

2. I have heard learned counsel for the parties.

3. Mr. M.F. Qureshi, learned counsel for the petitioner has submitted that for the wrongful death caused, no compensation has been paid and has prayed that compensation if payable should be considered and released to the next of kin of the deceased at the earliest. He further submits that he is not aware about the exact stage of the trial as on date but he had been informed, that charge sheet had been filed last year.

4. Mr. H. Kharmih, learned GA for the State respondents on the last date, in connection with MC(WPC) No. 31 of 2021, had produced before this Court a copy of Office Memorandum dated 09.03.2021 which provides for a scheme for grant of Ex-gratia payment to the victims who are killed, disabled due to incidents of mob violence and lynching in the State. He submits that the case of the petitioner can be examined by the competent authority as given in Para-4 of the scheme for payment of suitable compensation. He then prays that the matter in this regard, can be disposed of with appropriate directions from this Court.

5. Having heard the submissions and considered the materials on record, especially the Office Memorandum dated 09.03.2021, this Court proposes to dispose of this writ petition at this stage itself. However, before issuing specific directions, it would be relevant to refer to the case of *Tehseen S. Poonawalla vs. Union of India & Ors.* reported in (2018) 9 SCC 501, wherein the Hon'ble Supreme Court had issued directions that are to be complied with by State authorities. Paras 40.16 and 40.17 which are important, with

regard to the remedial measures to be taken by the State in such cases are quoted herein below: -

“40.16. The State Governments shall prepare a lynching/mob violence victim compensation scheme in the light of the provisions of Section 357-A CrPC within one month from the date of this judgment. In the said scheme for computation of compensation, the State Governments shall give due regard to the nature of bodily injury, psychological injury and loss of earnings including loss of opportunities of employment and education and expenses incurred on account of legal medical expenses. The said compensation scheme must also have a provision for interim relief to be paid to the victim(s) or to the next of kin of the deceased within a period of thirty days of the incident of mob violence/lynching.

40.17. The cases of lynching and mob violence shall be specifically tried by designated court/Fast Track Courts earmarked for that purpose in each district. Such courts shall hold trial of the case on a day-to-day basis. The trial shall preferably be concluded within six months from the date of taking cognizance. We may hasten to add that this direction shall apply to even pending cases. The District Judge shall assign those cases as far as possible to one jurisdictional court so as to ensure expeditious disposal thereof. It shall be the duty of the State Governments and the Nodal Officers in particular to see that the prosecuting agency strictly carries out its role in appropriate furtherance of the trial.”

6. On perusal of the above noted judgment, it would reflect that the State Governments are to prepare a scheme for victim(s) compensation in the light of Section 357-A of the Cr.P.C. and that such cases are to be fast tracked or placed before a designated Court and that such trial be concluded preferably within a period of 6(six) months.

7. In this backdrop, as the scheme is in place, it is therefore directed that the petitioner submits an application for claim of compensation before the respondent No. 3, who on receipt of the same

shall make necessary recommendations to the respondent No. 2 within a period of 30(thirty) from the date of receipt of the said application. As the matter is under trial, it is made clear that on application before the Court seized with the matter, the petitioner will be afforded certified or true copies of documents necessary to enable him to submit the claim application before the Respondent No. 3.

8. Needless to add, as per the directions of the Hon'ble Supreme Court, it will be incumbent upon the Court trying the matter to dispose of the same as expeditiously as possible.

9. With the above noted directions, this petition is accordingly disposed of.



JUDGE

Meghalaya
26.03.2021
"V. Lyndem-PS"