

GAHC010117362024



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

Case No. : WP(C)/3042/2024

PARBATI BISWAS DAS
W/O- RATAN BISWAS, VILL- NO.2 BOMRABIL, P.O. AND P.S. GOSSAIGAON,
DIST- KOKRAJHAR, BTR, ASSAM, PIN- 783361, PRESENT ADDRESS- VILL-
BARUIPARA, NAJIRAN, P.O. DEUTIKHAT, RAMPUR, DIST- COOCH BEHAR,
WEST BENGAL, PIN- 736207

VERSUS

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

2:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI-06

3:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06

4:THE ASSAM STATE LEGAL SERVICES AUTHORITY
REPRESENTED BY ITS MEMBER SECRETARY
GAUHATI HIGH COURT OLD BUILDING
GHY-01

5:THE DISTRICT LEGAL SERVICES AUTHORITY
KOKRAJHAR
ASSAM
REPRESENTED BY ITS MEMBER SECRETARY

P.O. AND P.S. AND DIST- KOKRAJHAR
BTR
ASSAM
PIN- 783370

6:THE CHAIRMAN
DISTRICT LEGAL SERVICES AUTHORITY
KOKRAJHAR
ASSAM
P.O. AND P.S. AND DIST- KOKRAJHAR
BTR
ASSAM
PIN- 78337

Advocate for the Petitioner : MR. M HUSSAIN

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

Date : 14.06.2024

Heard Mr. M. Hussain, learned counsel for the petitioner. Also heard Mr. N. Goswami, learned Government Advocate representing respondent Nos. 1, 2, 5 and 6 and Ms. R.S. Chowdhury, learned Standing Counsel, ASLSA representing respondent No.4.

Issue Notice returnable by 4 (four) weeks.

Since the respondents are represented by the respective learned counsels, Notices waived, however extra copies of the writ petition be furnished within a period of 1 (one) week from today.

Challenge made in the writ petition is the order dated 15.11.2021 passed by the District and Sessions Judge-Cum-Chairman, District Legal Services Authority, Kokrajhar rejecting the application for victim compensation filed by the writ

petitioner on the ground that it was beyond the period of limitation prescribed under the scheme laid by the Government of Assam. The further challenge is that the scheme framed and notified by Notification dated 18th October, 2012 called the Assam Victim Compensation Scheme, 2012 prescribes for a period of limitation under Clause 7.

Learned counsel for the petitioner submits that where the parent statute in the Cr.P.C under Section 357(A) under which the scheme has been framed does not prescribe for a period of limitation. The State Government is not empowered to incorporate the period of limitation contrary to the provisions of the Act.

Let the respondents file their necessary affidavit in the matter and matter be listed after 4 (four) weeks.

JUDGE

Comparing Assistant