

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.139/2023/EZ
(Earlier O.A. No. 542/2023)

In Re.: news report published in
The Hindu dated 28.08.2023 titled
“Eight killed in blast at illegal
Fireworks unit in West Bengal”

Applicant(s)

Versus

Petroleum and Explosives
Safety Organization (PESO) & Ors.

Respondent(s)

Date of hearing: 25.04.2024

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON’BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,

For Respondent(s) : Mr. Ashok Prasad, Advocate for R-1, (in Virtual Mode)
Mr. Dipanjan Ghosh, Advocate for R-2,
Mr. Surendra Kumar, Advocate for R-3,
Mr. Sibojyoti Chakraborty, Adv. for R-4, (in Virtual Mode)

ORDER

1. Affidavit dated 24.04.2024 has been filed on behalf of the Respondent No.4, District Magistrate & Collector, North 24 Parganas; the same is taken on record.
2. In this affidavit, an order dated 16.04.2024 has been filed as Annexure:R-2, showing the name of the deceased, FIR numbers, Account numbers and IFSC codes. However, the amount paid by way of compensation has not been disclosed in the affidavit for reasons best known to the State Respondents.
3. We also find from the Joint Inspection Report filed along with the affidavit of the District Magistrate & Collector, North 24 Parganas, dated 17.01.2024 that the accident was caused by a single blast in the house of one Samsur Ali who had rented it to one Keramat Ali of

Berunanpukhuria, Duttapukur, P.S. It is also mentioned that Keramat Ali deployed some labourers from outside to run illegal manufacturing and storage of firecrackers where the blast happened. Name of Keramat Ali is shown at Item No.2 of the order dated 16.04.2024 as one of the deceased.

4. ‘Victim’ has been defined in Section 2 (wa) of the Code of Criminal Procedure, 1973, to mean a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “Victim” includes his or her guardian or legal heir. Section 2 (wa) of the Act, 1973, reads as under:-

“2. Definitions.-

.....xxx.....xxx.....xxx.....

[(wa) “victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “Victim” includes his or her guardian or legal heir;]”

5. Annexure: R-2, letter dated 16.04.2024 to the affidavit dated 24.04.2024 filed by the District Magistrate & Collector, North 24 Parganas, at Item No.2 shows that FIR has been lodged against Keramat Ali who has been shown as accused.
6. Question is how has compensation been paid to the heirs of an accused who was alleged to have been manufacturing illegal firecrackers and died in its blast. Keramat Ali cannot be said to be a ‘victim’ who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged, since he himself is the accused person.
7. Similar is the case in Rabiylul Ali. The Report also mentions that Rabiylul Ali is one of the persons along with Keramat Ali held responsible for the blast. Rabiylul Ali has died due to injury suffered by him but as per the order dated 16.04.2024, his mother has been paid

compensation and in that letter Mr. Rabiylul Ali is shown as person against whom FIR has been lodged.

8. *Prima facie*, in terms of the definition of word 'victim' as occurring in Section 2 (wa) of the Code of Criminal Procedure, 1973, Rabiylul Ali cannot be termed as victim, rather he is the one of the accused.
9. The wife of Keramat Ali and mother of Rabiylul Ali also cannot be said to be persons aggrieved within the meaning of Section 18 (2)(e) of the National Green Tribunal Act, 2010, nor can they be said to be the legal representatives of the deceased, since the deceased were themselves the perpetrators of environmental damage.
10. This Tribunal had specifically in para 5 of its order dated 18.01.2024 raised a query as to whether compensation is payable to persons who are involved in illegal activity such as – manufacturing of fire explosive which itself poses a threat to the State Government, causing damage to its people and environment.
11. No affidavit has been filed by the State Respondents explaining the query of the Court as per para 5 of the order dated 18.01.2024 but compensation has been paid to the wife of Keramat Ali and mother of Rabiylul Ali. The State Respondents have to explain as to how compensation was paid to the wife of Keramat Ali and mother of Rabiylul Ali who as per Inspection Report were involved in manufacturing of illegal firecrackers.
12. Let the affidavit be filed by 01.05.2024.
13. **List on 01.05.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

April 25, 2024,
Original Application No.139/2023/EZ
(Earlier O.A. No.542/2023)
AK