

Ghoksadanga PS-529/2023 (Reg. No. GR-61/2023)

CNR No: WBCB09-000085-2023

J.O. Code – WB01362

Present: Smt. Peden Dukpa, Ld. Principal Magistrate, JJB, CBR

Present: Sri. Kamalesh Ch. Biswas, Board Member, JJB, CBR

**Order No: 07**

**Date: 24-01-2024**

Today the case is fixed for appearance of CCLs who are on A/I bail, I.O.'s Report/final report and passing n/o in respect of Preliminary Assessment of CCL No-1.

Ld. PP is present. One of the Member of this Board is present.

Received C/C of Charge Sheet being No: 03/2024 dated 22.01.2024 u/s-364/302/201/120B of IPC, against both the CCLs.

Cognizance is taken.

The complainant of this case is present before this Board by filling vokalathana and also files a petition along with photocopy of written complaint dated 25.12.2023. Let the same be kept with the record.

Both the CCLs on A/I bail are present before this Board by filling hazira and also files a petition for confirmation of A/I bail.

Heard and considered.

Considering the facts and circumstances of this case, A/I bail of both the CCLs are considered and extended till next date.

Now the record is taken up for passing necessary order for Preliminary Assessment in respect of CCL No-1.

On perusal of the record it appears that the CCL No-1 namely Reshmi Khatun was aged about above 16 year but below 18 years on the date of alleged incident. It further appears that the offense alleged against the CCL is U/s-364/302/201/120B of IPC 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 No-1 namely Reshmi Khatun (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 **20-02-2024**. This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence U/s-364/302/201/120B of IPC.

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 No-1 before M.J.N. Medical College & Hospital, Cooch Behar on 20-02-2024.

The C.W.P.O. of Ghoksadanga PS, Cooch Behar is directed to produce the CCL No-1 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 20-02-2024 positively.

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

The CWPO 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.M.O.H., Cooch Behar.

Another copy forwarded to the C.W.P.O. through Officer-in-Charge, Ghoksadanga 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 them through their Id. Counsel.

Fix 14-03-2024 for appearance of CCLs who are on A/I bail and P.A. Report of CCL No-1.

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.Peden Dukpa)**  
Principal Magistrate  
Juvenile Justice Board  
Cooch Behar