

VICTIMOLOGY AND POSITION OF PERSONS GROUNDLESSLY ARRESTED: AN ANALYSIS

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ABSTRACT

The main idea behind devising any law is this that it must directly or indirectly benefit whole society. Thus, it can be safely concluded that laws are made for welfare of whole society. In India, both Legislation and Judiciary have taken adequate steps for the welfare of the society. In case of Criminal law, they make or interpret law, whichever the case may be, by protecting rights of victims of Crimes. They have created and modified the law according to the need of society. Laws related to compensation for victims of crime is made with a two-fold strategy i.e., by benefiting the victims and restoring them to the condition in which they were before the act of crime is done against them. The Legislation has completed their duty by making adequate laws in this regard and the Judiciary had also fulfilled their part by interpreting laws in such way that proper justice may be imparted and also by filling gaps at places where the law made by the legislature is not sufficient in providing justice to the victims of the cases which comes to them.

Victimology as a branch of Criminal Jurisprudence talks about the relation between victims, crimes and criminal administration. It studies the psychological status of the victim when the crime happened with a particular with him. This paper will deal about the legal status of a person who is groundlessly arrested and what remedies are given in different laws for his benefit.

Keywords: *Groundlessly arrested person, Victim, Victimology, Code of Criminal Procedure, 1973, Constitution of India etc.*

1. INTRODUCTION

Crimes have affected a large number of people around the world. Victims are usually those innocent persons who are trapped by the criminals. Crimes often affect victims physically, socially, financially, emotionally. Though, victims are the persons who are affected by the crimes and must be dealt sympathetically but still a social stigma generally revolves around the victims which, in addition, adversely affect the condition of victims. Thus, it is often seen that the victims remain the “forgotten person” in the justice system which increases the suffering of the victim, who had already endured so much because of the crime happened against them.

This is often considered as a lacuna of the criminal justice system that it is operated by its so-called-administrators in such way which compels victims to keep their identity low in society. This, ultimately, ends the whole purpose of the criminal justice systems which primarily aims in uplifting and providing justice to the victims. Another reason why victims generally don't open up to society out tragedy befallen over them is the fear of being shunned by the society. People often consider that victims of certain crimes are disgrace to their society, these unrealistic and unsympathetic approaches of general people leads to further degradation victim's condition, who had already suffered because of the crime.

In Criminal Jurisprudence, it is very important that to impart justice. This can be done only when proper study of victim's psychology is done. If the Judges or Legislators have knowledge about certain details about victim's condition such as;

What is the psychological status of a victim?

What he has suffered?

How he became the victim?

Does the crime done against him deliberate in nature? or was he a random victim?

How is his physical condition?

How the crime had affected him and his family?

How the crime had affected his social life?

How it had affected his social status?

What more losses had he suffered because of the crime happened against him?

With question, such as these, answered, proper justice can be given to the victim. All these crucial details, and many more are being dealt in a branch of Criminology, which is called as Victimology.

Victimology is a science which deals with various facts and circumstances, as to why and how, a person becomes victim. It also deals with the subtle science of dealing with a victim, understanding their psychology and dealing with their delicate condition. If this study is done properly then it can be helpful to both Judges and Legislature to interpret and make law, respectively, in such manner that it benefits the both the society and the victims. It will also help in achieving the ultimate aim of law, i.e. to impart proper justice. This particular fact, makes the study of victimology one of the most important branches of law. Victims are those persons who have suffered some loss as a result of some mishap, and in case of criminal law, the victim is the person with whom certain crime has happened. Victimology studies about the relation between victim and crime and criminal justice administration.

The concept of victimology is fairly young branch of law, being originated in 1947, by a French lawyer, which focus on the relationship between the victim and offender and how the criminal justice system affects the victim. At first this concept revolved around the fact that how the victim himself is responsible for what tragedy had befallen over him. But, owing to the sensitivity of the subject, this subject has been developed with time and now the new meaning of victimology has emerged. Victimology tells us about the various rights of the Victim. It is the science which deals with the psychology of the victim and how the crime affects him.

