

Court No. - 40

Case :- WRIT - C No. - 34059 of 2023

Petitioner :- Santosh Kumar Dohrey

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Braj Mohan Singh

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Braj Mohan Singh, learned counsel for the petitioner and Shri Ambrish Shukla, learned Additional Chief Standing Counsel for the State respondents.

2. The instant writ petition is preferred with a prayer to command the respondent no.2 and 4 to release the relief amount as per amended proposal vide Annexure no.7 to the writ petition.

3. It appears that petitioner, who is practicing Advocate, had lodged the First Information Report dated 03.07.2021, which was registered as Case Crime No.0210/2021 under Section 420, 467, 468, 469, 471 IPC and 3(2)(v) SC/ST (Prevention of Atrocities) Act 1989. Learned counsel for the petitioner states that in the said proceeding, a police report under Section 173(2) Cr.P.c. is already submitted to the Competent Court and the Court has also taken cognizance over the said police report. In this backdrop, he submits that direction may be issued to the Samaj Kalyan Adhikari, Jhansi and Superintendent of Police (Rural)/Nodal Officer, Jhansi to release the relief amount as per Annexure-1 (Schedule), which provides norms for relief by clarifying the name and section number of offences and minimum amount of relief. *"Column 40 to Annexure-1 (Schedule) provides Committing offences under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more [Section 3(2) of the Act], wherein, in the relief clause it is provided that "Four lakh rupees to the victim and or his dependents. The amount would vary, if specifically otherwise provided in this Schedule. Payment to be made as follows: (i) 25 percent. at First Information Report (FIR) stage; (ii) 50 percent. when the charge sheet is sent to the court; (iii) 25 percent. when the accused are convicted by the lower court."* Learned counsel for the petitioner states that inspite of repeated request till date the competent authority has not

accorded any relief under the aforesaid provisions.

4. Shri Ambrish Shukla, learned Additional Chief Standing Counsel fairly states that in case any such claim/relief is pending consideration before the Competent Authority, definitely the same would be redressed by the Authority concerned in accordance with law

5. Considering the facts and circumstances of the case, without advertng on the merits of the case, we ***dispose of*** the writ petition asking the respondent/competent authority to consider and decide the claim of petitioner, strictly in accordance with law, within six weeks from the date of production of certified copy of this order, provided that there is no other impediment.

Order Date :- 7.11.2023

A. Pandey