

GAHC010050602026



2026:GAU-AS:6237

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1538/2026

CHAMPA DAS
W/O. LATE PRADIP DAS VILL- NO. KHUTABARI PT.- I P.O. BAGDOBA, P.S.
DHUPDHARA, DIST- GOALPARA, ASSAM, PIN- 783123.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HOME AND POLITICAL DEPARTMENT, DISPUR, GHY-06

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
ASSAM
DISPUR
GHY-6.

3:THE ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED BY ITS MEMBER SECRETARY
IN THE GAUHATI HIGH COURT OLD BUILDING
P.S. LATASIL
DIST- KAMRUP (M)
ASSAM
PIN- 781001

4:THE CHAIRMAN
DISTRICT LEGAL SERVICES AUTHORITY
GOALPARA
DIST- GOALPARA
ASSAM
PIN- 783101.

5:THE DISTRICT LEGAL SERVICES AUTHORITY

REPRESENTED BY ITS SECRETARY
DISTRICT JUDICIAL COURT COMPLEX
BHALUKDUBI
DIST- GOALPARA
PIN- 783101.

6:THE OFFICER IN CHARGE
DHUPDHARA POLICE STATION
P.O. AND DIST- DHUPDHARA
DIST- GOALPARA
ASSAM
PIN- 78312

Advocate for the Petitioner : MR. W RAHMAN,

Advocate for the Respondent : GA, ASSAM, SC, FINANCE,SC, ASLSA

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 06.05.2026

Heard Mr. W. Rahman, learned counsel for the petitioner; Ms. M. Barman, learned Junior Government Advocate for the respondent nos. 1, 4, 5 & 6; Mr. A. Chaliha, learned Standing Counsel, Finance Department and Ms. A. Choudhury, learned counsel on behalf of Ms. R. Choudhury, learned Standing Counsel Assam State Legal Services Authority for the respondent no. 3.

2. The petitioner has preferred this writ petition seeking a direction to the respondent authorities to pay a sum of Rs. 5,00,000/- to the petitioner in connection with the death of her husband, Late Pradip Das, who died due to grievous injuries sustained in an incident which resulted into registration of Dhupdhara Police Station Case no. 43/2023 under Section 302, Indian Penal Code [IPC] read with Section 120[B], IPC. The petitioner has claimed the said sum as compensation under the Assam Victim Compensation Scheme, 2012, as amended, framed in exercise of powers conferred by Section 357A, Code of Criminal Procedure, 1973. The petitioner has claimed that she and her two minor sons have come in the definition of 'victim', defined by Section 2[F] of the Assam Victim Compensation Scheme,

2012, as amended.

3. During the pendency of the writ petition, an affidavit has been filed on behalf of the respondent no. 3 wherein it is stated that vide an Order dated 23.09.2024, the respondent no. 5 has awarded a sum of Rs. 5,00,000/- as final compensation to the petitioner and her two minor sons.

4. In a Communication dated 27.04.2026, the respondent no. 5 has conveyed the matter of compensation to the respondent no. 3 with a further information that due to insufficiency of fund, the awarded compensation could not be disbursed to the petitioner and her two minor sons. It is further mentioned that the funds are allocated serially as per date of the final order and a number of beneficiaries, who have been awarded compensation under the Victim Compensation Scheme, 2012, as amended, and whose names are listed before the petitioner, have not yet received the compensation. Therefore, the awarded compensation to the petitioner and her two minor sons can be released as and when sufficient funds are made available.

5. Ms. Barman has placed another communication of the respondent no. 1, addressed to her, wherein a similar situation regarding non-release of sufficient funds to release the awarded compensation to the petitioner and her two minor sons has been highlighted.

6. As by the Order dated 23.09.2024, the respondent no. 5 has found the petitioner and her two minor sons eligible to receive the awarded compensation of Rs. 5,00,000/- under the Assam Victim Compensation Scheme, 2012, as amended, the same is required to be released. As insufficient funds has been shown to be the only ground for non-disbursement of the said amount, this Court is of the considered view that the respondents shall proceed in the right earnest to release the awarded compensation amount to the petitioner and her two minor sons as expeditiously as possible. Therefore, this writ petition is disposed of with a direction to the respondent authorities to complete the process of releasing the awarded compensation amount of Rs. 5,00,000/- to the petitioner and her two minor sons as expeditiously as possible, preferably within a period of 4 [four] months from today. This writ petition is disposed with the above direction, with liberty to the petitioner to approach again in the

event the awarded compensation amount of Rs. 5,00,000/- is not released to the petitioner within a period of 4 [four] months from today.

JUDGE

Comparing Assistant