OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY :::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণৰ কাৰ্য্যালয়::::::::::বঙাইগাঁও
1st Floor, District Judicial Court Building, Deuripara, Bongaigaon
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No. DLSA/BGN 17/UTRC/2017-23/ 7136 Dated: 13th October, 2023

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 weekly UTRC meeting held on 11-10-2023.

Ref.: Letter No. ASLSA 13/2022/262 dated 20-09-2023.

Sir,

With reference to the above, I have the honour to send herewith the copy of minutes of 2nd Weekly Under Trial Review Committee (UTRC) meeting held on 11-10-2023 as per "NALSA Under Trial Review Committee Special Campaign 2023", for your kind information and necessary action.

Enclo.: Copy of Minutes.

Yours sincerely
13.10.23
(Shri Tarun Dey, AJS)
Secretary
District Legal Services Authority
Bongaigaon

Secretary
District Legal Services Authority
Bongaigaon
13/10/23

Memo No. DLSA/BGN 17/UTRC/2017-23/ 7136-A Dated: 13th October, 2023

Copy forwarded for kind information & necessary action to:-

1. The District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon, for kind information.
2. The District Magistrate, Bongaigaon, for kind information.
3. The Chief Judicial Magistrate, Bongaigaon.
4. The Superintendent of Police, Bongaigaon, for kind information.
5. The Addl. Chief Judicial Magistrate, Bongaigaon.
6. The SDJM(M), North Salmara, Abhayapuri.
7. The JMFC, North Salmara, Abhayapuri.
8. The JMFC, Bongaigaon.
9. The Superintendent of District Jail, Abhayapuri.
10. The Chief Legal Aid Defense Counsel, LADC Office, Bongaigaon.
11. 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.
12. Office file.

13.10.23
(Shri Tarun Dey, AJS)
Secretary
District Legal Services Authority
Bongaigaon

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Secretary
District Legal Services Authority
Bongaigaon
13/10/23

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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 11.10.23 at the chamber of District and Sessions Judge, Bongaigaon from 3.00 PM onwards. The following members are present:

Smt. Moushumi De, AJS (Chairman)	:	District and Sessions Judge –cum-Chairman, DLSA, Bongaigaon
Smt. Nilakshi Lahkar (Special invitee)	:	Chief Judicial Magistrate, Bongaigan,
Sri Tarun Dey, AJS (member)	:	Secretary, DLSA, Bongaigaon
Sri F.S. Haque (member)	:	Jail Superintendent, District Jail, Abhayapuri, Bongaigaon

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

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Sl. no	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1.	Bakul Nath	Bongaigaon PS 325/23	379/411	CJM, Bongaigaon	06.08.23 (Bail order 06.08.23	
2	Harun Rashid	Abhayapuri PS 275/23	Sec 457/380 IPC	SDJM (M), Abhayapuri	17.06.23 (Bail order 14.08.23)	
3.	Anom Hussain	Abhayapuri PS 305/23	Sec 380/411 IPC	SDJM (M), Abhayapuri	05.07.23 (Bail order 14.08.23)	
4.	Rafiqul Islam	PRC 503/2020	143/294/ 354B/32 3 IPC	CJM, Bongaigaon	03.10.23 (Bail order 05.10.23)	
5.	Santosh Gayari	PRC 324/23	392 IPC	JMFC, Bongaigaon	24.07.23 (Bail order 08.09.23	
6.	Madan Nath	Bongaigaon PS357/2023	379 IPC	CJM, Bongaigaon	01.09.23 (bail order 26.09.23)	

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 the following cases.

Table 2

Sl.no	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1	Raki Harijan	PRC 132/18	448/380 IPC	Addl. CJM, Bongaigaon	09.03.23	
2.	Fulchand Ali	PRC 14/23	379/411 IPC	Addl. CJM, Bongaigaon	17.05.23	
3.	Hasanur Ali	PRC 138/23	379 IPC	JMFC, Abhayapuri	30.05.23	

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4.	Jitu Arjya	PRC 117/23	379 IPC	JMFC, Abhayapuri	19.05.23	

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 found no any case in this category to consider/ review.

6. 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.

7. 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)

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

8. 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

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9. 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.

10. UTPs women offenders:

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

The committee found no case in this category to consider/ review

11. 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)

No such case in the above category

12. 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.

13. 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 finds no case in this category

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

1. Besides steps have been taken by DLSA in terms of Judgment of Hon'ble Supreme Court of India in SMWP (Criminal) no. 4/2021 in respect of UTPs mentioned in table no. 1, the committee is of the view that they may be recommended considering the offences registered against them. So, the names

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of the above UTPs are recommended to the concerned Courts by the committee. The concerned Courts are requested to release the UTPs on their personal bond, if they deem it fit considering the aspect of their future attendance. The Chief Legal Aid Defence Counsel is requested to make appropriate applications on behalf of the UTPs before the concerned Courts. It is to be mentioned that 8 UTPs were released by concerned Courts after recommendation of UTRC out of 14 UTPs considered reviewed. Today another three UTPs were added in the table for consideration/ review.

2. In respect of UTPs mentioned in the table no. 2, the committee requested the concerned Courts should explore possibilities and take endeavour of amicable settlement by compounding the offences by calling upon the victim of the crime. But, after discussion with Legal Aid Counsels, it is known that the cases are yet to be in evidence stage. So, the recommendation as given in the previous meeting will not serve purpose. Under such circumstances, the committee is of the view that the UTPs may be recommended to be released on personal bond, if they deem it fit considering the aspect of their future attendance. The Chief Legal Aid Defence Counsel is requested to make appropriate applications on behalf of the UTPs before the concerned Courts.

3. The committee also requests that the Secretary, DLSA will prepare the minutes and send to the respective authorities for information and necessary action.

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

Dated 11.10.23

11.10.23

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

Secretary
District Legal Services Authority
Bongaigaon

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