

4 07.12.2021

gd/ssd

WPA(P) 27 of 2021
(Through Video Conference)

The Court on its own motion:

In re: UTP Dipak Joshi, lodged in Dum Dum
Central Correctional Home.

Mr. Jayanta Narayan Chatterjee,
Ms. Jayashree Patra
..for the SLSA.

Mr. Anirban Ray,
Mr. Debasish Ghosh
..for the State.

Mr. Saikat Banerjee,
Ms. Juin Dutta Chakraborty,
Mr. U.K. Roy
..for High Court Administration.

This suo motu petition was registered by this Court taking note of the factual situation that one Dipak Joshi, a person of Nepali origin was arrested on 12.5.1980 and had remained in detention for almost 41 years without conclusion of trial, awaiting the report of appropriate authority as regards his mental status because apparently an issue was raised as to whether the said person was fit to withstand trial on a charge of having committed an offence. With the intervention of this Court said Dipak Joshi has been released from Dum Dum Central Correctional Home and has been handed over to his relatives. The fact remains that

Dipak Joshi remained in detention without trial for almost 41 years. Hence, in view of previous proceedings in this Court the issue of awarding compensation to the said person who has suffered such a long detention, arises.

Learned counsel for the High Court has referred to the West Bengal Correctional Services Prisoners (Unnatural Death Compensation) Scheme, 2019 and has submitted that the maximum compensation payable under the said Scheme is Rs.5 lakhs and taking a clue from the said Scheme, the maximum compensation as payable under the scheme should be paid to Dipak Joshi.

Learned counsel for the State has not disputed the said fact and he has submitted that the amount can be credited in the account of Dipak Joshi, who is presently in Nepal with his family members, through the Consulate of Nepal.

Hence, we direct the respondent/State to pay a sum of Rs.5 lakhs by transferring the amount in the account of Dipak Joshi by following the due process of law within a period of six weeks from today. We make it clear that this payment of compensation will not effect the other rights of Dipak Joshi.

Let the compliance report be filed by the State before the next date of hearing.

List on 17th of February, 2022.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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