



2026:AHC:47841-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 4938 of 2026

Sobratan

.....Petitioner(s)

Versus

The State Of U.P. And 7 Other

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Shahanshah Khan
Counsel for Respondent(s)	:	C.S.C.

A.F.R.

Court No. - 2

**HON'BLE ATUL SREEDHARAN, J.
HON'BLE SIDDHARTH NANDAN, J.**

Ref:- Civil Misc. Exemption Application No. Nil of 2026

1. For the reasons mentioned in the exemption application, the exemption application is allowed.
2. The petitioner is exempted from submitting a digital signature.

Order on Writ Petition

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondents.
2. The present petition has been filed by the petitioner, Sobratan, who is the wife of the deceased, Jalaluddin. It is stated that the deceased died on 11.10.2021 on account of a snake bite.
3. Petitioner is the wife of the deceased. As the application for compensation under the Chief Minister Farmers Accident Insurance Scheme was not being decided within a reasonable time, the petitioner approached this Court by filing Writ-C No. 35446 of 2025 (Sobratan Vs. The State of U.P. And 7 Other) which was disposed of with a direction to the District Magistrate, Mirzapur to decide the pending claim of the petitioner within a

period of 4 weeks in the light of the Government Order dated 08.07.2021. Thereafter, the petitioner's application was decided and rejected by the impugned order dated 12.12.2025.

4. The case of the petitioner is that the impugned order is bad in law and on facts, it merely reproduces the observations contained in the Panchnama, wherein the panch witnesses have stated that the deceased died on account of being bitten by a venomous creature. It does not specifically mention a snake bite. The District Magistrate, Mirzapur, in the impugned order, has considered the post-mortem report and has come to the conclusion that no definite cause of death has been ascribed in the post-mortem report, although the viscera had been preserved for analysis, it cannot be stated that the deceased died as a result of a snakebite.

5. Learned counsel for the petitioner has argued with great vehemence that the impugned order is erroneous, as the post-mortem report clearly discloses a snakebite injury. In this regard, learned counsel for the petitioner has drawn the attention of this Court to the post-mortem report at page no. 41 of the petition, wherein the external injuries recorded by the doctor who conducted the post-mortem examination are mentioned. The first injury is described as an abrasion measuring 0.5X0.25 cm on the side of the left ring finger. The second injury is also an abrasion measuring 0.25X2.0 cm on the palmar aspect of the left ring finger. The viscera were preserved for chemical analysis, which included parts of the stomach and its contents, portions of the liver, spleen, and kidneys, and one loop of the small intestine. The preserved viscera were sealed and handed over to the constable concerned for being sent to the laboratory.

6. To further support his contentions, learned counsel for the petitioner has drawn the attention of this Court to the Government Order placed at page no. 49 of the petition. In the said order, the State Government has taken into consideration the delay in deciding applications relating to snakebite deaths on account of awaiting the viscera report. The State Government has directed that in such cases it is not necessary to insist upon a viscera report

and that such claims relating to snakebite deaths may be decided even in the absence of the same.

7. Learned counsel for the respondent, on the other hand, submits that the said Government Order dated 08.07.2021 would apply only in cases where there is no doubt that the death occurred due to a snakebite. He further refers to the post-mortem report to justify the impugned order, contending that the report does not indicate that the victim died because of a snakebite. He also submits that the conclusion recorded by the doctor who conducted the post-mortem examination that the cause of death is to be correlated with the viscera report along with the presence of external injuries, does not demonstrate that the victim could have died due to a snakebite.

8. Heard learned counsel for the parties and perused the documents filed along with the petition.

9. The contention of the learned counsel for the petitioner is that the two abrasions found on the body of the deceased are due to the snakebite.

10. This Court disagrees with the said submission. An abrasion is an injury to the human body that may occur because of friction between the skin and a hard or rough surface. It involves the removal of the epidermis layer of the skin and, depending upon the degree of frictional force applied, the injury may be either superficial, deep or an avulsion (seen prominently in motor vehicle accident injuries). In the case of a bite from a venomous snake, the injury would ordinarily consist of puncture wounds caused by the fangs of the snake. Thereafter, depending upon nature of the venom, haematological reactions take place in the human body which affects blood coagulation and impairs oxygen absorption in the blood revealing symptoms of asphyxia (in case of Krait and Cobra venom leading to the collapse of the respiratory system), reflected in the bluish discoloration of the lips and fingernails. It is not necessary that such symptoms be always seen. A snakebite affecting the neurological system may cause death much faster, and in those cases, the symptoms may

not follow the usual pattern. However, in cases of snakebite death, the classic hallmark of two puncture wounds inflicted by the fangs is usually visible and the site of the bite would have signs of swelling, necrotic tissues and blackening (depending upon the nature of venom).

11. Therefore, the argument advanced by the learned counsel for the petitioner that the abrasion injuries found on the body of the deceased, in the absence of other signs like swelling and/or formation of necrotic tissues, was caused by a snakebite, is rejected.

12. This Court, however, is cognizant of the fact that the doctor conducting the post-mortem examination may have erred in not recording the puncture injuries on the body of the deceased. However, if at a later date the viscera report confirms the presence of snake venom (the chances of which are also less as snake venom would decompose and become untraceable with the passage of time in the viscera) the petitioner shall be eligible to claim compensation again, subject to the limitation period commencing from the date the viscera report is made available to the petitioner. Therefore, this petition is disposed of with liberty granted to the petitioner to apply afresh, if the viscera report reveals the presence of snake venom.

13. In view of the above, the petition stands disposed of.

14. As regards the Government Order, the same would be applicable in cases where the post-mortem report clearly states that the death occurred on account of a snakebite. In such circumstances, the application for compensation ought to be decided without awaiting the viscera report, as the Government Order itself provides that the viscera report is not essential.

March 9, 2026
Vikram

(Siddharth Nandan,J.) (Atul Sreedharan,J.)