

# VICTIM HAS A LEGALLY VESTED RIGHT TO BE HEARD, SAYS SC

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Victims of crimes are no longer mute spectators who can be made to sit outside courtrooms while the State took over and won or lost their cases in court, the Supreme Court held on Monday in a judgment endorsing the right of the kin of farmers murdered in Lakhimpur Kheri to independently appeal Ashish Mishra's bail when the State of Uttar Pradesh did not.

A three-Judge Bench led by Chief Justice N.V. Ramana said criminal trials are not just between the accused and the State any more. The State does not take on the persona of the victim. The 'victim' or the *de facto* sufferer of the crime is an independent persona with an equal if not a greater right to participate in the quest for justice. The victim has to be heard by the courts at every stage — right from investigation to the end of the judicial trial, and especially during bail hearings of the accused.

The right of a victim to be heard is another facet of human rights. The right of a victim to participate is "totally independent, incomparable and not accessory or auxiliary to those of the State". The voice of the State is not that of the victim necessarily, Justice Surya Kant, who wrote the judgment for the Bench also comprising Justice Hima Kohli, said.

"The victim has a legally vested right to be heard at every step post the occurrence of an offence. Such a 'victim' has unbridled participatory rights from the stage of investigation till the culmination of the proceedings," Justice Kant observed.

The court referred to the Code of Criminal Procedure (Amendment) Act, 2008, which recognised various rights of victims at different stages of trial. The accused had challenged the right of the farmers' families to independently challenge his bail in the Supreme Court.

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