Mostly a person is arrested when they have done any act against law. The main aim being arresting any person is to stop them from committing any further crime and also to take them in Court, where the learned judge can punish them according to the crime done by them. But what if a person is arrested wrongfully? Then in this situation, if he is not able to give sufficient evidences to prove his innocence in front of the Court, he will be punished for the crimes which he has not even committed. Such persons who are arrested without any proper ground are called as persons Groundlessly arrested. A Groundlessly Arrested person is also considered as a victim, because he has to suffer baseless mental agony and torture for something which he has not done. These persons get compensation by the court of law, if they prove their innocence.

Legally, groundlessly arrested persons are those persons who are arrested on the basis of certain facts, which, the complainant or the police thinks are sufficient for causing arrest of that person. But in reality there are no sufficient grounds for that person to get arrested. In such case compensation is provided by the court under section 358 of the Code of Criminal Procedure, 1973. to the person with whom the wrong was committed. While, it is up to the court to decide who should compensate the victim. The court can order the person who had filed the complaint with the police because of which the person is subsequently arrested. In same way the court can also ask the police to compensate the Victim or they can also ask the State to compensate the victim. It all depends upon the situation which had prevailed during that time period.

2. WHO IS A VICTIM?

A victim is a person who have suffered from the crime. the term victim is defined in **Oxford English Dictionary** as;

Victim is a person who is put to death or subjected to misfortune by another; one who suffers severely in body or property through cruel or oppressive treatment; one who is destined to suffer under some oppressive or destructive agency; one who perishes or suffers in health etc., from some enterprise voluntarily undertaken.”

Article 1 of the **UN Declaration of Basic Principles of Justice** for victim of crime and abuse of power, 1985 says;

Victims means persons who, individually or collectively, have suffered harm, including physically or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that re in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

Similarly, **Article 2** says;

A person may be considered a victim, under this declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

The Criminal Procedure Code, 1973 also defines Victim in **Sec. 2 (wa)**¹ inserted in the Code of Criminal Procedure (Amendment) Act, 2008

“Victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” included his or her guardian or legal heir;

Crimes affects a large number of persons around the globe. It not only affects victims physically but also psychologically. In India, law related to victimology is not very old. Victims are generally considered as those persons who have suffered from certain crime. He is the person against whom certain crime has been happened. The victim is generally on the receiving end of the crime. Generally, Criminals are arrested by the police so that they cannot further violate other people’s rights. But if a person is arrested without sufficient proof or reason, then such arrest will only result in suffering. Thus, in this case the arrested person himself becomes victim as his right of liberty is taken away from him, that too without any sufficient cause. Thus, in case of a groundlessly arrested person, the person who is arrested becomes the victim. He is entitled to get compensation under section 358 of Code of Criminal Procedure, 1973.

3. VICTIMOLOGY

Victimology can be easily defined as scientific study of Victimization, including the relationships between victims and offenders, the interactions between the victims and the criminal justice system; that is, the police and courts, and correctional officials, it also includes connections between victims and other social groups and institutions, such as media, businesses and social movements.²

Drapkin and Viano (1974) – Victimology is the branch of Criminology which primarily studies the victims of the crime and everything that is connected with such victim.”³

Thus, Victimology has emerged as a branch of criminology dealing exclusively with the victims of crime who need to be treated with compassion and rendered compensation and assistance under the criminal justice system.⁴

We can say that study of victimology, in narrow sense, is Empirical in nature, which means that we can consider it as a general issue of crime, as in it we study victims of crime in factual nature as well as we relate it closely to criminology.

In broader sense, victimology is the entire body of knowledge regarding victims, victimization and the efforts of society to perverse the rights of the victim.⁵ Hence, it is composed of knowledge drawn from such fields as criminology, law, medicine, psychology, social work, politics, education and public administration.⁶

Term ‘victim’ is used to define all those people who have experienced any form of loss, injury or hardship because of any reason and one such reason maybe crime. thus, victimology is the study of all those persons who have experienced loss, injury or hardship because of any reason. It also includes the study of characteristics of a victim, called as ‘victim profiling’.⁷

¹ Section 2(wa) of the Code of Criminal Procedure, 1973 [Inserted by Amendment Act of 2009 Act 5 of 2009]

² Dr. N.V. Paranjape, Criminology and Penology with Victimology, 663, 15th Ed., Central Law Publications Ltd., Allahabad, 2011

