

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.962 OF 2016
ALONG WITH
INTERIM APPLICATION NO.2022 OF 2020

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|---|---|-----------------|
| 1. Daulatbi Mohd. Hussain Khan |] | |
| 2. Saira Bano Irfan Baig |] | .. Petitioners/ |
| 3. Reshma Aslam Kazi |] | Applicants |
| <i>Versus</i> | | |
| 1. State of Maharashtra, |] | |
| Through Women and Child Development Dept. |] | |
| 2. State of Maharashtra, |] | |
| Through Public Health Department |] | |
| 3. District Legal Service Authority, Mumbai |] | |
| 4. The State of Maharashtra, |] | |
| Through Home Department, Mumbai |] | .. Respondents |

Mr. Kanhaiya S. Yadav, with Mr. Akhilesh Adhav, i/by Ms. Anu C. Kaladhavan, for the Petitioners-Applicants.

Mr. Abhay Patki, Addl. G.P., with Smt. Prachi Tatake, Addl. G.P., for the Respondent-State of Maharashtra.

CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ

DATE : 3RD APRIL, 2024.

ORAL JUDGMENT : (Per A.S. Chandurkar, J.)

1. RULE. Rule made returnable forthwith and heard learned counsel for the parties.

2. The petitioners claim to be victims of an acid attack that took place on 4th October 2010 on them and their family members. The petitioners were required to undertake medical treatment for a considerable period of time requiring substantial amounts. With a view to alleviate similar grievances of acid attack victims, this writ petition has been filed praying

that directions be issued for disbursement of fair compensation in a time-bound manner.

3. During pendency of the writ petition, by an interim order passed on 17th April 2017, the petitioners were awarded an amount of Rs.5,00,000/- as interim compensation.

4. The learned Additional Government Pleader has placed on record compilation-of-documents, which includes a Scheme called as “Maharashtra Victim Compensation Scheme for Women Victims / Survivors of Sexual Assault / Other Crimes, 2022”. Under the said Scheme, a provision has been made to determine the amount of compensation and the Maharashtra Legal Services Authority / District Legal Services Authority have been appointed as Nodal Agencies to enable determination and disbursement of compensation.

5. The learned counsel for the petitioners fairly submits that insofar as prayer clauses (c) and (c-i) of the writ petition are concerned, the same stand answered by virtue of the aforesaid Scheme of 2022. He submits that the petitioners desire to seek benefit under the said Scheme. However, under Clause 16 thereof, a period of limitation has been prescribed and the claim is required to be made within a period of three years from the date of occurrence of the offence or conclusion of the trial. He submits that in the present case, the incident in question occurred on 4th October 2010 while the trial concluded in the year 2015. He, therefore, submits that the claims sought to be raised by the petitioners be directed to be entertained without being treated as being barred by limitation.

6. We find that under the Proviso to Clause 16, the delay beyond a

period of three years can be condoned in deserving cases. We find the present case to be a deserving one for the reason that after being subjected to an acid attack, the petitioners were required to approach this Court in the matter of grant of compensation. During pendency of this writ petition, the Scheme of 2022 came to be implemented. We therefore find that the petitioners can be permitted to move an application seeking compensation in accordance with the Scheme of 2022.

7. Accordingly, it is directed that if the petitioners seek compensation under the Scheme of 2022 by making an appropriate application within a period of four weeks from today, the application shall be considered on its own merits and in accordance with law. Keeping all grounds for seeking compensation as raised in the writ petition open, it is disposed of in aforesaid terms. Pending interim application is also disposed of.

8. Rule is discharged. No order as to costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]