

**JAMMU & KASHMIR STATE JUDICIAL ACADEMY
HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

**One Day Special Training Programme
On
“Sentencing and Victims Compensation Scheme,
Rights of Victim and Accused relating to Sentencing,
Choosing Appropriate Sentence”**



PRESS RELEASE

Jammu, April, 01, 2018: Jammu & Kashmir State Judicial Academy organised One Day Special Training Programme on “Sentencing and Victims Compensation Scheme, Rights of Victim & Accused relating to Sentencing and Choosing Appropriate Sentence” for Judicial Officers of Jammu, Samba, Kathua, Ramban, and Udhampur Districts on 1st of April, 2018 in the J&K State Judicial Academy, at Janipur, Jammu.

The training programme was inaugurated by Hon’ble Mr Justice Ramalingam Sudhakar, Acting Chief Justice, High Court of J&K (Chief-Patron J&K State Judicial

Academy) alongwith Hon'ble Mr Justice Alok Aradhe, Chairman, J&K State Judicial Academy, Hon'ble Mr Justice Janak Raj Kotwal, Member, J&K State Judicial Academy and Hon'ble Mr Justice O.P. Sharma, Former Judge, High Court of J&K today on 1st of April, 2018. All the Judicial Officers of Jammu, Samba, Kathua, Ramban, and Udhampur Districts participated in the programme.

Proceedings were conducted by Mr. Abdul Rashid Malik, Director, J&K State Judicial Academy. In his introductory remarks, Director, State Judicial Academy extended warm welcome to Hon'ble Mr Justice Ramalingam Sudhakar, Acting Chief Justice, High Court of J&K (Chief-Patron J&K State Judicial Academy), Hon'ble Mr Justice Alok Aradhe, Chairman, J&K State Judicial Academy and Hon'ble Mr Justice Janak Raj Kotwal, Member, J&K State Judicial Academy, Hon'ble Mr Justice O.P. Sharma, Former Judge, High Court of J&K and all the Judicial Officers for gracing the occasion. While introducing the subject of the Special Training Programme, Mr. Malik said that Sentencing is crucial strategy of criminal law, in achieving social defence and rehabilitation of the convict. It is a facet of the Social Justice and the Court has a very important role in it. The personality of sentencing Judge permeates the sentencing process to a very great extent. As a Judge, while administering Justice, is influenced by the tides and currents of the human emotions and patience, like human beings. But the Judge is by law to restrain and control such emotions else he will not be qualified to try a criminal case and impose the sentence after conviction has been recorded. While the award or refusal of compensation in a particular case may be within the Court's discretion, there exists a mandatory duty on the Court to apply its mind to the question in every criminal case. Application of mind to the question is best disclosed by recording reasons for awarding or refusing compensation.

Hon'ble Mr Justice Ramalingam Sudhakar, Acting Chief Justice, High Court of J&K in his inaugural address emphasised upon the Judicial Officers to address the plight of the victims of crime at the time of sentence and ensure that the sentence is appropriate keeping in mind the aggravating and mitigating circumstances taking into account the society's cry for justice. He highlighted that Sentencing is a solemn duty in the Criminal Justice System. One of the prime objectives of the Criminal Law is imposition of appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. The victim can never be ignored. The courts shall also ensure that the J&K Victims Compensation Scheme, 2013 is implemented in letter and spirit. The law confers a solemn duty on the court to apply its mind to the question of compensation in every criminal case. It necessarily follows that the court must disclose that it has applied its mind to this question in every criminal case. Judgment writing is a divine duty and the Judge is required to work very hard and study relentlessly to discharge this solemn duty. The quality of judgments determines the quality of Justice and the trust and confidence of the people upon the institution of Judiciary.

Hon'ble Mr Justice Alok Aradhe, Chairman, J&K State Judicial Academy in his special address said that it is the duty of all the Judicial Officers to appreciate the relevant Provisions of CrPC and the J&K Victim Compensation Scheme, 2013 to ensure that victims of crime are compensated. Today's Special Training Programme assumes great significance in this direction. He expressed the hope that the working sessions of the programme will sensitize all the participating Judicial Officers on the subject of Sentencing and Victim Compensation.

Hon'ble Mr Justice, Janak Raj Kotwal, Member, J&K State Judicial Academy in his special address said that Section 545 of CrPC confers a duty on the Court to apply its mind to the question of compensation in every criminal case. It necessarily follows that the Court must disclose that it has applied its mind to this question in every criminal case. And under Section 545 A, the Government is required to prepare a Scheme for providing funds for the purpose of compensation to the victim or his dependants who have suffered loss or injury as a result of the crime and who require rehabilitation. That is why Government of J&K has framed J&K Victim Compensation Scheme, 2013. It is the duty of all Judicial Officers to keep in mind the plight of the victims of crime while deciding the question of sentence.

Resource Persons Hon'ble Mr Justice, O.P. Sharma and Mr. Abdul Rashid Malik, Director, J&K State Judicial Academy deliberated upon the Concept & Evaluation of Sentencing, Sentencing in murder trials, Sentencing in trial of offences against women, children and rights of accused relating to sentencing. Mr. Abdul Rashid Malik, Director J&K State Judicial Academy made an impressive PowerPoint presentation on History and Evolution of Sentencing as well as J&K Victims Compensation Scheme, 2013.

The function concluded with the vote of thanks by Mr. Abdul Rashid Malik, Director, J&K State Judicial Academy.