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/ 1862 Dated: 23rd June, 2020

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 the Weekly Under Trial Review Committee (UTRC) meeting held on today, i.e. 23-06-2020.

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. 23-06-2020, for your kind information and necessary action.

Enclo.: Copy of Minutes of UTRC meeting.

Yours sincerely

23/06/2020

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

Secretary
District Legal Services Authority
Bongaigaon
23/06/2020

Memo No. DLSA/BGN 17/2017-20/ 1863-70 Dated: 23rd June, 2020

Copy to:-

1. The District & Sessions Judge -cum- Chairman, DLSA, Bongaigaon, for his kind information.
2. The District Magistrate, Bongaigaon, for kind information.
3. The Chief Judicial Magistrate, Bongaigaon, for kind information.
4. The Superintendent of Police, Bongaigaon, for kind information.
5. The Addl. Chief Judicial Magistrate, Bongaigaon, for kind information and necessary action pertaining to point No. 2.
6. The Sub-Divisional Judicial Magistrate (M), North Salmara, Abhayapuri, for kind information and necessary action pertaining to point No. 11.
7. The Superintendent of District Jail, Abhayapuri for kind information.
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.

23/06/2020

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

Secretary
District Legal Services Authority
Bongaigaon
23/06/2020

*****

MINUTES

Under Trial Review Committee meeting of Bongaigaon District.

The Weekly Under Trial Review Committee meeting is convened today, i.e. on 23-06-2020 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 08.05.20 of the UTRC.

The following members along with the Special Invitees 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 Subodh Sonowal, A.P.S. - **(Member)**	Superintendent of Police, Bongaigaon.
Shri C. P. Talukdar, A.J.S. - **(Member**)	Secretary, DLSA, Bongaigaon.
Sri Anupam Deka, A.C.S. - (Member)	A.D.C representing the District Magistrate, Bongaigaon.
Shri J. Deka - (**Member**)	Superintendent, District Jail, Abhayapuri, Bongaigaon. (**Via Circulation**)
Smti S. Dutta, A.J.S. **Special Invitee**	Chief Judicial Magistrate, Bongaigaon
Smti Maitrayee Deka, A.P.S. - **Special Invitee**	Deputy Superintendent of Police, 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 one UTP, being Bapi Sutradhar pertaining to PRC 307/2020 u/s 379/411, IPC** in the court of the Additional Chief Judicial Magistrate in the above category.

Resolutions of Committee:

The committee has resolved that *a recommendation may be sent to the concerned learned Trial Court which is the to release the said UTP on P.R Bond if deemed fit as per the resolution dated 26-03-20 of the High Power Committee in pursuance to 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)*

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	Malati Ray.	Bongaigaon P.S. 393/20	324/326/307 /34, IPC	C.J.M. Bongaigaon	13.06.2020	
2	Smti Nelima Singha	Abhyapuri P.S. Case No- 200 of 2020	379, IPC	SDJM (M), Abhyapuri, Bongaigaon	06.06.2020	
3.	Purnima Das	Bongaigaon P.S. Case No- 392/200	376/294/323 /506, IPC r/w sec 4 of the POCSO Act	Sessions Judge, Bongaigaon	20.06.2020	

The Secretary, DLSA has further informed that three female UTPS being, Sahila Nessa, Minara Begum (with minor child) and Sahila Narazary have all been released on bail on 10.06.20, 15.06.20 & 17.06.20 respectively.

In this regard, the DLSA, Bongaigaon had communicated with the family members of Minara Begum in Nagaon and got in touch with them for filing of the bail bonds as per the earlier resolution.

Resolutions of Committee:

The committee has resolved that *a recommendation may be sent to the concerned learned Trial Court in cases of Sl No-2 which is the to release the said UTP on P.R Bond if deemed fit as per the resolution dated 26-03-20 of the High Power Committee in pursuance to 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)*

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.

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.

iii) 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: 23rd Day of June, 2020

PRESENT: SIGNATURES:

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

Smti Sujata Dutta, A.J.S.. .....
Chief Judicial Magistrate, DLSA, Bongaigaon
(Special Invitee)

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

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

Sri Anupam Deka, A.C.S. -
A.D.C representing the District Magistrate, ...
(Member)

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

Shri J. Deka .....
Superintendent, District Jail, Bhowanipuri,
(Member)

Shri Nayan Jyoti Choudhury, A.J.S. .....
Addl. C.J.M, Bongaigaon
(Special Invitee)

VIA A.C.