

MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD ON 8TH JULY, 2021

1(a). Pursuant to the resolutions taken during the Meeting of the High Powered Committee held on 3rd July, 2021, at 1.40 p.m., chaired by Hon'ble Mrs. Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim State Legal Services Authority, via Video Conferencing (VC), a Meeting of the same Committee was held today on 8th July, 2021 at 3.20 p.m.

(b) The Meeting was chaired by Hon'ble Mrs. Justice Meenakshi Madan Rai and attended by Mr. Ravindra Telang, IAS, Principal Secretary, Home Department, Government of Sikkim/Member, High Powered Committee; Mrs. Cheden P. Ladingpa, Special Secretary, Home Department/Member Secretary, High Powered Committee; Mr. Sharab Tonyot, Deputy Inspector General of Police (Prison)/Member, High Powered Committee; Mr. K. L. Tenzing, Senior Superintendent of Police, District Prison, Namchi/Member, High Powered Committee.

(c) Also in attendance at the Meeting were Shri S. P. Bhutia, Member Secretary, Sikkim State Legal Services Authority (SSLSA); Mr. Yadav Krishna Sharma, Joint Director (Confidential), Home Department, Government of Sikkim; Mr. Renu Raj Chettri, Additional Superintendent of Police (Prison), State Central Prison, Rongyek, East Sikkim; Mr. Bijoy Subba, Assistant Superintendent of Police, District Prison, Boomtar,

South Sikkim and Mr. Yogesh Gurung, Law Officer, Home Department, Government of Sikkim.

(d) Mr. Prajwal Khatiwada, District & Sessions Judge (East)/Judge, Special Court (SADA), East Sikkim, Mr. Jiwan Kumar Kharka, District & Sessions Judge (South)/Judge, Special Court (SADA), South Sikkim, were also invited as Guests to the Meeting.

2. The Meeting considered the following agenda items;

- (i) *To consider identification and recommend release of prisoners on interim or regular bail.*
- (ii) *To consider issuance of direction to Prison Authorities and remission Board to consider the release of prisoners who are eligible for remission in terms of Section 432 and Section 433A of the Code of Criminal Procedure.*

ITEM AGENDA No.1

3. While taking up item agenda No.1 for discussion, the following points were considered for identification and recommendation to the Learned Courts for release of prisoners;

- a) *UTPs released on bail by the Court, but unable to furnish sureties;*
- b) *UTPs booked under compoundable offences;*
- c) *UTPs covered under Sections 436 and 436A of the Code of Criminal Procedure, 1973 (for short, the "Cr.P.C");*
- d) *UTPs who may be covered under Section 3 of the Probation of Offenders Act, 1958, namely, accused of offence under Sections 379, 380, 381, 404, 420 of the Indian Penal Code (for short, the "IPC") or alleged to be an offence not more than 2 years imprisonment;*
- e) *UTPs eligible to be released on bail under Section 167 of the Cr.P.C.;*

- f) UTPs who are imprisoned for offences which carry a maximum punishment of 2 years;
- g) UTPs who are sick or infirm and require specialized medical treatment;
- h) UTPs who are women;
- i) UTPs who are first time offenders between the ages 19 and 21 and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible;
- j) UTPs who are of unsound mind;
- k) UTPs eligible for release under Section 437(6) of the Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case;
- l) UTPs detained under Sections 107, 108, 109, 151 of the Cr.P.C.

3A. UTPs released on bail by the Court, but unable to furnish sureties;

On the basis of the statements pertaining to the UTPs furnished before the Members of the Committee, after due deliberations the following UTPs who have already been released on bail but were unable to furnish surety were considered.

