OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY :::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণ::::::::::::বঙাইগাঁও
1st Floor, District Judicial Court Building, Deuripara, Bongaigaon
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No. DLSA/BGN 17/2017-20/ 1651 Dated: 7th April, 2020

From: Shri C. P. Talukdar, AJS,
Secretary,
District Legal Services Authority,
Bongaigaon.

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

Sub.: **Minutes of the Weekly Under Trial Review Committee (UTRC) meeting held on 07-04-2020.**

Ref.: i) Letter No. ASLSA 114/2010/Pt-I/3691 dated 29th December, 2018.
ii) Suo Moto Writ Petition (Civil) No. 01/2020 of Hon'ble Supreme Court of India.

Sir,

With reference to the subject cited above, I have the honour to submit herewith the copy of Minutes of the Weekly Under Trial Review Committee (UTRC) meeting held on today i.e. 07-04-2020, for your kind information and necessary action.

Enclo.: Copy of Minutes of UTRC meeting.

Yours sincerely
07/04/2020
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon

Memo No. DLSA/BGN 17/2017-20/ 1652-1660 Dated: 7th April, 2020

Copy to:-

1. The District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon, for his kind information.
2. The Addl. District & Sessions Judge (F.T.C.), North Salmara, Abhayapuri, for kind information and necessary action pertaining to point No. 10 & 11.
3. The District Magistrate, Bongaigaon, for kind information.
4. The Chief Judicial Magistrate, Bongaigaon, for kind information.
5. The Superintendent of Police, Bongaigaon, for kind information.
6. The Sub-Divisional Judicial Magistrate (M), North Salmara, Abhayapuri, for kind information and necessary action pertaining to point No. 11 & 13.
7. The Judicial Magistrate 1st Class, North Salmara, Abhayapuri, for kind information and necessary action pertaining to point No. 2.
8. The Superintendent of District Jail, Abhayapuri for kind information and necessary action.
9. The Systems Officer, O/o the District & Sessions Judge, Bongaigaon. *He is asked to uploading the minutes of the UTRC meeting in the official website immediately.*
10. Office file.

07/04/2020
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon

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MINUTES

Under Trial Review Committee meeting of Bongaigaon District.

The Weekly Under Trial Review Committee meeting is convened today, i.e. on 07-04-2020 at 3 P.M in the Office Chamber of the District & Sessions Judge, Bongaigaon in compliance with the Order Dated 23.03.2020 of the Hon'ble Supreme Court passed in RE- " Contagion of Covid-19 Virus in Prisons" (Suo Moto Writ Petition (Civil) No-01 of 2020) and in view of the earlier resolution dated 31.03.20 of the UTRC.

The following members are present in person and via Video Conferencing/Audio Conferencing:-

Shri Satya Nath Sarma, A.J.S - (Chairman)	-	District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon.
Sri Anupam Deka, A.C.S. - (Member)	-	A.D.C representing the District Magistrate, Bongaigaon.
Smti Maitrayee Deka, A.P.S. - (Member)	-	D.S.P (H/Q), representing the Superintendent of Police, Bongaigaon.
Shri C. P. Talukdar, A.J.S. - (Member)	-	Secretary, DLSA, Bongaigaon.
Shri J. Deka - (Member)	-	Superintendent, District Jail, Abhayapuri, Bongaigaon. (**Via Video Conferencing**)

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 E-Mail 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, D.L.S.A placed before the committee the list placed the lists of UTPs under the various categories to be taken up by the committee for consideration under the respective heads. The committee deliberated upon the lists and the matters raised by all concerned and after due discussions took up the resolutions.

1) U.T.Ps covered under Sec. 436 A of the Cr.P.C.

The Committee perused the list of UTPs in detail and **found no such case** which required application of Sec. 436 A of the Cr.P.C.

2) **U.T.Ps released on Bail by court but have not been able to furnish sureties:**

The Secretary, D.L.S.A. put forth the list of two UTPS who fell under this category as per the information sent by the learned SDJM(M), Abhyapuri.

Sl No	*Name of Convict*	*Case No-*	*Date of Admission*	*Section*	*Trial Court*
1	Md. Rafiqul Islam s/o Rahmat Ali	Joghighopa P.S. Case No-04 of 2020	10-01-20	379, IPC	JMFC, Abhyapuri, North Salmara
2	Md. Rafiqul Islam @ Roqfique s/o Harmuz Ali	Joghighopa P.S. Case No-283 of 19	29-07-2019	379, IPC	JMFC, Abhyapuri, North Salmara

It has been informed by the Superintendent, District Jail that the said 2 UTPS are still not released as the orders from the court are awaited.

Resolution:

The Committee accordingly resolved that a fresh recommendation may be sent to the concerned court as per the guidelines issued by the in the Order Dated 23.03.2020 of the Hon'ble Supreme Court passed in RE- " Contagion of Covid-19 Virus in Prisons" (Suo Moto Writ Petition (Civil) No-01 of 2020) for consideration of the two UTPs in the said two cases to be released in P.R. Bond.

3. UTPs 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 no such case** in the above category.

4. UTPs eligible under Section 436 of Cr.P.C.

[As per order of Hon'ble Supreme Court dated 05th February, 2016]

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

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

[As per order of Hon'ble Supreme Court dated 05th 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 05th February, 2016]

The Superintendent, District Jail has informed that as per the earlier resolution dated 31.03.20, the 32 convicts whose names were forwarded would be released within this month.

