

01.02.2023
Court No.13
Item No.550
AP

WPA 11281 of 2020

**Moumita Ghosh Gangopadhaya
Vs.
The State of West Bengal and Ors.**

Mr. Jayanta Narayan Chatterjee
Ms. Moumita Pandit
Ms. Jayashree Patra
Ms. Sreeparna Ghosh
Ms. Ritushree Banerjee
Ms. Pritha Sinha

... For the petitioner.

Mr. Arindam Sen
Mr. Sagnik Bhattacharya
Mr. Rishav Gupta

... For the SLSA (Member Secretary).

The State Legal Services Authority (SLSA) is represented. It has been placed before this Court that in terms of Clause 6(7) of the West Bengal Victim Compensation Scheme, 2017, the cases registered under the Motor Vehicles Act, 1988 are excluded from its purview. The petitioner cannot, therefore, claim any compensation from the State under the aforesaid scheme.

The report of the SLSA is kept with the record.

Mr. Chatterjee has made detailed argument before this Court on the need to include Section 304 of the IPC in the charge sheet. According to him the vehicle, which is a Scorpio SUV, was in perfect condition. The victim was dashed when he was standing at a bus stop. The victim was carried on the bonnet of the vehicle for a distance and later found in a drain.

Having heard learned counsel for the parties, this Court is of the view that the petitioner has effective

alternative remedy under Section 173 of the CrPC, which he may avail.

If the petitioner files such application within a period of one month from date, the Magistrate shall consider the same in accordance with law and pass appropriate orders as expeditiously as possible.

With the aforesaid directions, the writ petition shall stand disposed of.

There shall be no order as to costs.

The personal presence of the Secretary, State Legal Services Authority is dispensed with.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)