I. District Prison, Boomtar

Sl. No.	Name of UTPs & Father's Name	Sex	Age	Home Address of Inmates	Duration in Prison	Police Stations and Section Charge with	Status of case	Offence
1.	Bimla Chhetri @ Pinkey, W/o Bharat Tamang	F	24	Daragoan, Jorethang, South Sikkim	1 year and 2 months	Jorethang P.S. Case No. 14/2020 dt.15.4.20 u/S 454/380/34 IPC	Charge framed U/s.411 of the IPC. Granted Bail but due to non-production of Surety she is in Prison	01 Acquitted 01 Charge framed in Present Case
2.	Bhumika Rai, D/o Sanjay Rai	F	20	Nayabazar, West, Sikkim	1 year and 2months	Jorethang PS Case No. 14/2020 dt: 15.4.20 u/S 454/380 /34 IPC	Charge framed U/s.411 of the IPC. Granted Bail but due to non-production of	1 st time offender

							Surety she is in Prison	
3.	Rohan Chettri, S/o Late Milan Chhetri	M	21	Bhotey Busty, Darjeeling	1 year and 2 months	Jorethang P.S. Case No. 14/ 2020 dt. 15.4.20 u/S 454/380/34 IPC	-do-	-do-
4.	Bidhan Chettri, S/o Narendra Chettri	M	33	Mungpo, West Bengal	5 months	Jorethang P.S Case No.02/ 2021 dt. 10.1. 2021 u/S 354A 506/509 IPC read with 67A of IT Act.	Charge not framed but granted bail, however, due to non-production of Surety he is in Prison	-do-

II. State Central Prison, Rongyek

(i) One UTP Mamta Tamang, female, aged 21 years, under Section 326 of the IPC, lodged in the State Central Prison, Rongyek, was enlarged on bail, but is still in custody on her inability to furnish surety.

(ii) **The Meeting recommended that the concerned Learned Court may consider releasing the UTP and other such UTPs on personal bond, however, left the decision entirely to the discretion of the Learned Courts depending on the facts and circumstances that would be placed before them.**

3B. Further, the names of the following UTPs lodged in the State Central Prison, Rongyek and District Prison, Boomtar were recommended for release on interim or regular bail, to be examined by the Learned Courts;

I. UTPs from South & West Districts facing trial which prescribe a maximum sentence of 7 years

District Prison, Boomtar

Sl. No.	Name of UTPs & Father's Name	Sex	Age	Home Address of Inmates	Duration In Prison	Police Stations & Section Charge with	Status of Case	Offence
1.	Sheetal Chhetri S/o Bhasker Chhetri	M	35	R/oYangyang, A/P PWD Colony, Jorethang	1 year and 4 months	Jorethang P.S.Case No.08/2020 dt.15.2.20 u/S 380 IPC	Charge framed u/S 380/411 IPC	02 (Theft Case Acquitted) 01 (Charge framed in Present Case)
2	Yashya Subba S/o Chandra Prakash Subba	M	34	Pentok, North Sikkim A/P Jorethang Gairigoan	11 months	Jorethang P.S. Case No.26/2020 dt.25.6.20 u/S 23/353/332/ 34 IPC	Charge framed u/S 323/189/34 IPC	01(SADA acquitted) 01 (Charge framed in Present Case)
3	Sandeep Chhetri S/o Late Laxuman Chhetri	M	20	Majhigoan Melli, South Sikkim	10 months	Melli P.S. Case No.17/2021 dt..8.7.2020 u/S 41/324/427/ 506/379/34 IPC	Charge framed u/S 323/379/34 IPC	1 st time Offender
4.	James Rai S/o Nar Bahadur Rai	M	21	Majigoan, Melli, South Sikkim	10 months	Melli P.S. Case No.17/2021 dated 8.7.2020 u/S 41/324/427/ 506/379/34 IPC	Charge framed u/S 323/379/34 IPC	-do-
5.	Ashim Rai S/o Mohan @ Firoj Rai	M	23	Singla, West Bengal A/P Daragoan, Jorethang, South Sikkim	7 months	Jorethang PS Case No.43 (11)2020 dt. 19.11.2020 u/S 380/457 IPC	Charge framed u/S 457/380 IPC	-do-
6.	Takendra Rai S/o Jiwan Rai	M	23	East Majigoan, Jorethang, South Sikkim	--do--	Jorethang P.S Case No. 04/ 2021 dated:28.1.2021 u/S 451/380 IPC	Charge not framed	02 (SADA & NDPS acquitted) 01 (Date fixed for C.C on 12/7/21 in present case)

