

45, 46,  
47 & 48  
17.11.2016  
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**W. P. 26542 (W) of 2015**

(Rita Paul Vs. The State of West Bengal & Ors.)

**with**

**W. P. 26192 (W) of 2015**

(Jhuma Santra Vs. The State of West Bengal & Ors.)

**with**

**W. P. 10018 (W) of 2016**

(Monisha Pailan Vs. The State of West Bengal & Ors.)

**with**

**W. P. 17296 (W) of 2015**

(Surya Sankar Barik Vs. The State of West Bengal & Ors.)

**with**

**W. P. 15184 (W) of 2016**

(Janmenjoy Khan Vs. The State of West Bengal & Ors.)

**with**

**W. P. 15181 (W) of 2016**

(Sanchayita Jadav Vs. The State of West Bengal & Ors.)

**with**

**W. P. 15179 (W) of 2016**

(Kakoli Das Vs. The State of West Bengal & Ors.)

**Ms. Debapriya Mukherjee**

.....For the petitioner  
[in WP 26542 (W)/15]

**Ms. P. Bhowmick  
Mr. Apalak Basu**

.....For the petitioner  
[in WP 16192 (W)/15]

**Mr. Jayanta Narayan Chatterjee  
Mr. Sirsendu Sinha Roy  
Mr. Debasish Banerjee  
Mr. Apalak Basu**

.....For the petitioners  
[in WP 10018 (W)/16,  
WP 17296 (W)/16]

**Ms. P. Bhowmick  
Mr. Apalak Basu**

.....For the petitioners  
[in WP 15184 (W)/16],  
WP 15181 (W)/16 &  
WP 15179 (W)/16]

**Mr. Tapan Kumar Mukherjee  
Mr. Ashim Kumar Ganguly  
Mr. Bellal Shaikh  
Ms. Monisha Pailan**

.....For the State

**[in WP 26542 (W)/15,  
WP 26192 (W)/15,  
WP 10018 (W)/16 &  
WP 17296 (W)/16]**

**Mr. Amitesh Banerjee  
Ms. Reshmi Ghosh**

**.....For the State  
[in WP 15181 (W)/16]**

These writ petitions are at the instance of victims of acid attack, seeking compensation and ancillary relief.

All these petitions shall be heard analogously henceforth.

In purported compliance with an order passed by the Supreme Court of India, the Government of West Bengal in the Home Department has issued a notification dated 27<sup>th</sup> April, 2015 fixing Rs.3 lakh on account of compensation payable to victims of acid attack. It is not in dispute that barring Surya Sankar Barik, Janmenjoy Khan, Sanchayita Jadav and Kakoli Das, the other 3 (three) petitioners have received Rs.3 lakh each.

Compensation of Rs.3 lakh each to the said petitioners is payable to these 4 (four) petitioners also in terms of the said notification. If not already sanctioned, compensation of Rs.3 lakh each shall be sanctioned and credited in their bank accounts within 4 (four) weeks from date of communication of this order to the relevant department.

In terms of orders passed by this Bench from time to time in W. P. 26542 (W) of 2015 [Rita Paul Vs. The State of West

Bengal & Ors.], the petitioner has been reimbursed Rs.21,000/- towards medical expenses out of a claimed amount of Rs.29,000/-.

Reimbursement of medical expenses has, however, not been made in favour of the other petitioners possibly because no such direction, as had been passed on the writ petition of 'Rita Paul' was passed on their writ petitions. All the petitioners, barring Rita Paul, shall be at liberty to establish contact with Mr. Nirmalya Ghoshal, Special Secretary (Home), Government of West Bengal with original vouchers, to the extent available with them, for claiming reimbursement of medical expenses. He shall look into the original vouchers produced by the said six petitioners and upon verification, proceed to reimburse such amount(s) in their favour as is/are found to be 'admissible'. The said petitioners may meet Mr. Ghoshal within 7 (seven) days from date with the original vouchers and on such approach being made, he shall verify their claim and take steps to release payment by 4 (four) weeks from date of such approach.

Insofar as issuance of disability certificate in favour of Rita Paul is concerned, it is evident on perusal of documents produced by Ms. Mukherjee, learned advocate representing her that the petitioner has been made to run from one

hospital to the other for the purpose of facilitating various medical examination. Having regard to the physical condition of the petitioner, it would have been desirable if the Government had made arrangements for her medical examination for the purpose of issuance of disability certificate at one Government hospital where all the facilities are available. Since disability certificate is yet to be issued in favour of Rita Paul despite expiry of the time fixed by the order dated 27<sup>th</sup> April, 2016 passed on her writ petition, the Government is directed to expedite the process of granting such certificate.

The process shall also be expedited in respect of the other petitioners.

Since all the medical facilities may not be available in any one of the district hospitals, the Government is directed to arrange for medical examination of all the petitioners either at the SSKM Hospital or the NRS Medical College & Hospital or the Calcutta Medical College & Hospital or the National Medical College & Hospital, Kolkata. This direction is made on the perception that all these hospitals are equipped with the facilities for conducting medical examination of the petitioners.

For the purpose of examining the petitioners, a Medical Board is required to be constituted. The Director of Health Services, West Bengal shall proceed to constitute such board as early as possible but not later than a fortnight from date of receipt of a copy of this order. Immediately upon constitution of such board, each of the petitioners shall be sent individual notices requiring their presence before the medical board on a common date and at a common venue so that the medical board may, at one go, examine all the 7 (seven) petitioners one after the other for the purpose of facilitating issuance of disability certificate in their favour. By way of abundant caution, notices for appearance shall also be sent to each of the advocates-on-record for the respective petitioners.

It is also directed that the petitioners shall furnish their respective mobile numbers, if any, to Mr. Ganguly, learned senior Government advocate. The mobile numbers of each of the petitioners' learned advocates-on-record shall also be furnished to him. Information, apart from being verbally given, shall be transmitted by SMS to the petitioners and their advocates-on-record.

That apart, the particulars of bank account(s) maintained by each of the petitioners shall be furnished to Mr. Ganguly by tomorrow (18<sup>th</sup> November, 2016).

Insofar as investigation of the crime committed on the petitioner in W. P. 10018 (W) of 2016 [Monisha Pailan Vs. The State of West Bengal & Ors.] is concerned, it appears that the accused has been absconding and despite issuance of warrant of arrest and he being declared as a proclaimed offender, the investigating agency is yet to trace his whereabouts and apprehend him.

This Bench finds it difficult, having regard to the high level of competence of the officers of the police force in the State, to accept that sincere endeavour has been made to trace out the said accused. The situation demands appropriate direction being issued to the superior officers of the force.

Accordingly, the Director General & Inspector General of Police, West Bengal is directed to look into the matter and ascertain whether steps have been taken in the proper direction or not for securing the arrest of the accused. A report shall be submitted on the returnable date.

Needless to observe, pendency of these writ petitions shall not debar the respective investigating agencies to

complete investigation, if not already completed, and to file appropriate police reports under Section 173(2) of the Code of Criminal Procedure before the relevant jurisdictional magistrate at an early date. Any party aggrieved by such police report shall be at liberty to work out his/her remedy in accordance with law before the relevant magistrate, if so advised.

If statement of any of the victims has not been recorded under Section 164 of the Code of Criminal Procedure by causing her production before the relevant magistrate, the relevant investigating officer shall immediately do so.

List these writ petitions as **'Part-heard Matters'** on **12<sup>th</sup> January, 2017**.

**( Dipankar Datta, J. )**