OFFICE OF THE
DISTRICT LEGAL SERVICES AUTHORITY :::::::::: BONGAIGAON
জিলা আইন সেৱা প্ৰাধিকৰণৰ কাৰ্য্যালয়::::::::::বঙাইগাঁও
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No. DLSA/BGN 17/UTRC/2017-23/ 4828 Dated: 29th May, 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 monthly UTRC meeting held on 23-05-2023.

Ref.: As per ASLSA Calendar of activities for the F.Y. 2023-24.

Sir,

With reference to the above, I have the honour to send herewith the copy of Minutes of the monthly Under Trial Review Committee (UTRC) meeting for the month of May, 2023 held on 22-03-2023, for your kind information and necessary action.

Enclo.: Copy of Minutes.

Yours sincerely

29.5.23
(Shri Tarun Dey, AJS)
Secretary
District Legal Services Authority
Bongaigaon

Secretary
District Legal Services Authority
Bongaigaon

Memo No. DLSA/BGN 17/UTRC/2017-23/ 4828(A) Dated: 29th May, 2023

Copy for kind information to:-

1. The Hon'ble District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon.
2. The District Magistrate, Bongaigaon.
3. The Chief Judicial Magistrate, Bongaigaon, for kind information & necessary action.
4. The Superintendent of Police, Bongaigaon.
5. The Addl. Chief Judicial Magistrate, Bongaigaon, for kind information & necessary action.
6. The Judicial Magistrate 1st Class, Bongaigaon, for kind information & necessary action.
7. The Superintendent of District Jail, Abhayapuri.
8. 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.
9. Office file.

29.5.23
(Shri Tarun Dey, AJS)
Secretary
District Legal Services Authority
Bongaigaon

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Secretary
District Legal Services Authority
Bongaigaon

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 23.05.23 at the chamber of District and Sessions Judge, Bongaigaon from 4.00 PM onwards. The following members are present:

Smt. Moushumi De, AJS (Chairman)	:	District and Sessions Judge –cum-Chairman, DLSA, Bongaigaon
Sri Tarun Dey, AJS (member)	:	Secretary, DLSA, Bongaigaon
Sri M. Narah, ACS (member)	:	Addl. District Magistrate, Bongaigaon, on behalf of District Magistrate
Smt. N. Das, APS (member)	:	Addl. S.P., Bongaigaon, on behalf of S.P. 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

Sl. no	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1.	Prabash Deb Ray.	Session Case No.51(A)/2021	302 IPC	Addl. Sessions Judge, FTC, Abhayapuri	03.08.2020 (Bail order 02.11.20)	
2.	Narayan Ray	Bongaigaon P.S C/No.542/2022	302 IPC	CJM, Bongaigaon	30.12.2022 (Bail order 28.03.23)	
3.	Bortak Yirang	PRC 86/2023	379/411 IPC	JMFC, Bongaigaon	18.03.23 (Bail order 11.04.23)	
4.	Kulen Ray	PRC 83/23	341/326 IPC	SDJM (M), Abhayapuri	20.04.23 (Bail order 06.05.23)	
5.	Akash Das	Bongaigaon PS 154/23	380 IPC	CJM, Bongaigaon	20.04.23 (Bail order 09.05.23)	
6.	Jogen Ray	Spl (P) 47 (A)/2019	4 POCSO Act	Special Judge, Abhayapuri	17.01.22 (Bail order 09.05.23)	
7	Babul Sutradhar	Spl (P) 27 (J)/22	509/448/ 354A IPC and Sec 8 POCSO Act	Special Judge, Abhayapuri	16.07.22 (Bail order 10.05.23)	
8	Krishna Mahato	Abahaypuri PS 116/23	454/380 IPC	SDJM, Abhayapuri	07.03.23 (Bail order 10.05.23)	
9.	Ashok Sutradhar	Bongaigaon PS 07/23 PRC 476/21	457/380 IPC Sec 22 (a)/ 29	CJM, Bongaigaon	23.01.23 (Bail order 23.04.23)	

			NDPS Act			
10	Sanidul Mandal	Abahaypuri PS 109/23 PRC 83/23	392 IPC	SDJM (M), Abhayapuri	06.03.23 (Bail order 20.05.23)	
11	Yusub Ali	Abhayapuri PS 109/23 PRC 83/23	392 IPC	SDJM (M), Abhayapuri	06.03.23 (Bail order 20.05.23)	
12	Rubul Ali	Bongaigaon PS 173/23	379 IPC	CJM, Bongaigaon	21.05.23 (Bail order 20.05.23)	
13.	Abdul Mannan	Bongaigaon PS 173/23	379 IPC	CJM, Bongaigaon	21.05.23 (Bail order 20.05.23)	

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	Bortak Yirang	PRC 86/2023	379/411 IPC	JMFC, Bongaigaon	18.03.23	
2.	Biswajit Sarkar	PRC 89/23	380 IPC	CJM, Bongaigaon	03.04.23	
3.	Raki Harijan	PRC 132/2018	448/380 IPC	Addl. CJM, Bongaigaon	09.03.23	
4.	Fulchan Ali	PRC 14/23	379/411 IPC	Addl. CJM, Bongaigaon	17.05.23	

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 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)

Table 3

Sl.no	Name of UTP	Case no.	Section	Concerned Court	Date of admission	Remarks
1	Monjura Khatun	Bongaigaon PS 10/23	20(ii) C NDPS Act and 4 of Assam Ganja and Bhang Prohibition Act	CJM, Bongaigaon	05.01.23	
2.	Bina Biswas	Jogighopa PS 142/23	376AB/376 (2)(f) IPC, Sec 6/17/21 POCSO Act	Special Judge, Abhayapuri	07.05.23	
3.	Alton Khatun	Jogighopa PS 146/23	Sec 21 (a) NDPS Act	JMFC, Abhayapuri	12.05.23	

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)

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. From the table no. 1, 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. The PLVs have submitted their socio economic reports which have been placed before concerned Courts. As reported, the Legal Aid Defence Counsels are filing applications for modification of order of bail, who are unable to furnish bail bonds. So, no recommendation is made by the committee.

2. In respect of the table no. 2, the committee is of the view that the concerned Courts should take endeavour to explore possibilities of amicable settlement by compounding the offences.

3. In respect of table no 3, the offences being grave in nature, no recommendation is made by the committee.

4. The committee also resolves 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 23.05.23

23.5.23

Secretary
District Legal Services Authority
Bongaigaon