II. UTPs arrested under other Acts

State Central Prison, Rongyek

Sl. No	Name of UTPs	Father's Name	Gender & Age	Home Address of Inmates	FIR Crime Number	Police Station	Arrested under Section	Particulars of the Case	Date of admission in prison	Charge framed u/S
1.	Anil Thatal	Jeet Bdr. Thatal	37/ M	Sang Martam, East Sikkim	167/19	Sadar	354 IPC r/w S.8 of POCSO Act, 2012	Special Court (POCSO)	26/10/19	354 IPC r/w sec. 8 of POCSO
2.	Lakpa Tsh. Bhujel	Ashok Kr. Bhujel	31/ M	Tibet Road, Gangtok	168/19	Sadar	S. 457/380 IPC	Judicial Magistrate	12/11/19	457/380 IPC,1860
3.	Rewash Thapa @ Rewaj Thapa	Dil Kumar Thapa	24/ M	Tukbar Tea Garden, Darjeeling, West Bengal	49/20	Sadar	3(r)(s)(u) of ST & SC (PoA) Act 2015, u/S 67 of IT Act 2008, u/s 509 IPC	Special Judge, SC & ST Act	30/11/20	Awaiting CFSL Report
4.	Nisha Khaling Rai (Female)	W/o Rewash Thapa @ Rewaj Thapa	25/ M	Tukbar Tea Garden, Darjeeling, West Bengal	49/20	Sadar	3(r)(s)(u) of ST & SC (PoA) Act 2015, u/s 67 of IT Act 2008, u/s 509 IPC	Special Judge, SC & ST Act	30/11/20	Awaiting CFSL Report
5.	Ram Choudhary	Shri Prasad Choudhary	24/ M	Nepal	196/20	Sadar	379 IPC	Judicial Magistrate, East	01/04/20	Charge Sheet not filed till date
6.	Milan Chettri	Lt. Padam Bdr. Chettri	28/ M	Tadong, East Sikkim	196/20	Sadar	379 IPC	Judicial Magistrate, East	01/04/20	Charge Sheet not filed till date
7.	Prasun Sen	Lt. Pranab Sen	32/ M	Palladava Khattaganj, N-24 PNGS, W.B	29/18	Sadar	406 IPC	Chief Judicial Magistrate, East	28/04/21	Charge Sheet not filed till date

III. UTPs from South & West Districts arrested under the Narcotic Drugs and Psychotropic Substances, Act, 1985 (NDPS Act) and the Sikkim Anti Drugs Act, 2006 (SADA)

