

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19681 of 2016

Arising Out of PS. Case No.-55 Year-2009 Thana- MORKAHI District- Khagaria

Punam Devi W/o Late Ram Singh, Resident of Village - Icharua, P.O. - Amba,
P.S. - Alauli, District - Khagaria at present D/o Sri Jagdhar Ray, Village - P.O.
- Bishanpur, P.S. - Dadari, District - Begusarai.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bharo Singh, Son of Late Sundar Singh, Resident of Village - Icharua, P.S. -
Alauli, P.S. - Amba, District - Khagaria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Opposite Party/s : Mr. Vinod Shankar Modi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 13-09-2023 Heard Mr. Amrit Abhijat, learned Counsel for the
petitioner and the State.

*2. This application has been preferred for quashing
the paragraph No. 21(e) of order dated 15.04.2014 passed by
learned 1st Additional District Judge-Motor Vehicle Accident
Claim Tribunal, Khagaria in S.C. NO. 15/2020 arising out of
death reference No. 02/2012 (Reference Appeal against the
judgment of conviction and order of sentence dated
08.02.2012/14.02.2012 passed in Session Case No. 15/2010
arising out of Morkahi P.S. Case No. 55 of 2009 passed by in
compliance of judgment of acquittal dated 3.1.2014 passed by
this Hon'ble Court directing learned Court below to pass
compensation to the next of kin of 16 deceased in terms of*



Section 16(3) 2nd Schedule of the Motor Vehicle Act, 1988 wherein the learned Court below has been pleased to direct the State to pay compensation amount of 2,58,000/- in favour of Opposite Party No.2 his father ignoring the petitioner who is widow and class I legal heir of husband Late Ram Singh.

3. It is the case of the petitioner that while making compensation, wrongly the Court hold that it should be provided to the father of deceased in place of the widow-petitioner.

4. Learned APP submits that the matter is of 2014, pursuant thereto payment may have been made and as such it will be appropriate that the petitioner approach the concerned Court for any relief as already decade has passed.

5. Faced with that situation, learned Counsel for the petitioner submits that he may be given liberty to approach the concerned Court.

6. Accordingly, the petition stands disposed of with the aforesaid liberty.

(Rajiv Roy, J)

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