OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY :::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণৰ কাৰ্য্যালয়::::::::::বঙাইগাঁও
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No. DLSA/BGN 17/2017-22/ 4127 Dated: 20th May, 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 Under Trial Review Committee (UTRC) meeting held on 11-05-2022.

Sir,

With reference to the subject cited above, I have the honour to send herewith the copy of Minutes of the Under Trial Review Committee (UTRC) meeting held on 11-05-2022 of district Bongaigaon, for your kind information and necessary action.

Enclo.: Copy of Minutes.

Yours sincerely

20.5.22

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

Memo No. DLSA/BGN 17/2017-22/ 4128-32 20/05/22 Dated: 20th May, 2022

Copy for kind information to:-

1. The District Magistrate, Bongaigaon.
2. The Chief Judicial Magistrate, Bongaigaon for kind information and necessary action.
3. The Superintendent of Police, Bongaigaon for kind information and necessary action in respect of resolution/recommendation No. 1.
4. The Superintendent of District Jail, Abhayapuri.
5. The Systems Officer, O/o the District & Sessions Judge, Bongaigaon. He is asked to upload the Minutes of the UTRC meeting in the official website immediately.
6. Office file.

20.5.22

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

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Secretary
District Legal Services Authority
Bongaigaon
20/05/22

MINUTES

OF UNDER TRIAL REVIEW COMMITTEE (UTRC) 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 11-05-2022 at the chamber of District & Sessions Judge, Bongaigaon from 3.30 PM onwards. The following Members are present:

Shri Satya Nath Sarma, AJS (Chairman):		District & Sessions Judge -cum-Chairman, DLSA, Bongaigaon
Smt. N. Lahkar, AJS (Invitee)	:	Chief Judicial Magistrate, Bongaigaon
Shri N. Ojha, ACS (Member)	:	Addl. District Magistrate, Bongaigaon (on behalf of District Magistrate)
Shri Tarun Dey, AJS (Member)	:	Secretary, DLSA, Bongaigaon
Shri Nitumoni Das, APS (Member)	:	Sub Divisional Police Officer, North Saimara, Abhayapuri (on behalf of S.P., Bongaigaon)
Shri Faroque Sayedul 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:**

Sl. No	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1.	Bablu Brahma	Bongaigaon PS 348/21	392 IPC	CJM, Bongaigaon	17.04.21	
2.	Bishal Chandra	Bongaigaon PS 518/21	380/411	CJM, Bongaigaon	01.07.21	
4.	Raja Baishya	Bongaigaon PS 518/21	380/411	CJM, Bongaigaon	01.07.21	
5.	Kamal Hussain	Bongaigaon PS 822/21	419/420/406 IPC	CJM, Bongaigaon	04.10.21	
6.	Sanjib Sarkar	Bongaigaon PS 478/21	457/380 IPC	CJM, Bongaigaon	08.06.21	
7.	Suman Dey Sarkar	Bongaigaon PS 478/21	457/380 IPC	CJM, Bongaigaon	08.06.21	
8.	Rajesh Ray @Manon	Bongaigaon GPRS 19/21	294/353/427/ 325 IPC	CJM, Bongaigaon	18.10.21	
9.	Pradip Basfore	Bongaigaon PS 860/21	380 IPC	CJM, Bongaigaon	25.11.21	
10.	Saddam Hussain	Bongaigaon PS 1022/21	379 IPC	CJM, Bongaigaon	21.12.21	
11.	Dipak Chouhan	Bongaigaon PS 55/22	457/380	CJM, Bongaigaon	23.01.22	
12	Nayan Chakrabrty	Bongaigaon PS 263/21	392 IPC	CJM, Bongaigaon	25.07.21	
13.	Altab Hussain @ Tklu	Abhayapuri PS 766/21	379 IPC	S.D.J.M.(M) Abhayapuri	09.01.22	
14.	Alom Hussain	Abhayapuri PS 766/21	379 IPC	S.D.J.M.(M) Abhayapuri	09.01.22	
15.	Sahajamal @Laden	Jogighopa PS 18/22	457/380 IPC	J.M.F.C. Abhayapuri	12.08.21	

Office of the District Legal Services Authority Bongaigaon

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 a few cases in the above such category:

Table 1

Sl. No	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1	Raja Baishya	Bongaigaon PS 518/21	380/411	CJM, Bongaigaon	01-07-21	
2	Bishal Chandra	-do-	-do-	-do-	-do-	
3.	Saddam Hussain	Bongaigaon PS 1022/21	379 IPC	-do-	21.12.21	
4.	Pradip	Bongaigaon	380 IPC	-do-	25.11.21	

	Basfore	PS 860/21				
6.	Ajoy Basfore	Bongaigaon PS 214/22	379/411 IPC	-do-	28.04.22	
7.	Jel Haque	Bongaigaon PS 215/22	379 IPC	-do-	29.04.22	
8.	Khalil Sheikh	Bongaigaon PS 215/22	379 IPC	-do-	29.04.22	
9.	Altab Hussain @ Tklu	Abhayapuri PS 766/21	379 IPC	S.D.J.M.(M) Abhayapuri	09.01.22	
10.	Alom Hussain	Abhayapuri PS 766/21	379 IPC	S.D.J.M.(M) Abhayapuri	09.01.22	
11.	Abdul Jubbar	Abhayapuri PS 163/22	380 IPC	S.D.J.M.(M) Abhayapuri	22.04.22	
12.	Babul Uddin	Abhayapuri PS 182/22	379 IPC	S.D.J.M.(M) Abhayapuri	28.04.22	
13.	Amir Hussain	Abhayapuri PS 182/22	379 IPC	S.D.J.M.(M) Abhayapuri	28.04.22	
14.	Laro Dutta	PRC 1095/2021	380/411 IPC	S.D.J.M.(M) Abhayapuri	29.04.22	
15.	Hafiz Habzur Rahman	Jogighopa PS 64/2022	379 IPC	J.M.F.C., Abhayapuri	29.04.22	

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)

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 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)

Sl. No	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1.	Dule Bala Choudhury @ Dulali Sen	Abhayapuri PS 172/22	Sec 420/ 468/471 IPC, R/w Sec 9/10/11 of Prohibition of Child Marriage Act	S.D.J.M.(M) Abhayapuri	24.04.22	

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)

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 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. The Jail superintendent has stated that the UTP Kamal Hussain is aged 74 years old and he is suffering from various diseases in the mean time. The committee finds the concerned O/C of P.S. may be asked to expedite investigation and submit F.F. at the earliest. The S.D.P.O. (Abhayapuri) is requested to take necessary steps in this regard. Further, the committee finds the following cases for recommendation of release of UTPs on PR bond, considering the nature of offence and length of their detention:

   i) Bishal Chandra (Table 1, ser no 2)

   ii) Raja Baishya (Table 1, ser no 1)

   iii) Sanjib Sarkar (Table 1, ser no 6)

   iv) Suman Dey Sarkar (Table 1, ser no 7)

   v) Pradip Basfore (Table 1, ser no 9)

   vi) Saddam Hussain (Table 1, ser no 10)

2. The committee asks the Secretary, DLSA to send letter of recommendation to concerned Courts for their 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 along with 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 : 11th day of May, 2022.
Place : Bongaigaon.

11.5.22

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

Secretary
District Legal Services Authority
Bongaigaon