OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY :::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণৰ কাৰ্য্যালয়::::::::::::বঙাইগাঁও
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No. DLSA/BGN 17/2017-21/ 31 Dated: 11th January, 2021

From: Shri C. P. Talukdar, 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 4th Quarterly Under Trial Review Committee (UTRC) meeting held on 08-01-2021.

Sir,

With reference to the subject cited above, I have the honour to send herewith the copy of Minutes of 4th Quarterly Under Trial Review Committee (UTRC) meeting for the year 2020 held on **08-01-2021**, for your kind information and necessary action.

Enclo.: Copy of Minutes.

Yours sincerely

11/01/21
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon

11/01/2021 Secretary District Legal Services Authority Bongaigaon

Memo No. DLSA/BGN 17/2017-21/ 32-41 Dated: 11th January, 2021

Copy to:-

1. The District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon, for his kind information.
2. The District Magistrate, Bongaigaon, for her kind information.
3. The Chief Judicial Magistrate, Bongaigaon, for her kind information and necessary action.
4. The Superintendent of Police, Bongaigaon, for his kind information.
5. The Addl. Chief Judicial Magistrate, Bongaigaon, for his kind information and necessary.
6. The SDJM (M), North Salmara, Abhayapuri, for her kind information and necessary action.
7. The JMFC, North Salmara, Abhayapuri, for her kind information and necessary action.
8. The Joint Director of Health Services, Bongaigaon, for his kind information and necessary action.
9. The Superintendent of District Jail, Abhayapuri for kind information and necessary action.
10. 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.*
11. Office file.

11/01/21
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon

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11/01/2021 Secretary District Legal Services Authority Bongaigaon

MINUTES

Under Trial Review Committee meeting of Bongaigaon District.

The Quarterly, Under Trial Review Committee meeting of the Quarter of October, 2020 to December, 2020 is convened today, i.e. on 08.01.2021 in compliance with ASLSA letter no. 114/2010/Pt-1/3691 dated 29.12.2018. The following members along with special invitees are present:-

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

Dr MS. Lakshmi Priya, I.A.S. (**Member**) — District Magistrate, Bongaigaon

Sri Subodh Sonowal, A.P.S. - **(Member)** — Superintendent of Police, Bongaigaon.

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

Shri Ranjan Kr Chouhdury - (**Member**) — On Behalf of Superintendent, District Jail, Abhayapuri, Bongaigaon.

Smti S. Dutta, A.J.S. **(Special Invitee)** — Chief Judicial Magistrate, Bongaigaon

Sri Nayan Jyoti Chouhdury, A.J.S. - **(Special Invitee)** — Addl. Chief Judicial Magistrate, Bongaigaon.

Sri Pallab Bordoloi, A.J.S. - **(Special Invitee)** — Munsiff cum JMFC, 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 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 Committee perused the list of UTPs in detail and **found few cases** in the above category.

Sl No	*Name of UTP*	*Reference Case No.*	*Section*	*Concerned Court*	*Date of Admission*	*Remarks*
1.	Kutub Uddin Ali	P.R.C 620/20.	457/380/511, IPC	C.J.M. Bongaigaon		Bail Granted on 18.12.20
2.	Babul Brahma.	P.R.C. 332/2020	392, IPC	Do.	08.05.2020	Bail on 29.07.20
3.	Nayan Chakarbarty	P.R.C. 332/2020	392, IPC	Do.	08.05.2020	"
4.	Thoben Sutradhar	P.R.C. 621/20	498A/325/307,IPC	Do.		18.08.20
5.	Dipak Dharam	P.R.C. 451/20	380, IPC			18.08.20
6.	Ajay Pradahn	P.R.C. 57/20	392, IPC	Do.		07.11.20
7.	Shiva Pradhan.	P.R.C. 57/20	392, IPC	Do.		07.11.20
8.	Jivanjyoti Rabha	P.R.C. 431/20	379/411, IPC	Addl. C.J.M.	26.04.20	
9.	Binod Rabha.	P.R.C. 431/20	379, IPC	Do.	26.04.2020	
10.	Saidul Islam	Joghighopa P.S. Case No-164/20	379, IPC	JMFC, Abhyapuri, North Salamar	03.06.20	31.08.20
11.	Nasir Ali	P.R.C. Case No-354/20	14 of Foreigners Act r/w 6 of Passport (Entry into India Rule 1950)	Do	20.03.20	Bail Given & at C/C/ stage
12.	Alfaz Ali	PRC 462/20	224, IPC	Do.	28.05.20	Life Convict. Bail Given

It has been informed by the Secretary, DLSA that as per the earlier resolution of the

committee, one Gobindo Ray detained in connection with PRC Case No-350/20 has been released on bail on 06.01.21.

