

Mathabhanga PS-499/2024 (Reg. No. GR-56/2024)

CNR No: WBCB09-000081-2024

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: 25.07.2024**

Today is fixed for production of the CCL, Counselling Report from the CCI, SIR from D.C.P.O, Cooch Behar, CD along with situation report from I.O. of concern P.S.

CCL is produce before this Board from Observation Home with proper escort. He is taken into safe custody.

Received SIR from D.C.P.O, Cooch Behar.

Perused the same. Lety it be kept with the record.

CD and situation report is received from I.O.

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

Zimmadar/ uncle of CCL namely Biswajit Barman is present before this Board today.

Ld. Advocate files a bail petition by his guardian on behalf of the CCL and submits before the Board that there is no bail application filed in respect of the CCL before the Hon'ble Apex Court nor there is any rejection of bail application in respect of the CCL by the Hon'ble Apex Court. Thus the Ld. Advocate for the CCL submits that CCL is a student of Class-XI and prays for bail on any terms and condition. In this regard, the Ld. Advocate for the CCL also files photocopy of admit card of class-X.

Ld. PP raised no objection.

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

Perused the CD and the materials available on the case record.

Uncle of the CCL submits before this Board that he reside at Daluarpar which is far from Sikarpur, house of the complainant. He also stated thta he is ready to take custody of the CCL as a fit person and undertakes to ensure his safety, security & welfare.

We have scrutinized the record and considered all submissions.

Perused the CD and the material available in CD.

Considering all aspects, education 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 maternal uncle who resides far away from the house of the victim girl.

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

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

Uncle 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.

Uncle of the CCL is directed to send the CCL to his school regularly for his education after ensuring his safety and security.

CCL is directed not to enter into the P.O., not to contact in any fashion the family of the victim or visit their house and he shall not, 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.

Fix 04-09-2024 for appearence of CCL who is on A.I. bail and I.O's Report.

CD be returned through GRO of this Board at once.

D/C

**Later:**

Uncle of CCL namely Biswajit Barman 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 Arman Islam is aged about above 17 years but below 18 years on the date of alleged incident. It further appears that the offense alleged against the CCL is U/s- 306/109 of IPC 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, CCL Subhajit Barman (17 years) 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 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 **21-08-2024**. This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence U/s- 306/109 of IPC.

The C.W.P.O. of Tufanganj PS, Cooch Behar is directed to produce the CCL Subhajit Barman before the Expert Panel of M.J.N. Medical College & Hospital, Cooch Behar for conducting of Preliminary Assessment with maintaining proper safety & security on **21-08-2024** positively.

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

The I.O. of this case is further directed to collect the said report and shall submit the same before the Juvenile Justice Board, Cooch Behar by the next date fixed.

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.W.P.O. through Inspector-in-Charge, Mathabhanga 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.

Todate.

D/C

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