³ Randhawa, Gurpreet singh, Victimology and Compensatory Jurisprudence, 43, 1st Ed., Central Law Publications, Allahabad, 2011

⁴ Paranjape, supra note 3, 663

⁵ Apurva Rathee, A brief study of concepts of Victimology and Rights of Victims under Indian law, July 02 2018, 11.42 PM https://lawschoolnotes.wordpress.com/2016/10/04/a-brief-study-of-concepts-of-victimology-and-rights-of-victims-under-indian-law/#_ftn5

⁶ Randhawa, supra note 4, 42

⁷ Paranjape, supra note 3, 663

4. POSITION OF GROUNDLESSLY ARRESTED PERSON

In India, the administration of Criminal Justice system is made in such way that it shows concern for both the accused person and victim. This is done by giving them both certain rights and liabilities. Both rights and liabilities are given to the accused person and the victim. This is done so that both accused person and victim gets those basic human rights which every human ought to get as per the Indian Constitution and also according to the principles of natural justice. However, no matter how many rights the law gives to citizens of India, if a person has committed any crime then he is punished for it.

After a crime is committed, the victim usually approaches the police station for lodging a First Information Report (FIR) against the accused person and based on that report the police inquires the matter and then arrest that person after completing all necessary requirements. This is a normal procedure which is followed by the police officers. But what if the arrested person is not guilty? What if the information given to the police officers is wrong? What if they had arrested a wrong person? In all these cases the person is innocent. He is groundlessly arrested on pretext of some misunderstanding or wrong information. Whatever be the reality, the ultimate fact, in such situation, will be that the person is arrested and kept in jail. He will be treated like a criminal in the police station, and by general society. He will be considered as a criminal by whole society This may destroy his whole reputation in the society. He may be shunned by the right minded people. He may feel shameful in front of his family. He has to appear in front of the Court to prove his innocence. For appearing into Court, he has to take help of an advocate for his representation and for proving his innocence. All these things will consume his financial resources, physical and mental wellbeing. Thus, even after being innocent, if a person has to bear all these problems, then in a way he becomes a victim. This is a lacuna of our system that such innocent persons have to suffer because of loopholes in our law and that too without any proper reason. Such person has to face endless stress and mental agony. Thus, strictly in a way, this groundlessly arrested person becomes a victim. In order to solve this problem, section 358 of the Code of Criminal Procedure, 1973 is introduced. So that relief in form of adequate compensation maybe provided to such victim.

4.1 Who is a Groundlessly Arrested person?

A groundlessly arrested person is a person who is arrested as a result of false or insufficient complaint done by any person and, if, during hearing the case, the trial court is of opinion that such person is arrested groundlessly by the officer, then the court can provide compensation of Rs. 1000. In case of arrest of more than one person then the court can provide compensation to each person separately. This provision is provided in section 358 of Code of Criminal Procedure, 1973.

Section 358 in The Code of Criminal Procedure, 1973 says;

“358. Compensation to persons groundlessly arrested.

(1) Whenever any person causes a police officer to arrest another person, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding one hundred rupees, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit.

(2) In such cases, if more persons than one are arrested, the Magistrate may, in like manner, award to each of them such compensation, not exceeding one hundred rupees, as such Magistrate thinks fit.

(3) All compensation awarded under this section may be recovered as if it were a fine, and, if it cannot be so recovered, the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the Magistrate directs, unless such sum is sooner paid.”

4.2 Groundlessly Arrested Person & Victim Compensation Scheme under the Code of Criminal Procedure, 1973

Victim Compensation Scheme under Code of Criminal Procedure, 1973, is given under ss.357, 357A, 357 B, 357 C, 358, 359 and 250 of the Code of Criminal Procedure, 1973. Section 358 of the Code of Criminal Procedure, 1973, is made, specifically, with aim of protecting a groundlessly arrested person. When a person is groundlessly arrested, he, in a way becomes victim, his right of personal liberty under article 21 and move freely is unreasonably taken away from him and he have to suffer mental and at times physical agony because of this. Section 358 of the Code of Criminal Procedure, 1973, gives power to the Court to order that Compensation must be paid to persons who are arrested by the police.

