

**In the Board of Principal Magistrate
Juvenile Justice Board
Cooch Behar**

JVTR-119/2024
Dt.14/11/2024

JJB GR No-119/2024

Sahebganj PS Case No:204/2024 dt: 03.04.2024

U/S-306/34 of IPC

1. CCL Rubel Hossain (17+ yrs)

Present: Smt. Ritwika Mahanta, Ld. J.M. 3st Court, I/C of 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-14.11.2024

Received one case split-up record from the Court of Ld. Addl. CJM, Dinhata 2nd Court, Cooch Behar by order No: 18 dated 11-11-2024 in c/w Sahebganj PS case no-204/2024 dt: 03-04-2024 U/S-306/34 of IPC along with Photo copy of Formal FIR, Photo copy of Written Complaint and other relevant documents.

CCL is surrendered before the Board along with his father as per the direction of the Ld. Addl. CJM, Dinhata 2nd Court, Cooch Behar.

Perused the order sheet, it appears that the Ld. Addl. Dinhata 2nd Court, Cooch Behar has forwarded the CCL. The Ld. Court was pleased to pass an order that apparently the CCL Rubel Hossain appears to be juvenile.

He is taken into safe custody.

Ld. PP-in-charge is present. Members of this Board are also present.

Ld. Regular P.O is on casual leave. I am in-charge of this Board today.

Perused the case record, it appears that the date of birth of the CCL is on 05-06-2006 and the date of offence is on 01-04-2024 which suggests that he was 17 years 9 months and 27 days old on the date of incident.

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

Thus the case is received and registered in the trial register.

Ld. Defence Advocate through the CCL's father files a bail petition along with fresh vokalathnama before the Board today. Thus the Ld. Advocate for the CCL prays for bail on any terms and condition.

Ld. PP raised objection.

We are 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 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.

Considering all aspects, 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 namely Babul Mia shall furnish bail bond of Rs. 1000/- 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 she 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 of Sahebganj PS, Cooch Behar.

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

Issue form No. 5.

Let a copy of this order be sent to the I.O of this case through O/C of Sahebganj P.S for his information and taking necessary action.

D.A to comply.

If on bail,

Fix **21-12-2024** for app. of CCL , SIR , SBR and I.O's Report and CD along with situation report from I.O.

D/C

Later:

Father/Guardian of CCL namely Babul Mia furnished bail bond of Rs.1000/- 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 17+ years on the date of alleged incident. It further appears that the offence alleged against the CCL is under section of 306/34 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, 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 **21-12-2024**.

This assessment parameters shall includes the mental & physical capability of the Child to committee the alleged offence u/s- 306/34 of IPC.

Accordingly, The C.W.P.O of Sahebganj P.S is directed to produce CCL namely Rubel Hossain (17+ years) before the Expert Panel of M.J.N Medical College and Hospital for Preliminary Assessment with maintaining the Covid-19 protocol by **21-12-2024** and to submit the report by the next date fixed along with Counselling Report.

Todate.

D/C

Sd/-
(Smt. Ritwika Mahanta)
Principal Magistrate I/C
Juvenile Justice Board
Cooch Behar

Sd/-
(Smt. Runa Ganguly)
Board Member
Juvenile Justice Board
Cooch Behar

Sd/-
(Shi.Kamalesh Ch. Biswas)
Board Member
Juvenile Justice Board
Cooch Behar

Sd/-
(Smt. Ritwika Mahanta)
Principal Magistrate I/C
Juvenile Justice Board
Cooch Behar