OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY :::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণ::::::::::::বঙাইগাঁও
1st Floor, District Judicial Court Building, Deuripara, Bongaigaon
E-mail: dlsabongaigaon@gmail.com

No. DLSA/BGN 17/2017-20/ 1630 Dated: 31st March, 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 Under Trial Review Committee (UTRC) meeting held on 31-03-2020.**

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 Quarterly/Weekly Under Trial Review Committee (UTRC) meeting held on 31-03-2020, for your kind information and necessary action.

Enclo.: Minutes of UTRC meeting.

Yours sincerely
31/03/2020
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon
31/03/2020

Memo No. DLSA/BGN 17/2017-20/ 1631 - 38 Dated: 31st March, 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.
3. The District Magistrate, Bongaigaon, for kind information.
4. The Chief Judicial Magistrate, Bongaigaon, for kind information and necessary action.
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. 2, 10 & 11.
7. The Superintendent of District Jail, Abhayapuri for kind information and necessary action.
8. 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.*
9. Office file.

31/03/2020
(Shri C. P. Talukdar, AJS)
Secretary
District Legal Services Authority
Bongaigaon
31/03/2020

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MINUTES

Under Trial Review Committee meeting of Bongaigaon District.

The Quarterly / Weekly Under Trial Review Committee meeting is convened today, i.e. on 31.03.2020 at 1 P.M in the Conference Room at the District Court Premises 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 ASLSA letter no. 114/2010/Pt-1/3691 dated 29.12.2018, in the office chamber of Hon'ble District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon. **The following members are present who have signed in the ANNEXURE A** along with the special invitees:-

Shri Satya Nath Sarma, A.J.S - (Chairman)	-	District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon.
Smti Benu Musahary, A.C.S. - (Member)	-	Election Officer 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.
Shri P. Rajbongshi	-	Asstt Jailor, 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 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.

31/03/2020

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 placed before the committee that the UTPs in the said two cases were accused of the Offence of theft of Vehicles (Car Lifting) and both the accused had multiples cases pending but have been released in the other cases but have not been released in these two cases.

Resolution:

The Committee accordingly resolved that 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) and upon considering the period of detention and all other aspects, the UTPs in the said two cases may be considered to be released in P.R. Bond by the concerned court with necessary conditions.

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]

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

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 Secretary Placed the following list for convicts who have been sentenced to imprisonment for less than 7 years and who can be considered for remission and release if deemed fit.

Sl No	*Name of Convict*	*Date of Conviction*	*Section*	*Punishment*	*Trial Court*
1.	Sri Gangadhar Sutradhar	17-11-18	379, IPC	S.I. for 18 months	Additional C.J.M, Bongaigaon
2.	Ms Sanowar Hussain	30-01-2020	160(2) Railways Act	S.I. for 3 months	Special Railway Magistrate, Bongaigaon

The Superintendent, District Jail has informed that the above convicts have been sentenced to imprisonment under 7 years but their sentences will be over in the Month of April, 2020 and as such, due to shortage of time, the initiation of the process of Remission will not be fruitful.

Resolution:

Accordingly, the committee has resolved *that as the above 2 convicts will be released with the next month, the proposal for their remission may be taken up by the Jail Authorities as deemed fit.*

Further, the Committee also resolved *that the Superintendent, District Jail will place the list of convicts who are entitled to benefit of Remission as per the guidelines issued by the Hon'ble Supreme Court in all cases and inform the committee of the steps taken in the earlier recommendations.*

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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]

Sl No	*Name of UTP*	*Date of Admission*	*Reference Case No.*	*Section*	*Concerned Court*
1	Sri Dhananjay Shill.	04-03-2020	Joghighopa P.S. Case No- 81 of 2020	u/s 366, IPC	JMFC & Addl. Sessions Court, Abhyapuri

The Secretary, DLSA has placed on record the information sent by the learned SDJM (M), Abhyapuri whereby she has informed that the above UTP is suffering from some ailments.

It has been informed by the Superintendent, District Jail that the said UTP may have measles and have been separated and provided with the necessary health check up and has been provided with Legal Aid.

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.*

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The Committee has resolved that *Secretary, DLSA may file fresh Bail prayers on his behalf 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.

Further, one of the UTP was arrested on default.

Resolutions of Committee:

The committee has resolved that *the Jail Authorities will ensure that the necessary amenities will be provided to the woman inmates including sanitary pads etc and inform this committee of the steps taken for the treatment of the child.*

Further, the D.S.P. *will ensure that the I.O. of the cases will complete the investigation at the earliest and the submit the cases in its final form.*

Further, the Secretary, DLSA *will provide all necessary legal assistance through the Jail Legal Aid Counsels to the said UTPS.*

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]

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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	Judicial Magistrate 1st Class, North Salmara, Abhyapuri.

