

Dinhata PS. 334/2023 (Reg. No: GR-30/2023)
CNR No. - WBCB09-000044-2023
J.O. Code - WB01362

Present: Smt. Peden Dukpa, Ld. Principal Magistrate, JJB, CBR
Present: Smt. Runa Ganguly, Board Member, JJB, CBR
Present: Sri. Kamalesh Ch. Biswas, Board Member, JJB, CBR

Order No: 02

Date: 12-07-2023

Today is fixed for Production of CCL from Korok Home, Jalpaiguri, Counselling Report, CD along with Situation Report.

Ld. PP is present. Members of this Board are also present.

CCL is produced before this Board from Korok Home, Jalpaiguri.

Counselling report is received.

Social Background Report is received today. Let the same be kept with the record.

Father of the CCL namely Abu Sayed Ali and grandfather of the CCL namely Habibar Rahaman are present before the Board today.

Ld. Advocate files a bail petition by his guardian on behalf of the CCL and submits before the Board that CCL is presently studying in class-XII at Dinhata High School. To this effect, the Ld. Advocate for the CCL also files photo copy of Fees receipt of Dinhata High School (H.S) along with admit card of madhyamik exam of the CCL.

Heard submission of Ld. Advocate for the CCL as well as the Ld. PP.

CD along with Situation Report is not produced before this Board by the I.O of this case inspite of repeated reminders by the GRO of this Board.

Now the record is taken up for the purpose.

Ld. PP raised formal objection.

The Ld. Advocate for the CCL submits that he may kindly be released on bail otherwise his studies will get hampered.

CCL also complained that he cannot concentrate on his studies while staying at Observation Home at Jalpaiguri.

Heard submission of Ld. Advocate for the CCL, the Ld. PP.

Ld. PP opposed the bail prayer.

Perused the record, counselling report by Counselor of Korok Home, Jalpaiguri.

The Grandfather / guardian namely Habibar Rahaman and his father namely Abu Sayed Ali are present before the Board and they stated that they are ready to take custody of the CCL as a fit person and undertake to ensure his safety, security & welfare.

CCL's grandfather stated that he resides at Dhaluyabari, Panishala PS-Kotwali, Cooch Behar which is far from the house of the CCL as well as the P.O.

We have scrutinized the record and considered all submissions.

Considering all aspects as well as studies of the CCL, we are of view that the safety & welfare of above mentioned CCL shall be ensured if he is placed in the protective custody of his grandfather who resides far away from the P.O.

As such bail prayer of the CCL is allowed on A.I. basis.

Grandfather /guardian of aboved mentioned CCL is declared fit persons and the custody of CCL is entrusted upon him, if not wanted any other case.

Grandfather namely Habibar Rahaman of the CCL shall furnish A.I. guardian bond of Rs. 2000/- upon condition to ensure safety and welfare of the CCL at all times; ensure not to make any association with bad character

persons or para people and also ensure the studies of the CCL considering his Higher secondary examination.

CCL is directed not to enter into the Place of Occurrence, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the to dissuade him from disclosing to the case so as such fact to the Board or Investigating Officer/any Police Officer.

The record reflects that the order dated 03-07-2023 of this Board has been duly communicated to the I.O. But inspite of the same, the I.O. of this case failed to produce CD along with Situation Report today.

The I.O. of this case is directed to appear personally before this Board and to explain to this Board as to what prevented him from producing CD along with Situation Report today inspite of repeated reminder sent through GRO of this Board.

Let a copy of this Order be sent to the I.O. through the I/C of Dinhata PS, Cooch Behar at once.

D.A. to comply.

Issue strong reminder regarding Social Investigation Report of the CCL.

Fix **25-08-2023** for appearence of CCL who is on A.I. bail, SIR and I.O.'s Report/final report, if on bail.

D/C

Later:

Grandfather / guardian of CCL namely Habibar Rahaman furnished A.I. bail bond of Rs. 2000/- on behalf of the CCL which is found fit, correct and accepted.

Release the CCL at once if not wanted any other case.

Issue release order at once.

To date.

D/C

Later:

On perusal of the record it appears that the CCL was aged about above 17 year but below 18 years on the date of alleged incident. It further appears that the offense alleged against the CCL is u/s-325/326/307 of IPC R/W Sec-25/27/35 of Arms Act R/W Sec- 3 of P.D.P.P. Act which are heinous in nature as per Juvenile Justice (Care & Protection of Children) Act 2015.

Sec 15 of the said Act mandates Preliminary Assessment with regard to the mental and physical capacity of a child who is above 16 years but below 18 years and is to committee heinous offense and ability to understand the consequences of the offense and circumstances in which he committed the offense.

Therefore, considering all aspects, CCL Mehedi Ebne Sayed (17years) be produced before the Expert Panel constituted vide Government of West Bengal,

assess the capacity of the child to commit and understand the consequences of the alleged offence.

This assessment parameters shall include the mental and physical capability of the child to commit such alleged offence, ability of the child to understand the consequences of the offence and the circumstances in which he allegedly committed the offence.

The M.S.V.P. of M.J.N. Govt. Medical College & Hospital, Cooch Behar is request to arrange expert panel (consist of Superintendent of District Hospital as Chairperson, Medical Officer as Member, Psychiatrist as Member, Clinical Psychologist as Member) for the purpose of Preliminary Assessment of the CCL on **08-08-2023**. This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence U/S-325/326/307 of IPC R/W Sec-25/27/35 of Arms Act R/W Sec- 3 of P.D.P.P. Act.

The C.M.O.H. of District Cooch Behar is to ensure presence of Clinical Psychologist as one of the Member of the expert panel for Preliminary Assessment of CCL before M.J.N. Medical College & Hospital, Cooch Behar on 08-08-2023.

The C.W.P.O. of Dinhata PS, Cooch Behar is directed to produce the CCL Mehedi Ebne Sayed before the Expert Panel of M.J.N. Medical College & Hospital, Cooch Behar for conducting of Preliminary Assessment with maintaining proper COVID-19 protocol and safety & security on **08-08-2023** positively.

The I.O. of this case is directed to assist the C.W.P.O. if needed be.

Let a copy of this Order be served upon the M.S.V.P. of M.J.N. Govt. Medical College & Hospital, Cooch Behar.

Another copy forwarded to the C.M.O.H., Cooch Behar.

Another copy forwarded to the C.W.P.O. through Inspector-in-Charge, Dinhata PS, Cooch Behar for compliance said order.

The guardian/fitperson of the CCL is directed to co-operate the C.W.P.O. as well as the I.O.

Inform him through his Ld. Counsel.

To date.

D/C

Sd/- (Smt.Peden Dukpa) Principal Magistrate Juvenile Justice Board Cooch Behar	Sd/- (Smt.Runa Ganguly) Board Member Juvenile Justice Board Cooch behar	Sd/- (Sri.Kamalesh Ch. Biswas) Board Member Juvenile Justice Board Cooch Behar	Sd/- (Smt.Peden Dukpa) Principal Magistrate Juvenile Justice Board Cooch Behar
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