

**MINUTES OF THE 2<sup>ND</sup> WEEKLY MEETING OF UNDER TRIAL  
REVIEW COMMITTEE (UTRC), BAKSA, MUSHALPUR, HELD  
ON 17.04.2020**

The 2<sup>nd</sup> Weekly Meeting of the Under Trial Review Committee (UTRC) is convened today, *i.e.*, on 17.04.2020 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 16.04.2020 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	Concern ed 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 Court
2.	Junuma Begum	22.03.2020	Goreswar P.S. FIR No. 41/2020	328/307/380/34 IPC	Addl. 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 1/4<sup>th</sup> 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]:**

In compliance with the above, Learned Chief Judicial Magistrate, Baksa has already released one (1) UTP Nurul Islam (in Gobardhana P.S. FIR No. 54/2020 u/s.379/34 IPC) on

08-04-2020 and two (2) UTPs viz., Moinuddin Ali and Krishna Tamang (in Tamulpur P.S. FIR No. 172/2020) on 15.04.2020.

The Committee perused the list of remaining UTPs and considering the nature and gravity of their offences, no further case is found for recommendation today.

**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:**

In compliance with the above, Learned Addl. Chief Judicial Magistrate-cum-Principal Magistrate (I/C), JJB, Baksa has already released five (5) children-in-conflict-with-law on *zimma*. It is further informed by the O/o. JJB, Baksa that at present no CCL is staying in Observation Home.

**17. Special Agenda in connection with POCSO Case:**

The Committee has considered the **Barama P.S. FIR No. 12/2019 u/s. 448/354 IPC r/w. Sec.8 POCSO Act** wherein accused Gajen Das has been staying in jail since 22-01-2020 and thereby completing 85 days custody as on today. Therefore, the Committee after considering the length of his detention recommends that the Hon'ble Special Court, Baksa may consider the matter

**18. Status of Implementation of Special Agenda No.15 of Resolution dated 04.04.2020:**

In view of the communication received from the JJB, Baksa the UTP Sunil Barman (of Tamulpur P.S. FIR No.112/2020 u/s.447/392 IPC) is held a Child-in-conflict-with-law and Learned Principal Magistrate (I/C), JJB, Baksa vide Order dated 10-04-2020 released him on his father's *zimma*.

**19. Status of Implementation of Special Agenda No.17 of Resolution dated 04.04.2020:**

In view of the communication received from the O/o. Hon'ble Special POCSO Court, Baksa the UTP Ashok Kheruwan (of Spl. POCSO Case No. 103/2018 arising out of Simla P.S. FIR No. 34/2018 u/s.8 POCSO Act) is released on P.R. Bond vide Order dated 07-04-2020 passed by the Hon'ble Special Judge, Baksa.

**20. Status of Implementation of Agenda No. 18 of Resolution dated 04.04.2020 (Parole for one Convict):**

The Superintendent, District Jail, Nalbari has communicated that, in view of the UTRC Resolution dated 04.04.2020 he has already taken necessary step to secure Parole for Convict Bikash Das (AC/2081) who was convicted for 1 year R.I. in PRC No. 834/2019 and already completed almost 4 months (06-12-2019 being the date of his admission in jail).

**The Committee also resolved that the next weekly meeting of UTRC will be held on 27-04-2020 at 12-00 Noon 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.
2. Sri D.K. Bothra, Addl. Deputy Commissioner, Baksa.

*S. Rahman*  
17-4-2020

*D.K. Bothra*  
17/4/2020

3. Sri L. Doungel, Addl.  
Superintendent of Police,  
Baksa.

*[Signature]*  
17/04/2020

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

*via v.c.*

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

*[Signature]*  
17/4/20

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

*[Signature]*  
17-04-2020