Contextually the section 358 of the Code of Criminal Procedure, 1973, does not fit into this scheme because it does not directly give compensation to the victim of the crime. it empowers the magistrate to, suo moto, order compensation no

exceeding Rs. 100, against a person, who, without sufficient grounds, cause a police officer to arrest another person.⁸ Thus, it can be said that this provision does not provide compensation to the victim. But if one looks closely then they may realise that in reality the person who is arrested groundlessly has to face a number of things. He has to undergo mental stress and financial problems. Along with him his family also suffers. Thus, compensation is actually being provided to a person who arrested for a crime which he has not even committed.

Section 358 of the Code requires that there must be some direct proximate nexus must be present between the informant and the arrested person.⁹ When on the receipt of an information about the commission of cognisable offence, a police officer investigates into the same and then decides the future course of action as to whether the accused should be saddled with the penalty contemplated under section 358 of the Code merely arrested or not, the informant cannot be because had set the law into motion.¹⁰

Similarly, before giving compensation order, the complainant must be give a show cause opportunity. This is the principle of natural justice. However, if the person who is groundlessly arrested is discharged because of no evidence and if no cognizance of the offence is taken against him or if no case is being heard against him, then no compensation will be awarded to him under the section 358 of Code of Criminal Procedure, 1973.

The compensation is paid by the person who has informed police to arrest that person wrongfully and without any sufficient cause. However, at times the police officer who had arrested the person also have to pay compensation if he himself has arrested him. Thus, if a person has wrongfully informed police and because of the same any person is arrested then the court can order that person to pay compensation under sec 358. However, for applying this provision under section 358, it must be proved that there is direct relation between the informant and the arrest which is made on the basis of the information given by him.

Sometimes, the Court also order the State to pay compensation to victims if the victim is arrested because of the failure of police to properly conduct prosecution proceedings. Similarly, at times, the police are ordered at time to pay compensation to the victims, if the victim is wrongfully arrested because of their mistake. In one case, Bombay High Court ordered the complainant to pay the cost to the Government, rather than to the defendant.¹¹

If a person is arrested Without any proper ground, then it can be summarised that the person Is arrested unreasonably and has to suffer his time jail. He becomes victim and crime is committed against him. Thus, to restore his position, law has devised a way to pay him compensation under section 358 of the Code of Criminal Procedure, 1973.

Ideally, all victims of all crimes should be entitled to get compensation.¹² The victim can be anyone who have directly or indirectly suffered from the crime. Thus, the person who himself has suffered crime or his successors or any other person who are victim's dependents, all are entitled to get compensation according to the justice. The accused person who has resulted in the suffering of the victim is entitled to pay compensation to the victim. In case if the accused person is not capable to pay compensation to the criminal then it is the duty of the State to pay compensation on his behalf. The reason behind this is that it is the duty of the State to protect the life and liberty of the victim, but as it is not able to complete its duty, so it must compensate for this.

The main reason behind making this provision is to protect the persons who are unreasonably arrested, without any proper justification. These people suffer in jail and thus, becomes a victim. It is the duty of the court to protect these people and provide them adequate justice. Here the victims get compensation according to the law.

In order to invoke section 358 of the Code of Criminal Procedure, 1973, the main requirement was that there must be direct nexus between the arrested person and the informant. Generally, when a police officer gets information of happening of any cognisable offence, then the police officer investigates the matter and then decide what future action he wants to take. If he decides to arrest the person and later if the arrested person successfully proves that he is groundlessly

⁸ Mallappa v Veerabasappa, 1977 CrLJ 1856.

⁹ Pramod Kumar Padhi vs Golokha, 1986 I OLR 89

¹⁰ Pramod Kumar Padhi vs Golokha 1986 I OLR 89

¹¹ Anil khalan, compensation to Persons Groundlessly Arrested (Section 358 of CrPc), July 03 2018, 02.55 PM, <http://www.shareyouressays.com/knowledge/compensation-to-persons-groundlessly-arrested-section-358-of-crpc/119390>

