

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLA No.503 of 2022

Bapi @ Santosh Kumar ***Appellant/
Bedant*** ***Petitioner***

Mr. B.S. Dasparida, Advocate

-versus-

State of Odisha ***Respondent/
Opp. Party***

*Mr. Arupananda Das
Addl. Govt. Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
08.02.2024**

I.A. No.957 of 2022

Order No.

05. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This is an application under section 389 of Cr.P.C. for grant of bail.

As per order dated 31.10.2023, learned counsel for the State has produced the photograph of the victim which shows her face has been completely disfigured on account of acid attack.

After perusing the photograph of the victim, it is apparent that the victim needs medical intervention, especially surgical treatment, i.e. plastic

reconstructive surgery. Against this backdrop, it is apposite on my part to remind the following directions given by the Hon'ble Supreme Court in the case of **Laxmi -Vrs.- Union of India reported in (2016) 3 Supreme Court Cases 669** for proper treatment, aftercare and rehabilitation of victims of acid attacks:

"33. Insofar as the proper treatment, aftercare and rehabilitation of the victims of acid attack is concerned, the meeting convened on 14-3-2015 notes unanimously that full medical assistance should be provided to the victims of acid attack and that private hospitals should also provide free medical treatment to such victims. It is noted that there may perhaps be some reluctance on the part of some private hospitals to provide free medical treatment and, therefore, the officers concerned in the State Governments should take up the matter with the private hospitals so that they are also required to provide free medical treatment to the victims of acid attack.

34. The decisions taken in the meeting read as follows:

34.1. The States/UTs will take a serious note of the directions of the Supreme Court with regard to treatment and payment of compensation to acid attack victims and to implement these

directions through the issue of requisite orders/notifications.

34.2. The private hospitals will also be brought on board for compliance and the States/UTs will use necessary means in this regard.

34.3. No hospital/clinic should refuse treatment citing lack of specialised facilities.

34.4. First aid must be administered to the victim and after stabilisation, the victim/patient could be shifted to a specialised facility for further treatment, wherever required.

34.5. Action may be taken against hospital/clinic for refusal to treat victims of acid attacks and other crimes in contravention of the provisions of Section 357-C of the Code of Criminal Procedure, 1973.

34.6. We expect the authorities to comply with these decisions.

35. Although it is not made clear in the meeting held on 14-3-2015, what we understand by free medical treatment is not only provision of physical treatment to the victim of acid attack but also availability of medicines, bed

and food in the hospital concerned.

36. We, therefore, issue a direction that the State Governments/Union Territories should seriously discuss and take up the matter with all the private hospitals in their respective State/Union Territory to the effect that the private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries.”

Having regard for the aforesaid directions issued by the Hon'ble Highest Court, let the learned counsel for the State obtain instruction as to what sort of provisions have been made by the Govt. of Odisha to provide medical treatment, particularly, plastic surgery to the acid attack victims.

The victim will be produced before the Superintendent of S.C.B. Medical College and Hospital, Cuttack (hereafter for short, 'S.C.B.M.C.H.')

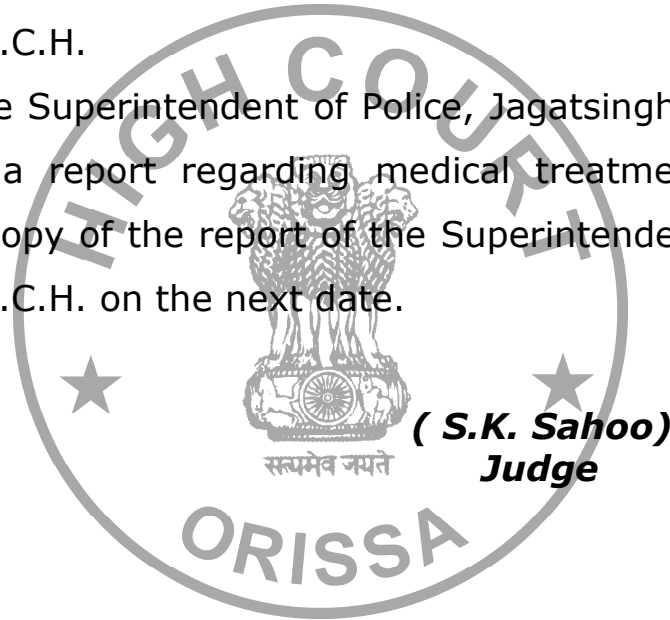
and she will be examined by a team of doctors formed by the Superintendent of S.C.B.M.C.H. and if proper facilities for her treatment are available, so far as plastic reconstructive surgery is concerned, then the same has to be immediately provided to her free of cost. If the said treatment is not available in S.C.B.M.C.H.,

the State shall make necessary arrangement of the treatment of the victim in other Government/private hospital either inside the State or outside.

List this matter in the week commencing from 26.02.2024.

A copy of the order be handed over to the learned counsel for the State, which will be forwarded to the Superintendent of Police, Jagatsinghpur to do the needful in making necessary arrangement for producing the victim before the Superintendent of S.C.B.M.C.H.

The Superintendent of Police, Jagatsinghpur shall submit a report regarding medical treatment along with a copy of the report of the Superintendent of the S.C.B.M.C.H. on the next date.



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