

(2019) 07 JH CK 0076

In the Jharkhand High Court

Case No : Writ Petition (C) No. 2742 Of 2019

Sonali Mukherjee @ Sonali Mukharjee

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 01-07-2019

Acts Referred:

Citation : (2019) 07 JH CK 0076

Hon'ble Judges : Sujit Narayan Prasad, J

Bench : Single Bench

Advocate : Shadab Ansari, Rajiv Sinha, Niraj Kumar

Final Decision : Allowed

Judgement

1. The relief sought for in this writ petition is for direction upon the respondents to pay compensation and to extend the complete medical rehabilitation since she has become the victim of acid attack sometimes in the year 2003.

2. It is the case of the petitioner that after such injuries, the District Legal Services Authority, Dhanbad has provided compensation to the tune of Rs. 1,50,000/- (one lakh fifty thousand) in the year 2018. Learned counsel for the petitioner has relied upon the judgment rendered in the case of Laxmi Vs. Union of India & Ors in W.P. (Crl) No. 129 of 2006, wherein it has been held that despite the directions given by this Court in Laxmi Vs. Union of India [(2014) 4 SCC 427], minimum compensation of Rs. 3,00,000/- (Rupees three lakhs) per acid attack victim has not been fixed in some of the States/Union Territories, hence subsequent direction was given in W.P. (Crl) No. 129 of 2006 to Member Secretary of the State Legal Services Authorities to take up the issues with the State Government so that the orders passed by this Court for paying minimum compensation of Rs. 3,00,000/- (Rupees three lakhs only) is made available to the victim of acid attack. In the said judgment, specific direction was given to District Legal Services Authorities, including the District Judge and such other co-opted persons who the District Judge feels will be of assistance, particularly the

District Magistrate, the Superintendent of Police and the Civil Surgeon or the Chief Medical Officer will function as the Criminal Injuries Compensation Board for all purposes.

3. Learned counsel for the petitioner submits that only Rs. 1,50,000/- (Rupees one lakh fifty thousand only) has been paid that too after fifteen years from the date of occurrence, which is in deviation of the order passed in Laxmi (Supra) by the Hon'ble Apex Court.

4. The State Government has come out with a scheme, as has been informed by learned counsel for the State, wherein also it has been provided that a minimum compensation amount to the tune of Rs. 3,00,000/- (Rupees three lakhs) has to be paid to the victim of acid attack, however, no maximum limit of compensation has been fixed.

5. Learned counsel for the petitioner further submitted that although the petitioner-victim has been paid Rs. 1,50,000 (Rupees one lakh and fifty thousand) but she requires adequate medical rehabilitation as she has to incur huge medical expenditure for the injuries she has sustained in acid attack.

6. Considering the submissions advanced by learned counsel for the parties, the Member Secretary, JHALSA and Secretary, DLSA are required to be added as party-respondents in the writ petition for proper adjudication of this writ petition. In view thereof, learned counsel for the petitioner is directed to implead them as party respondent nos 5 and 6 in the writ petition in course of day.

7. Let notice be issued to newly added respondent nos. 5 and 6 by registered post with A/D and ordinary process, for which requisites etc must be filed within a week.

8. Learned counsel for the State seeks four weeks' time to file counter affidavit.

9. Time, as prayed for, is allowed.

10. List this case on 19.08.2019 under the same heading.