¹² Vibhute K.I., Criminal Justice - A Human Rights Perspective of the Criminal Justice Process in India, 365, 1st Ed., Eastern Book Company, Lucknow (2004)

arrested and asks the Court to invoke section 358, then this cannot happen so easily. The mere fact that the informant has given certain information and then set law in force cannot be used against him under section 358. It is imperative that it is something more is proved for invoking section 358 of the said act. It cannot be said that the information solely caused the arrest of the person because ultimately when the police gets the information, they try to investigate and find evidences against the accused person, which causes the arrest of the person. Thus in order to attract the compensation under section 358 of the Code, it is very important that there must be some proof that the accused person caused the arrest of the victim without any proper ground or just because of some pre conceived notion about the victim. Thus, the victim must prove that there was certain proximate nexus between him and the accused person who caused his arrest because of which he wrongfully gave information to the police and thus got victim arrested.

Similarly, this provision also protects the right given under Article 21 of the Constitution of India, which is one of the very basic fundamental right of every citizen of the country. Article 21 talks about freedom of life and liberty of every citizen of India, except by procedure given by law. The Section 358 of code of Criminal Procedure talks about giving compensation to every victim who is groundlessly arrested. Thus. This provision is in line with the article 21 of the Constitution of India.

5. RELATION WITH ARTICLE 21

Article 21 is though one of the shortest articles of the Constitution of India, but its impact over the life of, both, citizens and visitors of India, is profound.

Article 21 states that;

“No person shall be deprived of his life or personal liberty except according to a procedure established by law.”

The term Personal liberty is expressed in the article 21 means freedom from physical restraint because of incarceration. Its meaning is further broadened from time to time by the Apex Court of India, i.e., the Supreme Court. Now, it includes, the right to speedy trial, to go abroad, free legal aid, to fair trial etc.

The term liberty has very wide meaning in Indian Context. The Supreme Court is of opinion that the term liberty has much more wide meaning than mere freedom from physical restraints. It includes all rights which are considered important for happiness of a free man. In the case of *Kharak Singh vs State of UP*¹³, the Supreme Court has considered the meaning of term Personal Liberty. Both the majority and minority on the bench relied on the meaning given to the term “personal liberty” by an American Judgement (per Field, j.) in *Munn v Illinois*, which held that the term “life” meant something more than mere animal existence.¹⁴

5.1 PROCEDURE ESTABLISHED BY LAW

Article 21 says that a person’s life and liberty will not be taken unless by procedure established by law. This term “procedure established by law” is a very important term and it is being interpreted by the court of law in a number of cases. The court of law has increased the scope of this expression. At first it was said that the term is equivalent to American term due process of law. But, in *Maneka Gandhi v Union of India* the Supreme Court observed that the procedure prescribed by law for depriving a person of his life and personal liberty must be “right, just and fair” and not “arbitrary, fanciful and oppressive,” otherwise it would be no procedure at all and the requirement of Article 21 would not be satisfied.¹⁵ As per the Supreme Court of India, this article is made for complete development of an individual person and protecting his dignity for his whole life. This article is interpreted liberally by the Supreme Court of India. Thus, it is being interpreted very frequently now-a-days, thus, adding on to the ever increasing scope of this article.

Right to privacy, right to live with human dignity etc. comes under the ambit of this act. This article also deals with the right of the prisoners. If there is any unreasonable delay in investigation, then it also affects the accused’s rights. Of the

¹³ AIR 1963 SC 1295

¹⁴ Riya Jain, Article 21 of the Constitution of India – right to life and personal liberty, July 02 2018 , 12.10 AM, <https://www.lawcotopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/>

¹⁵ Riya Jain, Article 21 of the Constitution of India – right to life and personal liberty, July 02 2018 , 12.15 AM <https://www.lawcotopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/>

investigation is conducted in legal manner then there is no reason for any action, but if not, then proper legal action can be taken against it. The Court has greatly increased the scope of the term and said that if any procedure which is established by law has caused as to deprivation of life of any person unlawfully, then it is against the law. Similarly, if a person is groundlessly arrested then it is against his right.

Thus, it can be concluded that if a person is groundlessly arrested, then his arrest will violate one of his Fundamental Right under Article 21 of the Constitution of India which talks about Right to Life and Personal Liberty.

