



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 203 OF 2025

Smt. Vishakha Wd/o. Prakash Meshram

Vs.

The State of Maharashtra, through Secretary, Home Department, Mantralaya, Mumbai &
Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mrs. Shilpa P. Giratkar, Advocate for the Petitioner.
Mr. S.M. Ukey, Addl. G.P. for Respondent Nos.1 to 5.

CORAM : NITIN W. SAMBRE AND M. M. NERLIKAR, JJ.
DATE : 11th JULY, 2025.

P.C.

Heard the respective counsels appearing for the parties.

2. The petitioner, the widow of deceased Prakash Jairam Meshram, who was working as a Police Constable with the respondents, has sought a declaration that she is entitled for benefits under the Government Resolution dated 29th November, 2008.

3. The facts necessary for deciding the petition are as under:

(i) Deceased – Prakash Meshram was appointed as a Police Constable on 9th April, 2012 and posted at the Office of Superintendent of Police, Chandrapur.

(ii) Thereafter, he was posted at Bhadrawati Police Station in Chandrapur District. On 20th January, 2019, while discharging his official duties, he was ran over by a vehicle driven by the accused persons resulting into registration of a Crime

bearing No.72/2019, registered with Police Station, Warora, for the offences punishable under Sections 302, 307, 353, 332 and 333 read with Section 34 of the Indian Penal Code, 1860, Section 5A(1) of the Maharashtra Animal Preservation Act, 1976 (Amended Act of 2015), Section 11 of the Prevention of Cruelty to Animals Act, 1960, Sections 184, 83/177 of the Motor Vehicles Act, 1988 and Sections 47, 48, 49(A), 50 and 54 of the Animal Transport Rules.

(iii) The said offences came to be registered at the behest of the complainant – Dinesh Kishanji Meshram, a Police Constable, who was discharging his duties with deceased – Prakash Meshram within the jurisdiction of Police Station, Warora.

(iv) Post-death, the post-mortem of deceased Prakash was conducted and the post-mortem report speaks of having suffered 20 superficial injuries.

(v) The cause of death cited in the post-mortem report is grievous injury to his head and body.

4. A sequel of above, the petitioner, the legal-heir of deceased – Prakash, has approached the State Government for grant of benefits as her husband died while discharging his official duties.

5. It appears that the respondents in their affidavit-in-reply have stated that they have paid an amount of Rs.7,50,000/- in terms of the Government Resolution dated 12th April, 2012.

6. The petitioner has sought benefits of the Government Resolution dated 29th November, 2008, which are denied by the respondents on the count that the deceased husband of the

petitioner did not die in the matter of discharging his official duties for controlling organized crime or such other causes mentioned in the said Government Resolution and as such, this petition.

7. The learned counsel for the petitioner Mrs. Giratkar would urge that the admitted facts, which are borne out of the record, are that the husband of the petitioner died while discharging his official duties as a Police Constable. According to her, the registration of offence referred above speaks that the accused persons were involved in organized crime and that being so, the proposal for grant of compensation was duly recommended by the Special Inspector General of Police (Administration) in terms of the Government Resolution dated 29th November, 2008. A specific reference is made to the report submitted to the State Government on 12th March, 2019, which specifically mentions that the death of the husband of the petitioner was in the matter of controlling organized crime.

8. That being so, it is claimed that the petitioner is entitled for the benefits under the Government Resolution dated 29th November, 2008.

9. As against above, the learned Additional Government Pleader Mr. S.M. Ukey would strenuously oppose the claim. According to him, the Government Resolution dated 29th November, 2008 cannot be said to be attracted in the facts and circumstances of the case in hand. He would urge that if the F.I.R., which led to the registration of crime in which the husband of the petitioner has lost his life is perused, it is apparent that the deceased Prakash, a Police Constable, lost his life as a vehicle illegally carrying animals ran over him. According to Mr. Ukey,

such conduct cannot be interpreted to mean that the act can be termed as an offence in the nature of organized crime. He would further claim that the provisions of the Maharashtra Control of Organised Crime Act, 1999 (for short, "MCOC Act") are not attracted as the accused persons are not booked under the said provisions and that being so, the Government Resolution dated 29th November, 2008 has no applicability in the present case. He would further claim that the communication dated 12th March 2019, issued by the Special Inspector General of Police (Administration), merely contains a recommendation and is not binding on the State Government, as the final authority to examine and grant benefits under the Policy vests with the State Government. That being so, he has sought dismissal of the petition.

10. We have considered the rival claims.

11. The fact remains that the benefits, which are to be extended in case of death of a police personnel while discharging the duties, are reflected in the Government Resolution dated 29th November, 2008. It provides for the extension of benefits under the said Policy in case a police personnel loses his life while discharging his duties in the course of resisting naxal activity, terrorist activity, dacoity or organized crime. The benefits of the Government Resolution are also extended to the police personnel who have lost their lives while discharging their duties in performing a rescue operation in the matter of disaster management.

12. The Special Inspector General of Police (Administration), in his recommendation, has specifically referred to a communication that the deceased Prakash has lost his life

while discharging the duties in the matter of controlling organized crime.

13. We fail to understand as to what prompted the State Government to infer and disagree with the recommendations of the Special Inspector General of Police as reflected in the communication dated 12th March, 2019.

14. Apart from above, the fact remains that the Government Resolution is not conspicuously stating as to whether the offence has to be registered under the provisions of the MCOC Act. In our opinion, when the Senior Police Official, who is well aware of the ground and field realities, has recommended the case of the petitioner for grant of benefits under the Government Resolution dated 29th November, 2008, stating that the deceased has lost his life while controlling organized crime, it is not open for the State Government to substitute its opinion merely because the offence was not registered under the provisions of the MCOC Act. The Government Resolution is framed having regard to the social benefits which are to be extended to the family members of the deceased to overcome the financial hardships faced on the sudden demise of an earning member of the family. In the case in hand, a young police official has lost his life while controlling organized crime.

15. In such an eventuality, the contention raised by the learned Additional Government Pleader, in our opinion, is liable to be rejected. That being so, we deem it appropriate to allow the present petition.

16. We direct that the petitioner be extended all the benefits in terms of the Government Resolution dated 29th November, 2008.

17. The Additional Chief Secretary (Home) shall ensure that the benefits are paid to the petitioner and other legal heirs of the deceased – Prakash Meshram within a period of three months from today.

18. Needless to clarify that the amount already paid viz. Rs.7,50,000/- be adjusted in the amount which is to be paid and receivable by the legal heirs of deceased – Prakash Meshram.

19. The petition stands allowed in above terms. No order as to costs.

(M. M. NERLIKAR, J.)

(NITIN W. SAMBRE, J.)

Vijaykumar