

10
24.02.2017
aj.

**W. P. 26542 (W) of 2015
with
W. P. 26192 (W) of 2015
with
W. P. 10018 (W) of 2016
with
W. P. 17296 (W) of 2015
with
W. P. 15184 (W) of 2016
with
W. P. 15181 (W) of 2016
with
W. P. 15179 (W) of 2016**

Ms. Debapriya Mukherjee

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

Ms. Pritha Bhowmick

Mr. Apalak Basu

**.....For the petitioners
[in WP 26192 (W)/15]
WP 15184 (W)/16
WP 15181 (W)/16
WP 15179 (W)/16]**

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]**

Mr. Tapan Kumar Mukherjee

Mr. Somnath Naskar.

**.....For the State
[in WP 26542 (W)/15,
WP 26192 (W)/15,
WP 10018 (W)/16.]**

Mr. Mukherjee, learned Additional Government Pleader representing the State in all these writ petitions has placed a report of the Medical Board (constituted in terms of the earlier order dated 17th November, 2016), prepared upon

examination of all the victims of acid attack who are the petitioners before this Bench. The report shall be retained with the records.

Mr. Mukherjee shall furnish copies of the medical report to each of the learned advocates representing the several petitioners in course of Monday next (27th February, 2017).

Mr. Mukherjee has further placed before this Bench memo dated 10th January, 2017 addressed to the Government Pleader by Mr. Nirmalya Ghoshal, Special Secretary to the Government of West Bengal informing him to the effect that in terms of the Central Victim Compensation Scheme framed by the Government of India, a Victim Compensation Fund with an initial amount of Rs.50,00,000/- (Rupees fifty lakh) has been constituted and such fund has been placed under the control of the Member Secretary, State Legal Services Authority, West Bengal through the Judicial Department. Such memo shall be retained with the records.

Finally, Mr. Mukherjee has placed the report of the Director General & Inspector General of Police, West Bengal dated 6th January, 2017 pertaining to W.P. 10018(W) of 2016. Such report shall also be retained with the records.

Mr. Jayanta Narayan Chatterjee, learned advocate for the petitioner in W.P. 10018(W) of 2016 shall be entitled to a copy of such report by Monday next.

A common grievance has been raised by the learned advocates appearing for all the petitioners that except the petitioner in W.P. 26542(W) of 2015, Rita Paul, reimbursement of medical expenses incurred by the acid attack victims has not been effected despite they having placed before Mr. Nirmalya Ghoshal all the original vouchers for the purpose of verification. It has also been submitted that by the order dated 17th November, 2016 of this Bench, steps were directed to be taken for release of payment within four weeks. Mr. Mukherjee is unable to answer as to why reimbursement has not yet been effected. In that view of matter, Mr. Mukherjee is granted time to obtain instructions on this point.

The point regarding non-issuance of disability certificate is next canvassed by the learned advocates for the several petitioners. Having regard to the extent of disability suffered by most of the petitioners, as revealed from the medical report filed in Court today, it would be desirable if the State expedites the process of issuance of disability certificates in favour of those petitioners who are entitled to

it. A report shall be filed on 2nd March, 2017 indicting therein the likely time period within which such disability certificates shall be issued.

Learned advocate for the petitioner in W.P. 15181(W) of 2016 complains that despite registration of Dum Dum Police Station F.I.R. No. 818/2014 as far back as on 23rd September, 2014, the investigating officer has not recorded the statement of the victim under Section 164 of the Code of Criminal Procedure. He also submits that no steps has yet been taken to arrest the accused.

Mr. Chatterjee, appearing in support of W.P. 10018(W) of 2016, has also submitted that the accused in Joynagar Police Station C.S. No.187/16 dated 16th February, 2016 has not been arrested. That the principal accused in such FIR could not be arrested is also borne out from the report of the Director General of Police filed in Court today. The report, however, reveals the diverse steps taken by the police to trace out the absconding principal accused and the initiatives taken for obtaining magisterial aid. Unfortunately, it appears therefrom that despite best efforts of the police, the principal accused is still at large.

There cannot be any doubt that police shall continue with their effort to trace out the principal accused

and to arrest him as early as possible. It is made clear that if the petitioner is in a position to give any clue to the police about the whereabouts of the principal accused, she shall be at liberty to do so.

Put up all the writ petitions on 2nd March, 2017 for further consideration at 4.15 P.M.

(Dipankar Datta, J.)