

**In the Board of Principal Magistrate
Juvenile Justice Board JVTR-63/2024
Cooch Behar Dt.30/06/2024**

JJB GR No-63/2024
Tufanganj PS Case No: 510/2024 dt: 29.06.2024
U/S.- 06/18 of POCSO Act.

CCL Deep Das (17+ yrs)

Present: Smt. Runa Ganguly, Board Member, JJB, CBR

Order No-01
Dt-30.06.2024

Received one case in c/w Tufanganj PS case no 510/2024 Dt- 29/06/2024 u/s- 06/18 of POCSO Act. along with CCL forwarding, C/C of Formal FIR, Written Complaint, apprehension memo, Medical slip, Social Background report and other relevant documents of the CCL from concerned PS.

The case is received and registered in the trial register.

CCL is produced before this Board with proper escort. He is taken into safe custody.

The C.W.P.O. of Tufanganj PS, Cooch Behar is present before this Board today.

Ld. PP-in-charge is present.

Ld. Advocate for the CCL files a bail petition on behalf of the CCL through his guardian/father.

Counseling has been done by the Counsellor of this Board.

I am interacted with the CCL at length and scrutinized the record and considered all submissions.

Now the record is taken up for hearing of bail petition.

Heard both sides Ld Counsel. Ld. PP raised strong objection.

Father of the CCL is present before this board today.

No situation report of the area is available before this Board to ascertain whether there is any danger involved if the CCL be enlarged on bail.

Considering all aspects and keeping in mind the welfare of the child, release of the CCL at the moment can render him psychological and physical danger and the release of the CCL will defeat the end of justice.

Hence, the CCL is remanded to protective custody at Observation Home for safety, security and welfare and also rendered psychological counseling.

As such prayer for bail is rejected at this stage.

CCL is remanded to protective custody in Observation Home.

GRO, JJB is directed to make necessary arrangement to produce the CCL before Superintendent, Korok Home, Jalpaiguri with proper escort, safety & security.

The escort team is directed to take care regarding the safety & protection of the CCL during transit to Korok Home, Jalpaiguri.

The Superintendent, Korok Home Jalpaiguri is directed to make necessary arrangement for regular counseling of the CCL while in place of safety and forward all reports on the next date fixed positively.

The Superintendent, Korok Home Jalpaiguri is further directed to ensure safety, security of the CCL during his stay at the Korok Home, Jalpaiguri.

Let a copy of this order be served upon the Superintendent, Ko

rok Home Jalpaiguri at once.

Call for CD & Situation Report by the I.O. on next date fixed positively.

Let a copy of this order be served upon the I.O. through the O/C of Tufanganj PS, Cooch Behar at once.

Call for Social Investigation Report from DCPO, Cooch Behar by next date fixed positively.

Issue Form-5.

Let a copy of this order be served upon the DCPO, Cooch Behar at once.

D.A. to comply respectively.

Fix 12-07-2024 for production of the CCL, Counselling report from the CCI, SIR from DCPO and CD and Situation Report from I.O.

D/C

Later:

On perusal of the record it appears that the CCL is aged about 17 years on the date of alleged incident. It further appears that the offence alleged against the CCL is under section 06/18 of POCSO Act. which is 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, the CCL be produced before the Expert Panel constituted vide Government of West Bengal, Dept of Health and Family Welfare bearing Memo no: HFW-27020/1/2019 SFWB SEC(DHS)(HFW)-Dept of H&FW/714 dated 06-06-2019 to 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 Superintendent of Jalpaiguri District Hospital, Jalpaiguri is requested 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 by **12-07-2024**.

This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence U/S- 06/18 of POCSO Act..

Accordingly, The Superintendent of Korok Home of Jalpaiguri is directed to produce CCL namely Deep Das (17+ years) before the Expert Panel of Jalpaiguri Dist. Hospital for Preliminary Assessment with maintaining the Covid-19 protocol and submit the report by the next date fixed along with Counselling Report.

Todate.

D/C

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