District Prison, Boomtar

Sl. No.	Name of UTPs & Father's Name	Sex	Age	Home Address of Inmates	Duration In Prison	Police Stations & Section Charge with	Status of Case	Offence
1.	Saugan Subba S/o Shyam Subba	M	27	Singla, West Bengal	2 years 27 days	Jorethang PS Case No. 20/2019 dated 5.4.2019 u/S 7/9/ 14 SADA read with 7 (i) SADA Amendment	Charge framed u/S 9(1)(a) & 9(3)(iii)(a) Sikkim Anti-Drug Amendment Act 2017	1 st time Offender
2.	Sanju Bhutia S/o Late Zangu Bhutia	M	34	Naya Bazar Chitrey West Sikkim	1 year 3 month and 17 days	Melli PS Case No.05/2020 dt. 16.03.2020 u/S 7/9/14 of SADA	Charge framed u/S 9(1)(b)/9(4) Sikkim Anti- Drug Amendment Act 2017	01 (SADA) acquitted 01 charge framed in present case
3.	Sushma Rai W/o Roshan Chhetri	F	27	Gok Bhalai dara W/ Bengal A/P Boomtar Namchi	1 year 6 month 28 days	Namchi PS Case No.88/2019 dated 05.12.2019 u/s 7/9/14 SADA r/w 22/27 NDPS Act.	Charge framed u/S 9(1)(b) Sikkim Anti- Drug Amendment Act 2017	01 SADA Acquitted 01 (Charge framed in present case)
4.	Diwan Chhetri S/o Tarzan Chhetri	M	29	U/Kabrey Namthang South Sikkim A/P Rangpo IBM	1 year 17 days	Melli PS Case No. 15/2019 dated: 01.5.2019 u/s 7(a) /9(b) /14 SADA r/w sec 7 (1) (b) SADA Amendment Act	Charge framed u/S 9(1)(b)/9(4) Sikkim Anti-Drug Amendment Act 2017	1 st time Offender
5.	Prem Kumar Rai S/o Late Purna Singh Rai	M	32	Zoom Sampang Goan, West Sikkim	11 months 21 days	Nayabazar PS Case No.09/2020 dated: 25.7.2020 u/s 22/27 NDPS Act.	Charge sheet not received or Charge Framed	-do-
6.	Sandeep Tamang S/o Phurba Tamang	M	25	Masjid Line, Jorethang South Sikkim	8 months 12 days	Jorethang PS Case No.39/2020 dtd.21.10.2020 u/s 7 SADA r/w 9(i)(b)SADA Act.& 25 Arms Act	Charge framed u/S 9(1)(b) Sikkim Anti- Drug Amendment Act 2017	02 (Assault Cases Acquitted) 01 (Charge framed in Present Case)
7.	Aita Man Subba S/o Birkha Bdr. Subba	M	25	Guruthang, Langang, West Sikkim	5 months 4 days	Kaluk P.S .No. 02/2021 dated: 30.01.2021 U/S 7/9/ SADA Act, r/w 9(1) (a) of SADAA/34 IPCand 34 IPC, 1860	Charge Framed u/S 7(a)/9(1)(b) Sikkim Anti- Drug Act 2006	1 st time Offender

8.	Uttam Gurung S/o Mon Bdr. Gurung	M	26	Tin Ting, Yuksum West Sikkim	-do-	--do--	-do-	-do-
9.	Kalpana Limboo W/o Shivijan Subba	F	31	Chisopani Jorethang South Sikkim	4 month 12 days	-do-	-do-	-do-

State Central Prison, Rongyek

Sl. No	Name of UTPs	Father's Name	Gender & Age	Home address of the Inmates	FIR Crime No.	Police Station	Arrested under Sections	Particulars of the Case	Date of admission in prison	Charge framed u/S
1.	Abishek Bhutia	Lt. Mingma Tshering Bhutia	23/ M	Aadarsh Gaon, Singtam, East Sikkim	24/18	Rangpo East	7(a)(b)/9/14 SADA r/w Sec.9(1)(b) of SADA Amendment Act 2017	Special Judge, SADA East	29.4.2018	9(1)(a)(b)/9(4) of SADA r/w sec.34IPC 1860
2.	Bhim Bdr. Tamang	Lok Bdr. Tamang	27/ M	Namchi, Singhithang, South Sikkim	37/18	Rangpo	7(a)(b)/14 SADA r/w sec.9(1)(b)/14 (b) of SADA Amendment Act 2017	Special Judge, SADA East	15.7.2018	9(1)(c)/9(1)(b)/9(4)/13 of SADA 2006
3.	Daniel Sunar	Chandra Bdr. Sunar	25/ M	Bardang, Singtam, East Sikkim	37/18	Rangpo	7(a)(b)/14 SADA r/w sec.9(1)(b)/14(b) of SADA Amendment Act 2017	Special Judge, SADA East	15.7.2018	9(1)(c)/9(1)(b)/9(4)/13 of SADA 2006
4.	Jeewan Biswakarma	Gopal Biswakarma	37/ M	Tadong, East Sikkim	07/18	Rhenock East	7(a)(b)/14 SADA r/w sec.9(1)(c)/4 of SADA Amendment Act 2017 & 34 IPC	-do-	7.10.2018	9(1)(c)/9(1)(b)/9(4)/13 of SADA r/w sec. 34 IPC
5.	Lokesh Rasaily	Laxuman Rasaily	33/ M	DPH, Gangtok, East Sikkim	07/18	Rhenock	7(a)(b)/14 SADA r/w sec.9(1)(c)/4 of SADA Amendment Act 2017 & 34 IPC	-do-	7.10.2018	9(1)(c)/9(1)(b)/9(4)/13 of SADA r/w sec. 34 IPC
6.	Abishek Darjee	Lt. Dal Bdr. Darjee	26/ M	Jhapa, Nepal	224/18	Sadar	7/9/14 SADA r/w sec.9(1)(b) of SADA Amendment Act 2017	-do-	16.11.2018	9(1)(a),(b) of SADA, 2006

