

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15783 of 2021**

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Prema Devi Wife of Late Nathuni Singh Resident of Ward no. 06, Post Office  
- Bhabua, Police Station - Bhabua, District- Bhabua, Kaimur.

... .. Petitioner/s

Versus

1. The Bihar State legal Services Authority through its Secretary, Budh Marg, Opp. Museum, Central Revenue Colony, Lodipur, Patna, Bihar 800001.
2. The Chairman, District Legal Services Authority, Bhabua, Kaimur.
3. The Secretary, District Legal Services Authority, Bhabua, Kaimur.
4. The State of Bihar through Home Department (Police Branch), Old Secretariat, Patna- 800001.
5. The Additional Secretary, Home Department (Police Branch), Old Secretariat, Patna- 800001.
6. The Superintendent of Police, Bhabua, Kaimur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar  
For the Respondent/s : Mr. P. K. Verma (AAG 3), Sr. Advocate

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL JUDGMENT**

**Date : 17-11-2021**

Heard Mr. Abhishek Kumar, learned counsel for the petitioner and Mr. P.K. Verma, learned A.A.G. 3 for the State.

2. Pursuant to the order dated 29-10-2021 of this Court, Mr. Prahlad Kumar, Registrar, Bihar State Legal Services Authority, Mr. Sampuranand Tiwari, learned District & Sessions Judge-cum-Chairman, DLSA, Bhabua, Kaimur and Mr. Sumit Ranjan, learned Secretary, DLSA, Bhabua, Kaimur (i.e. respondent nos. 1, 2 & 3 respectively) are present in Court.

3. The petitioner is aggrieved by the letter dated 05-04-2021 issued by the Secretary, District Legal Services Authority,



Bhabua, Kaimur (for brevity “DLSA”) whereby the claim of the petitioner for grant of compensation under the Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes, 2019 (for brevity “Scheme, 2019”) has been rejected.

4. The petitioner is the wife of the deceased namely, Late Nathuni Singh, who was killed by the criminals. An F.I.R. was lodged bearing Bhabua P.S. Case No. 38 of 2019 under Section 363 of the I.P.C. and later on Sections 302 / 201/ 364 / 34 of the I.P.C. were added against the persons named in the First Information Report.

5. Learned counsel for the petitioner submits that petitioner being the victim of the crime inasmuch her husband was brutally killed by the criminals had filed a claim application under Scheme, 2019. He further submits that the Secretary of the DLSA under Clause 6 of the Scheme, 2019 is the competent authority to decide the claim for compensation of the victim lady but by the impugned order Criminal Injury Compensation Board, Kaimur (hereinafter referred to as “the Board”) has decided the claim of the petitioner and has wrongly held that the claim for compensation submitted by the petitioner will be taken into consideration after disposal of the trial.



6. Submission is that the petitioner is covered under the Scheme, 2019 but the impugned order has been passed by the Board constituted under the Scheme, 2014. The order is without jurisdiction inasmuch as the claim application of the petitioner ought to have been decided by the Secretary, DLSA, Bhabua, Kaimur under the Scheme, 2019.

7. Mr. Verma, learned senior counsel for the State as well as learned Secretary, DLSA, Bhabua, Kaimur (who appears in person) jointly submit that the claim of the petitioner filed under Scheme, 2019 is not applicable / maintainable and the same is covered under 2014 Scheme.

8. Having heard learned counsel for the parties and taking into consideration the rival submissions, I find that the petitioner / victim has filed the claim under the provisions of Scheme, 2019 but from the impugned letter it appears that Secretary, DLSA, Bhabua, Kaimur has not decided the claim under the Scheme, 2019 and instead the same has been decided by the Board. It also appears from the impugned order that the issue of applicability of the Scheme under which the claim of the petitioner falls has not been decided.

9. Accordingly, in my opinion if the claim of the petitioner has been filed under the Scheme, 2019 the same ought to



have been decided by the Secretary, DLSA, Bhabua, Kaimur under Clause 6 of Scheme, 2019 and not by the Board under 2014 Scheme.

10. Accordingly, the impugned letter dated 05.04.2021 is hereby quashed.

11. The respondent no. 3 / Secretary, DLSA, Bhabua, Kaimur is directed to decide one way or the other the compensation claim of the petitioner at Annexure-3 to the writ petition in accordance with law within a period of four weeks from the date of receipt / production of a copy of this order.

12. Physical presence of the officers who are present in the Court pursuant to the order dated 29/10/2021 is hereby dispensed with.

13. With the aforesaid observation and direction, the present writ application is disposed of.

**(Anil Kumar Sinha, J)**

praful/-

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| AFR/NAFR          | AFR        |
| CAV DATE          | NA         |
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