

MINUTES OF THE MEETING OF THE UNDER TRIAL REVIEW COMMITTEE (UTRC) HELD ON 5TH DAY OF FEBRUARY, 2021 (FRIDAY) AT 1:00 P.M. IN THE OFFICE CHAMBER OF SUPERINTENDENT OF DISTRICT JAIL, GOALPARA, ASSAM

P R E S E N T

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

SHRI NILKAMAL DAS, SECRETARY, DLSA, GOALPARA- 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 Magistrate 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.	Shri Papu Gowala	23	(1) Dhupdhara PS Case No.94/20, u/s-379 IPC and (2) Agia PS Case No.138/20, u/s-379 IPC	18-12-20	Addl. CJM	Yes
2.	Shri Amal Ray	40	Ex.09/21, u/s-53(I)(A)/Excise Act.	29-1-2021	JM 1 st Class	Yes
3.	Md. Tahidul Ali	30	Matia PS case no.21/21, u/s 379 IPC	30-1-2021	JM 1 st Class	No
4.	Jahirul Bepari	19	Matia PS case no.21/21, u/s 379/411 IPC	30-1-2021	JM 1 st Class	No

5.	Joyanal Abedin	29	Matia PS case no.21/21, u/s 379/411 IPC	30-1-2021	JM 1 st Class	No
6.	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	No
7.	Md. Nekbar Ali	46	Goalpara PS case no.77/21, u/s 379/411 IPC	03-02-21	CJM	No
8.	Md. Rabial Islam	41	Baguan PS case no.15/21, u/s 379 IPC	04-02-21	Munsiff No.1cum-JM 1 st Class	No
9.	Sirajul Hoque	32	Baguan PS case no.15/21, u/s 379 IPC	04-02-21	Munsiff No.1cum-JM 1 st Class	No
10	Md. Toser Ali	24	Matia PS case no.27/21, u/s 379 IPC	04-2-21	JM 1 st Class	No

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: No new eligible UTP is found.

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: No eligible convicts are found.

Item No. 14: (With permission of Hon'ble Chairman): Consideration of the matter regarding free legal aid to inmates of the District Jail, Goalpara.

Resolution: During interaction by the Secretary, DLSA, Goalpara, with the inmates of the jail, the following UTPs are found in need of free legal aid. Hence, Superintendent, District Jail is requested to send their filled up application for legal aid at the earliest.

Sl. No.	UTPs/Convicts considered by UTRC	Age (in years)	Case	Detained since	Court
1.	Md. Aminul Hoque	33	Rangjuli PS Case No.120/19, u/s-379 IPC	22-12-2020	CJM
2.	Md. Soriful Islam	18	Goalpara PS Case No.55/21, u/s-380/411 IPC	22-01-2021	CJM

Further, as indicated by the learned Secretary, DLSA, the UTP at Sl. No.2 above, namely Md. Soriful Islam appeared to be a juvenile. As such the learned CJM, Goalpara may be requested to conduct an inquiry as per law to ascertain his juvenility and if found so, to cause his production before the JJB.

Item No. 15: (With permission of Hon'ble Chairman): Consideration of the matter of remission etc. of convict Md. Motiur Rahman in connection with Sessions Case No.4/2003.

Resolution: During interaction by the Secretary, DLSA, Goalpara, with the following convict and on perusal of the relevant available record, including the letter no.GLPJ.11/2020/2337 Dated Goalpara 30-9-2020 of Superintendent, District Jail, Goalpara, it was found that he has not completed 14 years of actual imprisonment for which his case has not yet been sent for remission. During interaction, he has informed to the learned Secretary that he has not appealed to the Hon'ble Supreme Court against the judgment of the Hon'ble Gauhati High Court upholding his conviction and sentence. It is further intimated by him that his son Md. Mostafa Hussain, S/o- Md. Motiur Rahman, Vill- Krishnai (Pakhirigiri), PS- Krishnai, Dist- Goalpara, Assam, aged about 27 years with contact no. 7099319354 has all the documents relating to his case and therefore requested to contact him for the same. Therefore, in order to explore the possibility of appeal to the Hon'ble Supreme Court through DLSA, his son may be contacted and a set of photocopy of the documents relating to the case may be obtained from his son at the earliest.

Sl. No.	Convicts considered by UTRC	Age (in years)	Case	Detained since	Court
1.	Md. Motiur Rahman	70	Sessions Case No.4/2003 u/s 147/447/448/342/326/307/302/201 IPC (Criminal Appeal No.25/2011, since dismissed on 3-12-2012 by HGHC)	20-12-2010	Sessions Judge, Goalpara

T.K. Bhattacharjee

N.K. Das

A.K. Phukan