7.	Joseph Tamang	Dil Bdr. Tamang	38/ M	Chisopani, Singtam, East Sikkim	66/18	Singtam	7(a)(b)/9/14 SADA r/w sec.9(1)(c) of SADA Amendment Act 2017	-do-	31.12.2018	7(a)/9(10 (a)/9(1)(c)/ 14 of SADA r/w sec 34 IPC & rule 17(1) of SAD Rules 2007
8.	Roshan Rai @ Luckey Ali	Ramesh Rai	38/ M	Lower Burtuk, East Sikkim	244/18	Sadar	7/9/14 SADA r/w sec.9(1) (b) of SADA Amendment Act 2017	-do-	31.12.2018	9(1)(a)/9(1) (b) of SADA, 2006
9.	Sagar Rai	Kumar Rai	29/ M	Daragoan, Tadong, East Sikkim	01/19	Rangpo	7(a)(b)/9/14 SADA r/w sec.9(1)(b)/4 of SADA Amendment Act 2017	-do-	9.1.2019	17(1) SADA, 2007 r/w sec. 9(1)(a)/9(1) (b) of SADA, 2006
10.	Chewang Bhutia	Dubo Bhutia	40/ M	Upper Samdur, East Sikkim	08/19	Ranipool	7/9/14 SADA r/w sec.9(1) (b) of SADA Amendment Act 2017	-do-	12.3.2019	17 (1) of SADA 2007,r/w sec.9(1)(b) 2006 & r/w sec.9(1)(a) of SADA 2006
11.	Sandeep Pradhan	Lt. Dil Bdr. Pradhan	35/ M	Linding, Gangtok, East Sikkim	58/19	Sadar	7(a)(b)/9(b) (d) SADA r/w sec.9(1)(b) of SADA Amendment Act 2017	-do-	15.4.2019	17(1) of SADA 2007 r/w sec.9(1) b of SADA 2006 17(1) of SADA 2007 r/w sec. 9(1)(a) of SADA 2006 sec 13 of SADA 2006
12.	Bhakta Bdr. Manger	Kharka Bdr. Manger	35/ M	Nandok, Ranipool, East Sikkim	11/19	Rangpo	7(a)(b)/9(b) (d) SADA r/w sec.9(1)(c) of SADA Amendment Act 2017	Special Judge, SADA	11.5.2019	17(1) of SADA 2007 r/w sec.9(1)(c) /13 of SADA 2006
13.	Arjun Thakur	Ram Brich Thakur	29/ M	Thukarbari, Mandir, Lall Bazar, Rangpo, East Sikkim	12/19	Rangpo	7(a)(b)/9(b) (d) SADA r/w sec.9(1)(c) of SADA Amendment Act 2017	-do-	14.5.2019	17(1) of SADA 2007 r/w sec.9(1)(b) of SADA 2006 7(1)/14 SADA 2006

