

In the Board of Principal Magistrate
Juvenile Justice Board
Cooch Behar

JVTR-77/2024
Dt.31/07/2024

JJB GR No-77/2024

Pundibari PS Case No: 726/2024 dt: 16.12.2022

U/S.- 498A/304B IPC R/W Sec 3/4 of DP Act

CCL Roki Roy (16+ yrs)

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

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

Order No-01

Dt-31.07.2024

Received one split-up case from Ld. Dist. & Sessions Judge, Cooch Behar being ref. No. Pundibari P.S 726/2024 dated 16-12-2022 u/s-498A/304B IPC R/W Sec 3/4 of DP Act along with Formal FIR, Written Complaint, charge sheet, order sheets and other relevant documents.

The case is received and registered in the trial register.

Perused the birth certificate of the CCL, it appears that his date of birth is on 27-08-2006 and the date of offence is on 15.12.2022, which means that CCL was 16+ on the day of alleged incident.

Ld. PP-in-charge is present. One of the member of this Board is also present.

Ld. Advocate for the CCL has files one bail petition along with fresh vokalathnama on behalf of the CCL by his father/guardian and prays for bail on any terms and condition.

Ld. advocate for the CCL submits before the Board that there is no bail application pending in respect of the CCL before the Hon'ble Apex court nor there is any rejection of bail in respect of the CCL by the Hon'ble Apex court. The Ld. Advocate further submits that the CCL is a student of class XII.

The Ld. Advocate for the CCL further submits that all the FIR named adult accused persons who are the parents of the CCL have obtained bail from the Ld. Court.

We are interacted with the CCL at length and scrutinized the record and considered all submissions.

Counseling has been done by the counselor of this Board.

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

Heard Ld Counsel.

Father / guardian is present before the Board and he stated that 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 written complaint, where it appears that the date of offence relates to 16-12-2022.

Considering all aspects and considering his education, 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 guardian/father.

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

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

Father/guardian shall furnish A.I bail bond of Rs. 2000/- upon condition to ensure safety, security and welfare of the CCL at all times, 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.

Call for SBR from C.W.P.O, Pundibari PS, Cooch Behar.

Call for SIR from D.C.P.O, Cooch Behar.

Issue form No. 5.

Fix **09-09-2024** for app. of CCL who is on A.I bail, SIR , SBR and P.A Report.
D/C

Later:

Father of CCL namely Rabi Roy furnished 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 is aged about 16+ years on the date of alleged incident. It further appears that the offence alleged against the CCL is under section of 498A/304B IPC R/W Sec 3/4 of DP 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 M.J.N Medical College and Hospital 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 **04-09-2024**.

This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence u/s- 98A/304B IPC R/W Sec 3/4 of DP Act

Accordingly, The C.W.P.O of Pundibari P.S is directed to produce CCL namely Roki Roy (16+ years) before the Expert Panel of M.J.N Medical College and Hospital for Preliminary Assessment with maintaining the Covid-19 protocol by **04-09-2024** and to 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.Peden Dukpa) Principal Magistrate Juvenile Justice Board Cooch Behar
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