

MINUTES OF THE MEETING OF THE UNDER TRIAL REVIEW COMMITTEE (UTRC) HELD ON 11TH DAY OF FEBRUARY, 2021 (THURSDAY) AT 1:30 P.M. IN THE OFFICE CHAMBER OF HON'BLE DISTRICT & SESSIONS JUDGE, GOALPARA, ASSAM

PRESENT

SHRI TRIDIB KUMAR BHATTACHARJEE, DISTRICT & SESSIONS JUDGE, GOALPARA- CHAIRMAN

SHRI NILKAMAL DAS, SECRETARY, DLSA, GOALPARA- MEMBER

SHRI P. J. NATH, ADDL. DEPUTY COMMISSIONER- MEMBER

SHRI S. C. DAS, DEPUTY SUPERINTENDENT OF POLICE- MEMBER

SHRI ARUP KUMAR PHUKAN, SUPERINTENDENT, DISTRICT JAIL, GOALPARA, SPECIAL INVITEE

AGENDA

Item No. 1: Consideration of under trial prisoners covered under section 436 Cr.PC.

Resolution: No eligible UTPs are found.

Item No. 2: Consideration of under trial prisoners eligible under section 436A Cr.PC.

Resolution: No UTPs are found eligible for release under section 436A Cr.PC.

Item No. 3: Consideration of under trial prisoners released on bail by the court, but have not been able to furnish sureties.

Resolution: No new eligible UTP is found.

Item No. 4: Consideration of under trial prisoners accused of compoundable offences.

Resolution: The learned Magistrates may be requested to explore the possibility of compounding of the offence(s) of the following UTPs as well as release of those UTPs on bail, who are recommended for bail or release in the last column of the following table:

Sl. No.	UTPs/Convicts considered by UTRC	Age (in years)	Case	Detained since	Court	Whether UTPs/Convicts recommended for bail/release
1.	Md. Tahidul Ali	30	Matia PS case no.21/21, u/s 379 IPC	30-1-2021	JM 1 st Class	Yes
2.	Jahirul Bepari	19	Matia PS case no.21/21, u/s 379/411 IPC	30-1-2021	JM 1 st Class	Yes
3.	Joyal Abedin	29	Matia PS case no.21/21, u/s 379/411 IPC	30-1-2021	JM 1 st Class	Yes

4.	Md. Najir Hussain	25	Baguan PS case no.12/21, u/s 379 IPC	31-1-2021	Munsiff No.1-cum-JM 1 st Class	Yes
5.	Md. Nekbar Ali	46	Goalpara PS case no.77/21, u/s 379/411 IPC	03-02-21	CJM	Yes
6.	Md. Rabial Islam	41	Baguan PS case no.15/21, u/s 379 IPC	04-02-21	Munsiff No.1cum-JM 1 st Class	Yes
7.	Sirajul Hoque	32	Baguan PS case no.15/21, u/s 379 IPC	04-02-21	Munsiff No.1cum-JM 1 st Class	Yes
8.	Md. Toser Ali	24	Matia PS case no.27/21, u/s 379 IPC	04-2-21	JM 1 st Class	Yes

Item No. 5: Consideration of UTPs who became 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 person 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.

Resolution: No eligible UTPs are found.

Item No. 6: Consideration of UTPs who are imprisoned for offences which carry a maximum punishment of 2 years.

Resolution: No eligible UTPs are found.

Item No. 7: Consideration of UTPs who are detained under chapter VIII of the Cr.PC. i.e. u/s 107, 108, 109 and 151 of Cr.PC.

Resolution: No eligible UTPs are found.

Item No. 8: Consideration of UTPs who are sick or infirm and require specialized medical treatment.

Resolution: No eligible UTPs are found.

Item No. 9: Consideration of women offenders (S. 437 of Cr.PC.).

Resolution: The learned Magistrate may be requested to explore the possibility of release of the following UTP on bail, who is recommended for bail or release in the last column of the following table:

Sl. No.	UTPs/Convicts considered by UTRC	Age (in years)	Case	Detained since	Court	Whether UTPs/Convicts recommended for bail/release
1.	Anjama Rabha	35	Goalpara PS Case No. 21/2021 u/s 406/506 IPC	9-2-2021	CJM	Yes

Item No. 10: Consideration of UTPs who are first time male offenders between the ages 19 and 21 years and in custody for the offences punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.

Resolution: No eligible UTPs are found.

Item No. 11: Consideration of UTPs who are of unsound mind and must be dealt under Chapter XXV of the Code.

Resolution: No eligible UTPs are found.

Item No. 12: Consideration of UTPs who are eligible for release under section 437 (6) of the Code, 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 sixty days from the first date fixed for taking evidence in the case.

Resolution: No eligible UTPs are found.

Item No. 13: Consideration of convicts who have undergone their sentence or are entitled to release because of remission granted to them.

Resolution: The Hon'ble Supreme Court vide order dated 11-01-2021 passed in Special Leave Petition (Criminal) Diary No(s). 31121/2019 (Arising out of impugned final judgment and order dated 19-10-2012 in CRA No. 118/2008 passed by the High Court Of Chhatisgarh At Bilaspur) Sonadhar vs. The State Of Chhattisgarh (IA No.129911/2020- Condonation Of Delay In Filing And Ia No.129912/2020- Exemption From Filing O.T.) was pleased to order as follows, amongst others:

"We find that the petitioner has been in custody for 18 years. It appears that legal assistance was only provided now for the petitioner and more than one case of this nature has come up before us. We are of the view that if a detenu has already served 14 years of sentence in a case of 302 IPC then there are norms prevalent in each State for examination of such cases for release. However, it appears that legal assistance to do so after expiry of 14 years has not been forthcoming in many cases, including the present one. We do feel that this aspect needs attention and the respondent State and for that matter other States must put their house in order in respect of this aspect."

In view of the above, the list of convicts was obtained from the Superintendent, District Jail, Goalpara. On perusal of the list the following convicts at Sl. No.1, 3 & 4 are found to have completed fourteen years behind bars making them eligible to apply for remission etc. The convict at Sl. No. 2 will complete fourteen years within next two years. Therefore, Superintendent, District Jail, Goalpara is requested to take necessary steps to enable them to apply for remission etc., if not already applied, under intimation to DLSA, Goalpara. If any legal assistance is required in preparing their applications, same may also be sought from DLSA, Goalpara.

Sl. No.	Name of convicts considered by UTRC	Date of conviction	Date of admission in jail	Case	Sentence	Convicting court
1.	Sri Banamali Singha	10-5-2006	10-5-2006	Sessions case No.39(B)/19 99 u/s 302 IPC	RI for life with fine of Rs.1000/- i/d RI for 6 months	Hon'ble Sessions Judge, Bongaigaon
2.	Nolini Pathak	29-4-2008	29-4-2008	Sessions Case No. (BGN)/2007	RI for life with fine of Rs.5000/- i/d	Hon'ble Sessions Judge,

				u/s 302/325/323 IPC	RI for 6 months	Bongaigaon
3.	Bishnu Dev Mishra	18-7-2006	18-7-2006	Sessions Case No.14(i)/200 4 u/s 376 IPC	RI for life with fine of Rs.10000/- i/d RI for 1 year	Hon'ble Sessions Judge, Bongaigaon
4.	Monoranjan Dey	11-7-2006	11-7-2006	Sessions Case No.23(M)/19 98 u/s 302 IPC	RI for life with fine of Rs.2000/- i/d RI for 6 months	Hon'ble Sessions Judge, Bongaigaon

T.K. Bhattacharjee

N.K. Das

P.J. Nath

S.C. Das

A.K. Phukan