OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY ::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণৰ কার্য্যালয়:::::::::::বঙাইগাঁও
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অসম চৰকাৰ
GOVERNMENT OF ASSAM

No. DLSA/BGN 17/UTRC/2017-22/ 7107 Dated: 21st October, 2022

From: Shri Tarun Dey, AJS,
Secretary,
District Legal Services Authority,
Bongaigaon.

To,

The Hon'ble Member Secretary,
Assam State Legal Services Authority,
Adjacent to Gauhati High Court, New Block,
Guwahati-01.

Sub.: Minutes of monthly UTRC meeting held on 20-10-2022.

Ref.: As per ASLSA Calendar of activities for the F.Y. 2022-23.

Sir,

With reference to the above, I have the honour to send herewith the copy of Minutes of the monthly Under Trial Review Committee (UTRC) meeting for the month of October, 2022 held on 20-10-2022, for your kind information and necessary action.

Enclo.: Copy of Minutes.

Yours sincerely

21.10.22

(Shri Tarun Dey, AJS)
Secretary
District Legal Services Authority
Bongaigaon

Secretary
District Legal Services Authority
Bongaigaon

Memo No. DLSA/BGN 17/UTRC/2017-22/ 7107A Dated: 21st October, 2022

21/10/22

Copy for kind information to:-

1. The Hon'ble District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon.
2. The District Magistrate, Bongaigaon.
3. The Superintendent of Police, Bongaigaon.
4. The Systems Officer, District & Sessions Judge's Office, Bongaigaon. He is asked to upload the Minutes of the UTRC meeting in the official website immediately.
5. Office file.

21.10.22

(Shri Tarun Dey, AJS)
Secretary
District Legal Services Authority
Bongaigaon

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Secretary
District Legal Services Authority
Bongaigaon

21/10/22

MINUTES

UNDER TRIAL REVIEW COMMITTEE MEETING OF BONGAIGAON DISTRICT

The Under Trial Review Committee meeting as per the S.O.P. issued by the N.A.L.S.A. sent by Email dated 17.12.2018 in compliance with the directions of the Hon'ble Supreme Court in W.P.(C) No. 406/2013 in Re-Inhuman Conditions in 1382 Prisons, is convened today, i.e. on 20.10.22 at the chamber of District and Sessions Judge, Bongaigaon from 4.00 PM onwards. The following members are present:

Office of the District Legal Services Authority * Bongaigaon *

Sri Satya Nath Sarma, AJS (Chairman):		District and Sessions Judge –cum-Chairman, DLSA, Bongaigaon
Sri Tarun Dey, AJS (member)	:	Secretary, DLSA, Bongaigaon
Sri Moni Kanta Chamua,	:	DSP (HQ), Bongaigaon (on behalf of S.P., Bongaigaon)
Sri David Patgiri	:	Jailor, District Jail, Abhayapuri, Bongaigaon (on behalf of Jail Superintendent)

In the meeting, the following matters were taken up as per the S.O.P. issued by the N.A.L.S.A. sent by Email dated 17.12.2018 in compliance with the directions of the Hon'ble Supreme Court in W.P.(C) No. 406/2013 in Re-Inhuman Conditions in 1382 Prisons. The Secretary, DLSA placed before the committee the list of UTPs under the various categories to be taken up by the committee for consideration under the respective heads. The committee deliberated upon the list and the matters raised by all concerned and after due discussions took up the resolutions.

1. **U.T.Ps covered under Sec 436A of the CrPC**

The committee perused the list of UTPs in detail and found no such case which required application of section.

2. **U.T.Ps released on bail by Court but have not been able to furnish sureties:**

Table 1

Sl. no	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks

1.	Bikram Thakur	RPF post NBQ 12/22	3 (A) RP (UP) Act	Special Railway Magistrate	23.07.22	
2.	Sanwar Hussain	Bongaigaon PS 304/22	454/380 IPC	CJM, Bongaigaon	16.07.22	
3.	Badal Sikdar	Bongaigaon PS 314/22	341/392 IPC	CJM, Bongaigaon	20.07.22	
4.	Kasem Ali	Manikpur PS 129/22	379 IPC	Addl. CJM, Bongaigaon	26.07.22	
5.	Chandan Biswakarma	Sessions 35 (J)/22	120B/36 7/370/34 IPC	Addl Sessions Judge, Abhayapuri	20.08.20	
6.	Jayanta Sharma	Sessions 25 (J)/22	366 IPC	Addl Sessions Judge, Abhayapuri	25.04.22	
7	Abdul Mojid	Bongaigaon GRPC 04/22	20 (b) (ii) (c) NDPS Act	Special Judge, Bongaigaon	31.01.22	
8	Monoranjan Ray	Manikpur PS 117/22	302 IPC	Addl. CJM, Bongaigaon	06.07.22	