6. CASE LAWS

1. Pramod Kumar Padhi Vs. Golokha @ Golla Karna and ors.¹⁶

In this case the petitioner said that the section 358 of the Crpc gives power to the magistrate to award compensation to groundlessly arrested person. In general, this section does not provide an opportunity to the accused person to keep his side before passing of order, this is not correct according to the principles of Natural justice and fair play. Thus, a magistrate must give an opportunity of show cause to any person who is charged under section 358 of Code of Criminal Procedure, 1973, and since no such opportunity is given in this case to the petitioner, the Court must direct that the order directing payment of compensation to be quashed.

Another argument which was given by him was that the order cannot be sustained because it was not sufficient according to the precedents on this particular issue. While the opposite party is of view that the provisions given under the section 358 of the Code of Criminal Procedure, 1973, is clear and there is no doubt as to its meaning. There is no provision of show cause in this particular section, this is because giving an opportunity of show cause to such an offender was not the intention of the Legislature. Thus, the order of Compensation given the previous court is sufficient and doesn't have any infirmity and the intentions of petitioners must be carefully examined.

It was held by the Court that the language of section 358 doesn't say anything about the show-cause, but in a similar provision contained in the Code, namely section 250, it has been provided for that when the Magistrate is of the opinion that there was no reasonable ground for making the accusation, then the Magistrate must call upon the person upon whose complaint or information, the accusation was made to show-cause as to why he should not pay compensation to such accused¹⁷

It was contended that the principles of Criminal Jurisprudence say that a man cannot be arrested without giving him sufficient opportunity to show cause. Thus, a show cause must be given in the case of section 358.

Thus, the opportunity of show cause must be given in to the accused person under section 358 of the Code of Criminal Procedure, 1973. The previous order cannot be sustained a no such opportunity is given to the accused person.

The court contended that there was certain relation between the arrested person and the informant which is sufficient to indicate that the informant knowingly caused arrest of the victim without any proper ground. It is also imperative from the phrase 'if it appears to the Magistrate' used in section 358(1) of the Code that there must be some objective basis for the satisfaction of the learned Magistrate to come to the conclusion that the informant caused the arrest of the accused and there was no sufficient ground for causing such arrest.¹⁸ As the facts of this case does not complete all the conditions of the section, therefore, the order directing compensation is not right. Thus, the court decided that the appeal maybe allowed and the previous order of compensation be set aside.

7. CONCLUSION

Victimology is a branch under the Criminology which studies about the victims and what is suffered by them during and after a crime. It also studies why a victim becomes victim of a crime, what goes on with him once he had suffered from

¹⁶ 1986 I OLR 89

¹⁷ Pramod Kumar Padhi vs Golokha ,1986 I OLR 89

¹⁸ Pramod Kumar Padhi vs Golokha, 1986 I OLR 89

the crime. This scope of Victimology is limited up to what happens with a victim and how he copes up with the situation. It also covers certain measures which are taken for their protection. The section 358 was made with purpose of providing compensation to the victim who is unreasonably arrested because of some false information or by mistake. The person arrested becomes a victim as he has to suffer from this groundless arrest. The Criminal Jurisprudence also says that a victim not be allowed to suffer any more than he had already suffered. Various measures are taken by the government and Judiciary, alike, for protecting such people. They have even take steps to provide them relief by either punishing the victim or by providing compensation to the victim. Providing monetary compensation to the victim may not entirely solve the problems faced by the victim but it, at least, provides him some relief. The Judiciary plays an important role in providing relief to the victims of the crime. they tend to interpret laws in such way that proper justice maybe provided to the victims. thus, when a victim approaches the court they have this belief that they will get justice and their dignity back. Similarly, The legislature has, also made certain provisions for compensation to such victims. The section 358 of the Code of Criminal Procedure, 1973 may be invoked only if certain connection is found out between the arrested person and the informant. If there is no such connection, then compensation cannot be taken by the victim from under this section. The mere fact that an informant has given one information to the police officer which further led to events of arrest of the victim does not amount to the guilt of informant. It is very important that certain connection is present between the victim and the informant because of which the informant gave false information to the police because of which the victim gets arrested. Then only he can claim compensation. However, it is up to the Court to decide how much compensation to be paid, secondly the Court can also order the Police or State to pay compensation. Thus, this section plays a very important role in protecting the victims of Groundless arrest by providing them compensation to their trouble.

