

GAHC010096332024



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

Case No. : WP(C)/2553/2024

ABDUL RASHID AND ANR
S/O- LATE ABBAS ALI,
RESIDENT OF VILL- KATHALIJAR,
P.O. AND P.S.- HOWLY,
DIST.- BARPETA, ASSAM,
PIN- 781316.

2: SOBHA KHATUN
W/O- ABDUL RASHID

RESIDENT OF VILL- KATHALIJAR

P.O. AND P.S.- HOWLY

DIST.- BARPETA
ASSAM

PIN- 781316

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
HOME AND POLITICAL DEPARTMENT,
DISPUR, GUWAHATI-06.

2:THE ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED BY ITS MEMBER/ SECRETARY

GAUHATI HIGH COURT
OLD BUILDING

P.S.- LATASIL

GUWAHATI

DIST.- KAMRUP(METRO)
ASSAM

PIN- 781001.

3:THE DISTRICT LEGAL SERVICES AUTHORITY
BARPETA
REPRESENTED BY ITS MEMBER/ SECRETARY

P.O. AND P.S.- BARPETA
DIST.- BARPETA

ASSAM
PIN- 781301.

4:THE OFFICER-IN-CHARGE
HOWLY POLICE STATION
P.O.- HOWLY
DIST.- BARPETA
ASSAM

PIN- 781316

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 17-05-2024

Heard Mr. S.I. Akand, learned counsel for the petitioners; Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 1, 3 & 4; and Mr. R.S. Chauhan, learned Standing Counsel, Assam State Legal Services Authority for the respondent no. 2.

2. The petitioners have claimed that they are parents of one Late Mukut Ali.

The petitioners have contended that their son was killed on 27.04.2022 and in connection with the murder of their son, a crime case, Howly Police Station Case no. 67/2022 for the offences under Sections 143/120[B]/302/201, Indian Penal Code, was registered and after completion of investigation on connection with Howly Police Station Case no. 67/2022 on 31.08.2022, the Investigating Officer of the case had submitted a charge sheet under Section 173[2], CrPC finding a *prima facie* case against a number of accused persons, mentioned therein. It is the further case of the petitioners that they submitted an application on 16.09.2023 before the District Legal Services Authority, Barpeta for grant of compensation under the Assam Victim Compensation Scheme, 2012, as amended, by a Notification dated 01.02.2019. The petitioners have approached this Court with a grievance that after submission of the application they had received a notice dated 21.09.2023 whereby the petitioners were asked to appear before the respondent no. 3 on 05.10.2023. But thereafter, the proceedings has not been brought to a logical conclusion despite their appearance on 05.10.2023.

3. The contention made by the learned counsel for the petitioners as regards their appearance before the respondent no. 3 on 05.10.2023 has been controverted by Mr. Chauhan, learned Standing Counsel, Assam State Legal Services Authority on the basis of instructions, communicated by him vide a Letter no. DLSA[BPT]/2024/723 dated 16.05.2024.

4. From a perusal of the contents of the Letter dated 16.05.2024, it transpires that the application submitted by the petitioners has been registered and numbered as Victim Compensation Case no. 30/2023 and notices were issued to the petitioner no. 2 for her appearance before it on 05.10.2023. Due

to non-appearance of the applicant on that date, that is, on 05.10.2023, the proceedings of Victim Compensation Case no. 30/2023 is pending enquiry as on date and the compensation amount could not be decided.

5. Notwithstanding the rival contentions as regards the appearance of the applicant or otherwise in Victim Compensation Case no. 30/2023, it is evident that the proceedings of the said case, Victim Compensation Case no. 30/2023 is pending enquiry as on date and due to non-completion of the enquiry, the compensation amount could not be decided till date. For the purpose of expeditious disposal of the case, Victim Compensation Case no. 30/2023, it appears appropriate for the petitioners as the applicants of the said case to appear before the respondent no. 3 so as to facilitate an expeditious consideration of their claim made for compensation under the Assam Victim Compensation Scheme, 2012, as amended.

6. Mr. Akand, learned counsel for the petitioners has submitted that the petitioners/applicants of Victim Compensation Case no. 30/2023 would duly appear before the respondent no. 3 for expeditious consideration of Victim Compensation Case no. 30/2023.

7. In the above obtaining fact situation, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the petitioners to appear before the respondent no. 3 immediately within a period of 2 [two] weeks from today and in the event of their appearance, the respondent no. 3 shall make endeavour to bring the proceeding of Victim Compensation Case no. 30/2023 to a logical conclusion, by completing the enquiry and deciding on the matter of compensation in an expeditious manner. It is accordingly ordered.

8. Mr. Akand, learned counsel for the petitioner has submitted that the petitioner would appear before the respondent no. 3 at 10-30 a.m. on 27.05.2024.

9. Mr. Chauhan and Mr. Goswami have agreed to the said submission.

10. With the observations and directions made herein above, the writ petition stands disposed of.

JUDGE

Comparing Assistant