal deserves to be allowed and the compensation payable to the victim deserves to be enhanced accordingly.

13. In the result, I proceed to pass the following:

ORDER

- i) The appeal is allowed.
- ii) Consequently, the compensation payable to the victim under the Victims Compensation Scheme is enhanced from Rs.25,000/- to Rs.6,00,000/-.
- iii) The DLSA, Bidar, is recommended to pay the amount of Rs.6,00,000/- to the victim as compensation.



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- iv) On deposit of the compensation amount, the entire amount shall be payable to the victim, as she has already attained the age of majority.

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

SBS
List No.: 1 Sl No.: 64