

In the Board of Principal Magistrate  
Juvenile Justice Board  
Cooch Behar

JVTR-95/2024  
Dt.13/09/2024

JJB GR No-95/2024  
**Dinhata PS Case No: 484/2024 dt: 13.09.2024**  
U/S.- 25 (IB)/27/29 of Arms Act

CCL Rakesh Barman (17+ yrs)  
[Mob No: 8016184914]

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-01**  
**Dt-13.09.2024**

Received one case record in c/w Dinhata PS Case No: 484/2024 dt: 13.09.2024,U/S.- 25 (IB)/27/29 of Arms Act along with CCL Forwarding ,C/C of Formal FIR, C/C of Written Complaint, apprehension memo, birth certificate of the CCL, Social Background Report and other relevant documents from the concern PS. The case is received and registered in the trial register.

Perused the case record, it appears that the date of birth of the CCL is on 16-01-2007 and the date of offence is on 12-09-2024 which means he was 17+ years old on the date of incident.

As such he was a child on the date of alleged incident.

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

The Ld. Advocate for the CCL files a bail petition through his father by filing fresh vokalatnama.

Heard both sides Ld Counsel and the Ld. PP-in-charge raised strong objection.

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

No situation report of the area is available before this Board to ascertain whether there is any danger associated with the life of the CCL, if the CCL is enlarged on bail today.

Counseling has been done by the Counselor of this Board.

We have also gone through the report of the Counselor.

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

Hence, the CCL is remanded to protective custody at Observation Home, Korok Home, Jalpaiguri for safety, security and welfare of the child and for rendering proper psychological counseling.

As such prayer for bail is rejected at this stage.

CCL is remanded to protective custody in Observation Home, Korok home, Jalpaiguri.

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 & security of the CCL during transit to Korok Home, Jalpaiguri.

The Superintendent, Korok Home Jalpaiguri is directed to make necessary arrangement for regular counselling of the CCL while in protective custody 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, Korok Home Jalpaiguri at once.

Call for CD along with 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 I/C of Dinhata PS, Cooch Behar at once.

Call for Social Investigation Report from D.C.P.O, Cooch Behar by next date fixed positively. Issue Form-5.

D.A. to comply.

Fix **23-09-2024** 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 concerned P.S.

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 25 (IB)/27/29 of Arms 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 13-05-2024.

This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence U/S-25 (IB)/27/29 of Arms Act

Accordingly, The Superintendent of Korok Home of Jalpaiguri is directed to produce CCL namely Rakesh Barman (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

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