Resolutions of Committee:

The committee has after discussions, resolved that *recommendations may be sent to the concerned respective learned Trial Courts to explore the possibilities of releasing the UTPs in Sl No- 1 to 10 except the case of serial no-4 on P.R Bond if deemed fit. In this regard, the concerned courts can ask the legal aid counsels or the learned advocates representing the accused persons to make an application u/s 440 Cr.P.C.*

Further, the DLSA may also explore possibilities of filing petitions before the learned Sessions Court to change bail bond conditions if deemed fit.

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 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) & (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]*

There are no such UTP in this category.

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	Moriom Nessa Nessa	Merachar P.S. Case No-72/18.	u/s 120B/302/34	S.D.J.M.(M), Abhyapuri		
2.	Monowara Khatun	Abhyapuri P.S. Case No-794/20	u/s 120B/448/326/307/34, IPC	Do.	10.11.20	
3.	Fozila Khatun	Abhyapuri P.S. Case No-989/20	u/s 365, IPC added 302/201/120 B	Do.	26.12.20	
4.	Prabhati Bala Das	Abhyapuri P.S. Case No-01/21	u/s 379/411, IPC	Do.	03.01.21	

The Secretary, DLSA has placed the list and on deliberations, the Committee has made the following resolution.

Resolutions of Committee:

The committee has resolved that *a recommendation may be sent to the concerned learned Trial Court to release the said UTP in* ***Sl No- 4*** *on bail or P.R Bond* ***as deemed fit after considering the nature of allegations and the background of the accused.***

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]

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

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.

OTHER AGENDA

i) **ABSENCE OF JAIL DOCTOR**:

The Committee took up for consideration the fact that though one Doctor, Dr Sahzad Hussain is entrusted to attend emergency duties in the Jail for the inmates, it has been informed that though he visits twice or thrice a week, he is sometimes not available on all days and also during emergency. In this regard, it has been informed that the Government has allotted one Echo Van for emergency shifting of inmates to Bongaigaon Civil Hospital.

Resolution:

Accordingly, the committee has resolved *that the Joint Director of Health Services, Bongaigaon may be asked to follow up on the order dated 11.03.19 of the*

Deputy Commissioner vide letter No-BMJ.20/2018/61 and may prepare a roster duty of attending doctors and they will be instructed to attend to the jail inmates on emergency calls besides their daily/entrusted visits.

II) TOILET FOR VISTORS:

The Committee took up for consideration the fact that though there is no toilet facilities available for visitors of the Jail Inmates outside the Jail Premises and in the waiting areas and many women visitors have to wait the whole day without any drinking water or toilet facilities and as such they face immense difficulties.

Resolution:

Accordingly, the committee has resolved *that the PWD Department will be asked by the Deputy Commissioner to prepare an estimate with 30 days of receipt of the letter for construction of toilets for male and female visitors along with drinking water provisions at a suitable location after consultation with the Jail Superintendent and the District Administration may take up the matter for sanctioning of the said project with the concerned authorities.*

Further, the matter of construction of the toilets may also be taken up with Corporate entities/NGOs/Philanthropic Organizations etc as per of their social work/liability and both the District Administration and the Secretary, DLSA may take up the said matter with such organizations as deemed fit.

III) JAIL KITCHEN:

In terms of the earlier discussions made, the new kitchen in the jail is yet to be made functional. It has been informed by the jail authorities that the gas connection has not yet been started and some minor construction works are yet to be completed.

Resolution:

Accordingly, the committee has resolved *that the Jail Authorities will take up the matter for completion of the construction work and also for the minor changes to be done with the contractor and the authorities concerned for making the new kitchen functional at the earliest.*

IV) *The Jail Authorities also informed that at present there are no UTPs or convicts who are Covid-19 positive. The Secretary DLSA, the learned C.J.M have also expressed satisfaction as regards the isolation ward prepared for the UTPs who test Covid-19 positive and the isolation ward prepared for new convicts.*

The committee lauds of the efforts of the Jail Authorities in controlling the spread of the Corona infection among the jail inmates at District Jail, Abhyapuri.

V) *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.*

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

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

Dated: 08th of January, 2021

PRESENT: SIGNATURES:

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

8/1/2020

Dr MS Lakshmi Priya, I.A.S.. .....
Deputy Commissioner, Bongaigaon.
(**Member**)

08.01.2021.

Sri Subodh Sonowal, A.P.S. -
Superintendent of Police, Bongaigaon. . .....
(Member)

8/1/21

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

08/01/21

Sri Ranjan Kumar Choudhury .....
Jailor, District Jail, Abhayapuri
(On Behalf of Superintendent, District Jail)
(Member)

8/1/2021