Resolution:

Accordingly, the committee has resolved that the Superintendent, District Jail will furnish a report as regards visit of the Senior Psychiatrist to the Jail for checkup will be documented and a report in this regard will be placed in the quarterly meeting.

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:

A) RELEASE OF UTPS on P.R. BOND in Light of 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 the Resolutions dated 26-03-20 of the High Power Committee comprising of the Hon'ble Executive Chairman, A.S.L.S.A, Mr MS Manivannan, Commissioner & Secretary, Home & Political Department, Govt of Assam and Mr. D. Das, Inspector General of Prisons, Assam

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The Secretary DLSA and the Superintendent of District Jail have placed the following list for UTPs who are lodged in the District Jail in offence which carry a sentence of imprisonment for less than 7 years and who can be considered for release on PR Bond as

per the above order of the Hon'ble Supreme Court and the resolutions of the HPC dated 26-03-20 due to the outbreak of the COVID-19 (Corona Virus) Pandemic if deemed fit.

Sl No	*Name of Convict*	*Date of Admission*	*Case Reference*	*Section*	*Concerned Court*
1.	Sri Dhritiman Das.	27-03-20	Bongaigaon P.S. Case no-282/20	u/s 448/354/354B, IPC	Chief Judicial Magistrate, Bongaigaon
2.	Md Baharul Islam.	28-03-20	Bongaigaon P.S. Case no-284/20	u/s 188/269/270/143/336/323, IPC r/s sec-51(a)(b) of the Disaster Management Act, 2005	Chief Judicial Magistrate, Bongaigaon
3.	Md Ajmat Ali.	"	"	"	"
4.	Md Taimuddin Ali.	"	"	"	"
5.	Md Abjal Seikh @ Budia.	"	"	"	"

The Superintendent, District Jail also placed the List of the 29 UTPs who have been transported back to their homes safely on 28th & 29th of March, 2020 after being released by the concerned learned courts on PR Bond earlier.

Resolution:

The Committee accordingly resolved that 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) and upon considering the period of detention and all other aspects, the UTPs in the said two cases may be considered to be released in P.R. Bond by the concerned court with necessary conditions.

B. AWARENESS TO THE JAIL INMATES OF THE COVID -19 Virus:

The Committee took up for consideration that the Jail Inmates also need to be sensitized as regards the precautions to be taken to safeguard against the Corona Virus. The Superintendent, District Jail has informed that already 2 such programmes have been conducted with the help of the District Health Department and the District Legal Services Authority, Bongaigaon.

Resolution:

Accordingly, the committee has resolved *that the DLSA will take all steps to*

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necessary medical check up regularly.

It is also resolved that the DLSA will collect date as regards the convicted persons and whether appeal has been filed by them after their conviction. The report in this regard will be placed in the next meeting. The Secretary, DLSA will do the needful in this regard.

Additional Resolutions:

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 next Weekly Meeting of the UTRC will be held on 07th of April, 2020 at 4 P.M either by Video Conferencing or as Deemed fit 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.

Date : 31st day of March, 2020.
Place : Bongaigaon.

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31/03/2020

(Shri C. P. Talukdar)
Secretary
District Legal Services Authority
Bongaigaon

Secretary
District Legal Services Authority
Bongaigaon

ANNEXURE-A

ATTENDANCE OF **U**NDER **T**RIAL **R**EVIEW **C**OMMITTEE (UTRC) MEETING OF DISTRICT LEGAL SERVICES AUTHORITY, BONGAIGAON HELD ON **31-03-2020** FROM **1.00 P.M.** IN THE CONFERENCE HALL, DISTRICT COURT BUILDING, BONGAIGAON.

Sl. No	*Name of Officer(s)*	*Designation*	*Signature*
1	Shri S. N. Sarma, AJS	District & Sessions Judge -cum- Chairman, D L S A, Bongaigon	31.03.2020
2	SHRI NAITRAYEE DEKA	D. S. P (H/Q), BONGAIGAON	31/3/2020.
3	Shri C. P. Talukdar, AJS	Secretary, DLSA, Bongaigaon	31/03/2020
4	Smt. Benu Musahari, ACS	Election Officer, O/o the Deputy Commissioner, Bongaigaon	31/03/2020
5	Shri J. Deka	Superintendent of District Jail, Abhayapuri	31/3/2020
6	Shri P. Rajbongshi	Asstt. Jailor, District Jail, Abhayapuri	31/3/20