Resolution:

Accordingly, the committee has resolved *that the Superintendent, District Jail will inform the committee as and when the said convicts are released.*

7. UTPs become eligible to be released on bail u/s 167(2)(a)(i) & (ii) of the Code read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 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 06th 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 of 2 years. *[As per order of Hon'ble Supreme Court dated 06th May, 2016]*

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

9. UTPs who are detained under Chapter VIII of the Cr.P.C. i.e. u/s 107, 108, 109 and 151 of Cr.P.C. ***[As per order of Hon'ble Supreme Court dated 06th 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 specialized medical treatment.

[As per order of Hon'ble Supreme Court dated 06th May, 2016]

The Superintendent, District Jail that the UTP, Dhananjay Shill who was suffering from some ailment has since recovered and he has been provided with the necessary health check up through the Jail Visiting doctor.

The Secretary, DLSA also informed that Bail prayers on his behalf wad filed by the legal aid counsel but the same was rejected by the learned court and fresh bail application would be filed before the Addl. Sessions Court (FTC) through the Jail Legal Aid Counsel at the earliest but due to lock down, there is some difficulty faced by the Legal Aid Counsel in commuting to the court.

Resolution:

The Committee has resolved that *the Superintendent, District Jail will ensure that necessary medical attention will be provided to the said UTP and the if required, he may be separated from the other UTPS and sent to the Civil Hospital for the better treatment if required.*

The Committee has resolved that *Secretary, DLSA will also do the needful as regards filing of bail prayer before the Addl. Sessions Court (FTC) through the Jail Legal Aid Counsel at the earliest.*

11. UTPs women offenders. *[As per order of Hon'ble Supreme Court dated 06th May, 2016]*

Sl No	*Name of UTP*	*Reference Case No.*	*Section*	*Concerned Court*	*Date of Admission*	*Remarks*
1	Ms Sahida Bibi.	Spl (Narcotic) 04(A) 17 NGR. 984/16	21(6) NDPS Act	Addl Sessions Court (FTC), Bongaigaon	04-03-19	
2	Minara Begum along with a 2 month old baby girl	Abhyapuri P.S. Case No- 198 of 2020	366A/372, IPC	SDJM (M), Abhyapuri, Bongaigaon	21.03.2020	
3.	Sahila Narzary	Abhyapuri P.S. Case No- 16 of 2020	302, IPC	SDJM (M), Abhyapuri, Bongaigaon	26.03.2020	

The Superintendent of District Jail has informed the committee that the UTP is Sl No-2 has a 2 month old baby who is undergoing treatment at GMCH and has to be taken every month or so to GMCH and at this stage, the baby is put at risk.

Further, one of the UTP Sahida Bibi has been given Legal Aid and the case will come up on 8th of April before the concerned court.

Resolutions of Committee:

The committee has resolved that *the* ***the Secretary, DLSA*** *will provide all necessary legal assistance through the Jail Legal Aid Counsels to the said UTPS and fresh bail prayers will be filed.*

12. UTPs who are first time offenders between the ages 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 06th May, 2016]

The Committee perused the list of UTPs in detail and **found no such case** in the above 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 06th May, 2016]

Sl No	*Name of UTP*	*Date of Admission*	*Reference Case No.*	*Section*	*Concerned Court*
1	Md Nasir Ali.	20-03-2020	Abhyapuri P.S. Case No-193/2020	u/s 14 of the Foreigner Act 1944 r/w sec-6 of Passport (Entry into India) Rules, 1950	SDJM(M), North Salmara, Abhyapuri.

The Superintendent, District Jail has informed that Md Nasir Ali has been provided with treatment and he was sent to the Civil Hospital wherein he was examined by the Senior Psychiatrist and provided with medicine.

It has also been informed that the said UTP, Md Nasir Ali will again be examined either on the 15th or 16th of April for further follow up on his treatment.

Resolution:

Accordingly, the committee has resolved that the court of the learned SDJM(M), Abhyapuri will furnish a report as regards the medical condition of the said UTP and the treatment being provided to him.

14. UTPs eligible for release under Section 437(6) of Cr.P.C, 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 06th May, 2016]*

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

i) The committee also resolved that the Secretary, DLSA will prepare the minutes and have the same sent to the respective authorities for information and necessary action along with the necessary recommendations.

ii) The Committee also resolved that the date for the next Weekly Meeting of the UTRC will be informed in due course after discussing with all the stake holders telephonically.

The meeting ended with a Vote of Thanks and also thanked the other invitees present for making it convenient to attend the meeting.

Dated: 07th Day of April, 2020

PRESENT:

SIGNATURES:

Shri Satya Nath Sarma, A.J.S - .....
District & Sessions Judge, Bongaigaon
(Chairman)

07-04-2020

Shri C. P. Talukdar, A.J.S.. .....
Secretary, DLSA, Bongaigaon.
(Member)

07/04/2020

Sri Anupam Deka, A.C.S. - .....
Additional District Magistrate, Bongaigaon
(Member)

07/4/2020

Smti Maitrayee Deka, A.P.S. - .....
D. S. P. (H/Q), Bongaigaon.
(Member)

7/4/2020

Shri J. Deka .....
Superintendent, District Jail, Abhayapuri,
(Member)
BY V.C.