

GAHC010034532024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1101/2024

ABDUL LOTIF
S/O- LT. ABDUL KACHEM, R/O- KARBALA BAGAN, WARD NO. 13, P.O.
GOBINDAPUR, P.S. GOALPARA, DIST.- GOALPARA, ASSAM, PIN- 783101

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
HOME AND POLITICAL DEPARTMENT, DISPUR, GUWAHATI-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-06

3:THE ASSAM STATE LEGAL SERVICE AUTHORITY
REPRESENTED BY ITS SECRETARY
UZANBAZAR
GUWAHATI-01

4:THE DISTRICT LEGAL SERVICES AUTHORITY
GOALPARA
REPRESENTED BY ITS SECRETARY
P.O. GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783101

5:THE SUPERINTENDENT OF POLICE
GOALPARA
P.O. GOALPARA
DIST.- GOALPARA

ASSAM
PIN- 783101

6:THE OFFICER-IN-CHARGE
GOALPARA POLICE STATION
P.O. GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 78310

Advocate for the Petitioner : MR. M R KHANDAKAR

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 01-03-2024

Heard Mr. A. Rohman, learned counsel for the petitioner and Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 1, 4, 5 & 6.

2. The case projected by the petitioner in the instant writ petition filed under Section 226 of the Constitution of India, in brief, is that the petitioner's son, Rokibul Islam @ Rofiquel Islam was severely assaulted on 23.04.2021 which led to his instantaneous death on the spot. In connection with the said incident, a crime case, Goalpara Police Station Case no. 271/2021 for the offences under Section 120B/341/302/325, Indian Penal Code was registered and investigation into the case was started immediately thereafter. The post mortem examination of the deceased was performed at the Civil Hospital, Goalpara on 23.04.2021.

3. It has been stated that seeking compensation under the Assam Victim Compensation Scheme, 2012, the petitioner submitted an application before the

District Legal Services Authority, Goalpara on 17.11.2021 claiming compensation of Rs. 5,00,000/-, as notified by the Political [A] Department, Government of Assam vide a Notification bearing no. PLA.524/2015/Pt/190[ECF-38361] dated 01.02.2019. The petitioner has approached this Court by the present writ petition on the premise that the District Legal Services Authority, Goalpara has not disposed of the said application submitted by the petitioner for grant of compensation under the Assam Victim Compensation Scheme, 2012 till date.

4. The Assam Victim Compensation Scheme, 2012 has been framed in exercise of the power conferred by Section 357-A of the Code of Criminal Procedure, 1973 to provide fund inter-alia for the purpose of compensation to a victim or his/her dependent[s], who has/have suffered loss or injury as a result of a crime. The Assam Victim Compensation Scheme, 2012 has been notified by the Political [A] Department, Government of Assam vide a Notification bearing no. PLA.757/2010/123 dated 18.10.2012 and the same was published in the Assam Gazette on 20.10.2012. Sub-clause [1] of clause 5 of the Assam Victim Compensation Scheme, 2012 has *inter alia* provided that whenever an application is made by any victim or his/her dependents under sub-section [2] of Section 357-A of the Code of Criminal Procedure, 1973, before the District Legal Services Authority [DLSA], the said authority is required to examine the case and verify the contents of the claim with regard to the loss or injury caused to the victim and arising out of the reported criminal activity and may call for any other relevant information necessary in order to determine genuineness. After verifying the claim, the District Legal Services Authority shall, after due inquiry, award compensation within two months, in accordance with the provisions of the Scheme.

5. Since the Assam Victim Compensation Scheme, 2012 has contained a mandate for the District Legal Services Authority to decide the application within a period of two months and the petitioner has claimed that his application is presently pending before the District Legal Services Authority, Goalpara, this writ petition is disposed of with the observation that the District Legal Services Authority, Goalpara shall consider the application, stated to have been submitted by the petitioner, as per the provisions of the Assam Victim Compensation Scheme, 2012 as, expeditiously as possible.

JUDGE

Comparing Assistant