

GAHC010046532020



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

**Case No. : WP(C) 1462/2020**

1:KULSUM BIBI  
W/O- LT. SONA UDDIN @ SONA UDDIN SK, VILL- BANIAMARI PART-V, P.O.  
MAKRIJHORA, P.S. GAURIPUR, DIST.- DHUBRI, ASSAM, PIN- 783349

VERSUS

1:THE STATE OF ASSAM AND 3 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HOME AND  
POLITICAL DEPTT., DISPUR, GHY-06

2:THE ASSAM STATE LEGAL SERVICES AUTHORITY  
REP. BY ITS MEMBER SECY.  
GHY-01

3:THE DISTRICT LEGAL SERVICES AUTHORITY  
DHUBRI  
ASSAM  
REP. BY ITS MEMBER SECY.  
P.O. AND P.S. AND DIST.- DHUBRI  
ASSAM  
PIN- 783301

4:THE CHAIRMAN  
DISTRICT LEGAL SERVICES AUTHORITY  
DHUBRI  
ASSAM  
P.O. AND P.S. AND DIST.- DHUBRI  
ASSAM  
PIN- 78330

**Advocate for the Petitioner : MR. M HUSSAIN**

**Advocate for the Respondent : GA, ASSAM (R1TO4)**

**BEFORE  
THE HON'BLE MR. JUSTICE PRASANTA KUMAR DEKA  
ORDER**

28.02.2020

Heard Mr. M. Hussain, the learned counsel for the petitioner. Also heard Ms. R. B. Bora, the learned Government Advocate, Assam for the respondent Nos. 1 to 4.

The husband of the petitioner was murdered and in Sessions Case No. 65/2007, one of the accused persons was convicted. In the judgment, the learned Additional Sessions Judge, Bilasipara while passing the judgment convicted one of the accused persons but failed to take note of the compensation as provided under Section 357A of the Cr.P.C. Being aggrieved, the petitioner approached this court and vide order dated 30.04.2019 passed in WP(C) No. 1563/2019 directed the District Legal Services Authority, Dhubri to take up the claim of the petitioner for victim compensation under Section 357A of the Cr.P.C. and after due enquiry, decide the quantum of compensation to be awarded in terms of the Government Notification being No.PLA 524/2015/Pt/190(ECF-38361) dated 01.02.2019 wherein in the case of death, both the minimum and maximum amount of compensation is fixed at Rs. 5.00 Lakhs ( five lakhs). The impugned order passed by the Secretary Legal Services Authority, Dhubri annexed in this writ petition wherefrom it is apparent that the amount was assessed at Rs. 1.00 Lakh (one lakh) under Assam Victim Compensation Scheme, 2012.

Keeping in view that there was a specific direction from this court in WP(C) No. 1563/2019 to consider the compensation under the Government Notification dated 01.02.2019 as agreed to by the learned counsel for the respondents, I do hereby dispose of this writ petition with a direction to the petitioner to file an appropriate application before the Secretary, District Legal Services Authority, Dhubri for reconsideration of the case of the

petitioner in the light of the order dated 30.04.2019 passed in WP(C) No. 1563/2019. The authority shall dispose of the application within a period of 30 (thirty) days from the date of receipt of this order along with the appropriate application.

This writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**