3. U.T.Ps accused of compoundable offences:

(as per order of Hon'ble Supreme Court dated 24th April, 2015)

The committee perused the list of UTPs in detail and found that no such case is pending for trial to be compoundable offences.

4. U.T.Ps eligible under Section 436 CrPC:

(as per order of Hon'ble Supreme Court dated 5th February,2016)

The committee perused the list of UTPs in detail and found no such cases in the above category.

5. UTPs who may be covered under Section 3 of the Probation of Offenders Act, namely accused of offence under Sec 379, 380, 381, 404, 420 IPC or alleged to be offence not more than 2 years imprisonment.

(as per order of Hon'ble Supreme Court dated 5th February, 2016)

The committee perused the list of UTPs in detail and found no such case in the above category.

6. Convicts who have undergone their sentence or are entitled to release because of remission granted to them

(as per order of Hon'ble Supreme Court dated 5th February, 2016)

The committee perused the list of UTPs in detail and found no such case in the above category.

7. UTPs become eligible to be released on bail u/s 167 (2)(a)(i) and (ii) of the Code read with Sec 36A of the NDPS Act, 1985 (where persons accused of sec 19 or Sec 24 or Sec 27A or for offences involving commercial quantity) and where investigation is not completed in 60/90/180 days.

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

The committee perused the list of UTPs in detail and found no such case in the above category.

8. UTPs who are imprisoned for offences which carry a maximum punishment for two years.

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

Table 2

Sl.no	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1	Mainuddin Haque	Bongaigaon PS 420/22	21(a)/27(a) NDPS Act	CJM, Bongaigaon	05.10.22	
2	Saha Alom Sheikh	Bongaigaon PS 420/21	21(a)/27(a) NDPS Act	-do-	05.10.22	

9. UTPs who are detained under chapter VIII of the CrPC, i.e. u/s 107, 108, 109 and 151 of CrPC.

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

The committee perused the list of UTPs in detail and found no such case in the above category.

10. UTPs who are sick or infirm and require specialised medical treatment.

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

There is no such UTP in this category.

11. UTPs women offenders:

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

There is no such UTP in this category.

12. UTPs who are first time offenders between the ages of 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

There is no such UTP in this category.

13. UTPs who are of unsound mind and must be dealt with chapter XXV of the code.

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

The committee perused the list of UTPs in detail and found no such case in the above category.

14. UTPs eligible for release under Sec 437(6) CrPC, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.

(as per order of Hon'ble Supreme Court dated 6th May, 2016)

The committee perused the list of UTPs in detail and found no such case in the above category.

The committee has made the following resolutions/recommendation in respect of above:

1. From the table no. 1, it appears that in most of the cases, the bail orders have been passed recently. So, the committee is of the view that the UTPs may be given sufficient time to comply with orders of bail before making recommendation of release on PR bond to Courts. However, with regard to all UTPs, the concerned Legal Aid Counsels are already communicated by the Secretary DLSA to make appropriate application for modification or alteration of conditions of bail before the Courts and according to the Secretary, DLSA, he has been taking updates of the cases and inform the ASLSA time to time. So, no recommendation is required to be made by the committee.

2. With regard to UTPs mentioned in table no 2, the O/Cs of the concerned PS may be directed to expedite investigation and submit report in final form before the concerned Court.

3. The committee asks the Secretary, DLSA to send letter of recommendation to concerned Court for consideration.

4. The committee also resolves that the Secretary, DLSA will prepare the minutes and send to the respective authorities for information and necessary action alongwith the necessary recommendations.

The meeting ended with a vote of thanks to all members and invitee present for making it convenient to attend the meeting.

Dated 20.10.22

21.10.22

(Shri Tarun Dey, AJS)
Secretary
District Legal Services Authority
Bongaigaon

Secretary
District Legal Services Authority
Bongaigaon