

**MINUTES OF THE 4TH WEEKLY MEETING OF UNDER TRIAL
REVIEW COMMITTEE (UTRC), BAKSA, MUSHALPUR, HELD
ON 12.05.2020**

The 4th Weekly Meeting of the Under Trial Review Committee (UTRC) is convened today, *i.e.*, on 12.05.2020 at 12.00 midday in the Office Chamber of the Hon'ble District and Sessions Judge-cum-Chairman, DLSA, Baksa.

Sri A. Rahman, District and Sessions Judge-cum-Chairman, DLSA, Baksa, Sri D.K. Bothra, Addl. Deputy Commissioner, Baksa (as representative of the Deputy Commissioner, Baksa), Sri L. DOUNGEL, Addl. S.P., Baksa (as representative of the Superintendent of Police, Baksa) and Smti. S. Chanda, Secretary, DLSA, Baksa, are present in person. Sri P. Baruah, Superintendent-cum-Asstt. Commissioner, District Jail, Nalbari is present through video-conferencing. Sri. A. M. Md. Mahiuddin, CJM, Baksa, is present as a special invitee. The Hon'ble District & Sessions Judge-cum-Chairman, DLSA, Baksa has graciously consented to preside over the meeting.

DISCUSSIONS AND RESOLUTIONS:

In the meeting the Secretary, DLSA, Baksa has furnished the information about UTPs and Convicts as on 11.05.2020 as provided by the O/o. CJM, Baksa and O/o. Superintendent, District Jail, Nalbari. After a detailed discussion, the Members of the Committee resolved as follows:

1. UTPs covered u/s. 436A CrPC:

The Committee perused the list of UTPs and found no such case.

2. UTPs released on bail by Court, but unable to furnish sureties:

The Committee perused the list of UTPs and found no such case for recommendation.

3. UTPs accused of Compoundable offences:

The Committee perused the list of UTPs and found no such case.

4. UTPs eligible u/s.436 CrPC:

The Committee perused the list of UTPs and found no such case.

5. UTPs who may be covered u/s.3 of Probation of Offenders Act, namely accused of offence u/s.379, 380, 381, 404, 420 IPC or alleged to be an offence not more than 2 years imprisonment:

The Committee perused the list of UTPs and found no such case.

6. Convicts who have undergone their sentence or are entitled to release because of remission granted to them:

The Committee perused the list of Convicts and found no such case.

7. UTPs become eligible to be released on bail u/s.167(2) (a)(i) & (ii) CrPC read with Sec.36A of 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:

The Committee perused the list of UTPs and found no such case.

8. UTPs who are imprisoned for offences which carry a maximum punishment of 2 years:

The Committee perused the list of UTPs and found no such case.

9. UTPs who are detained under Chapter-VIII of the CrPC, i.e., u/Ss.107, 108, 109 and 151 CrPC:

The Committee perused the list of UTPs and found no such case.

10. UTPs who are sick or infirm and require specialised medical treatment:

Sri P. Baruah, Superintendent-cum-Asstt. Commissioner, District Jail, Nalbari has verbally informed the Committee that no such case is there in the jail. He has also informed that, the newly forwarded UTPs are kept separately.

11. UTPs women offenders:

Sl. No	Name of UTP	Date of Admission	Case No.	Under sections	Concerned Court
1.	Ranu Das	23.01.2020	Tamulpur P.S. FIR No. 17/2020	376B/370A/109/34 IPC r/w. Sec.4 POCSO Act & Sec. 81 JJ Act	Spl. POCSO
2.	Junuma Begum	22.03.2020	Goreswar P.S. FIR No. 41/2020	328/307/380/34 IPC	Addl. CJM
3.	Ahatan Nessa	05.05.2020	Salbari P.S. FIR No. 33/2020	304B/34 IPC	CJM

The Committee considered their matters. But, in view of the gravity of the offences, their cases are not found fit for recommendation.

12. UTPs who are first time offenders between the age of 19 and 21 years and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least ¼th of the maximum sentence possible:

The Committee perused the list of UTPs and found no such case.

13. UTPs who are of unsound mind and must be dealt with Chapter-XXV of the CrPC:

The Committee perused the list of UTPs and found no such case.

14. UTPs eligible for release u/s.437(6) CrPC, wherein 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:

The Committee perused the list of UTPs and found no such case.

15. Release of UTPs on P.R. Bond in view of Hon'ble Supreme Court Order dated 23.03.2020 passed in Suo-motu Writ Petition (C) No. 01/2020 and the Resolution dated 26.03.2020 of High Power Committee [Constituted by the Govt. of Assam vide Notification No. HMB.89/2020/50 dated 24.03.2020]:

The Members of the Committee have gone through the list of UTPs. It appears that, one accused viz., (1) Kartik Day @ Ganesh is in jail hazot since 10-05-2020 in connection with **Goreswar P.S. FIR No. 58/2020 u/s. 435/427/323/294 IPC**. Considering the nature and gravity of the offence, the period of detention and the recommendation by High Power Committee, the URTC, Baksa finds it a fit case where the accused person may be released on P.R. Bond. The UTRC

requested the **Learned Chief Judicial Magistrate, Baksa, Mushalpur** to considering the matter.

16. Release of Child-in-conflict-with-law in view of Hon'ble Supreme Court Order dated 03.04.2020 passed in Suo-moto Writ Petition (C) No. 04/2020:

It is informed by the O/o. JJB, Baksa that at present no CCL is staying in Observation Home.

17. Status of Implementation of Agenda No.15 of Resolution dated 27.04.2020:

In view of the communication received from the O/o. CJM, Baksa the two accused viz., (1) Chand Md. Ali and (2) Rajib Ali who were in jail *hazot* since 25-04-2020 in connection with **Mushalpur P.S. FIR No. 39/2020 u/s. 379 IPC for alleged theft of two cattle (cows)** are released on P.R. Bond vide Order dated 27.04.2020.

18. Status of Implementation of Special Agenda No.17 of Resolution dated 17.04.2020:

In view of the communication received from the O/o. Hon'ble Addl. District and Sessions Judge, Baksa, Assam (vide Memo No. ADSJ/BAK/2020/443, dated 27.04.2020) the UTP Gajen Das (of **Special POCSO Case No. 09/2020** arising out of Barama P.S. FIR No. 12/2019 u/s. 448/354 IPC r/w. Sec.8 POCSO Act) is already allowed to be enlarged on bail on his executing a bond of ₹20,000/- with a surety of like amount vide Order dated 26-02-2020 passed by the Hon'ble Special Judge (POCSO Cases), Baksa, Mushalpur and the accused's case is stood considered thus.

The Committee also resolved that the next weekly meeting of UTRC will be held on 19-05-2020 at 12-00 Midday via Video-conferencing.

The meeting ended with a vote of thanks to the Chair and Members.

1. Sri A. Rahman, District and Sessions Judge -cum- Chairman, DLSA, Baksa.

Rahman
12-5-2020.

2. Sri A. M. Md. Mahiuddin, CJM, Baksa.

Md. Mahiuddin
12/5/20

3. Sri D.K. Bothra, Addl. Deputy Commissioner, Baksa.

D.K. Bothra
12/5/20

4. Sri L. Dounge, Addl. Superintendent of Police, Baksa.

L. Dounge
12/05/2020

5. Sri P. Baruah, Superintendent, District Jail, Nalbari.

Via V.C.

6. Smti. S. Chanda, Secretary, DLSA, Baksa.

S. Chanda
12-05-2020.