14.	Palden Bhutia	Saplay Bhutia	36M	Pedong, West Bengal	70/19	Sadar	7(a)(b)/9(b) (d) SADA r/w sec.9(1)(c) of SADA Amendment Act 2017	-do-	15.5.2019	17(1) of SADA 2007 r/w sec.9(1) (b) of SADA 2006 r/w/S. 9(3)(iii)(a) of SADA 2006
15.	Jyoti Baraily	Kumar Singh Baraily	28/M	Rorathang, East Sikkim	20/19	Rangpo	7(a)(b)/9/14 of SADA	-do-	26.6.2019	17(1) of SADA 2007. r/w sec.9(1)(a) /9(1)(c) of SADA 2006
16.	Wangdi Tamang	Passang Tamang	24/M	Rorathang, Rhenock, East Sikkim	22/19	Rangpo	7(a)(b)/9/14 of SADA	-do-	18.7.2019	17 (1) SADA 2007 r/w sec/.9 (1) (b)of SADA 2006
17.	Gobind Tamang	Changba Tamang	29/M	Rongli, East Sikkim	6/19	Rongli	7(a)(b) SADA r/w sec.9(1)(B) of SADA Amendment Act 2017	-do-	5.8.2019	17 (1) of SADA 2007 r/w sec.9(1) (a)/9(1) (b) of SADA & sec. 9(4) of SADA
18.	Hari Bdr. Rai	Lt. Dal Bdr. Rai	32/M	Chandmari, East Sikkim	106/19	Sadar	7/9/14 of SADA r/w sec 9(1)(b) of SADA Amendment Act 2017	-do-	10.8.2019	17(1) of SADA 2007 r/w sec.9(1) (b)/9(1)(a) of SADA 2006 & sec.9(3) (iii) (a) of SADA 2006
19.	Dawa Tsh. Sherpa	Passang Sherpa	30/M	Changu, East Sikkim	37/19	Rangpo	7(a)(b)/9/14 SADA 06	Special Judge, SADA	10.10.2019	17(1) of SADA 2007 r/w sec.9(1) (a)/ 9(1) (b) of SADA & sec. 9(4) of SADA

4. UTPs booked under compoundable offences

It was informed by both the Prison Authorities that there are no UTPs who are in prison for offences which are compoundable in nature.

5. **UTPs covered under Sections 436 and 436A of the Cr.P.C.**

Presently, there are no UTPs in both the Jails covered by the provisions under Sections 436 and 436A of the Cr.P.C. as the Undertrial Review Committees, which were constituted as per the directions of Hon'ble Supreme Court of India in *Writ Petition (C) No. 406/2013* dated 24.04.2015 (*Re-Inhuman Conditions in 1382 Prisons*), are consistently monitoring such matters. The Undertrial Review Committees were constituted vide following latest Notifications comprising of the following;

<u>District</u>	<u>Notification</u>	<u>Members</u>	
West	06/D&SJ/(W) dated 31.08.2015	1. District Judge 2. District Magistrate 3. District Superintendent of Police 4. Secretary, District Legal Services Authority, West District	Chairman Member Member Member
East	28/D&SJ/East, dated 07.05.2018	1. District Judge 2. District Magistrate 3. District Superintendent of Police 4. Secretary, District Legal Services Authority, East District 5. Superintendent of Prison, State Central Prison, Rongyek	Chairman Member Member Member Member
South	668/D&SJ/(S), dated 08.05.2018	1. District Judge 2. District Magistrate 3. District Superintendent of Police 4. Secretary, District Legal Services Authority, South District 5. Superintendent of Prison, District Prison, Boomtar	Chairman Member Member Member Member
North	271/D&SJ/N/Mangan, dated 01.09.2018	1. District Judge 2. District Magistrate 3. District Superintendent of Police 4. Secretary, District Legal Services Authority, North District	Chairman Member Member Member

6. **UTPs who may be covered under Section 3 of the Probation of Offenders Act, 1958, namely, accused of offence under Sections 379, 380, 381, 404, 420 of the IPC or alleged to be an offence not more than 2 years imprisonment.**

None.

7. **UTPs eligible to be released on bail under Section 167 of the Cr.P.C.**

The name of such UTPs have already been considered hereinabove.

8. **UTPs who are imprisoned for offences which carry a maximum punishment of 2 years**

None.

9. **UTPs who are sick or infirm and require specialized medical treatment.**

It was informed by the Dy. Inspector General of Police (Prison), State Central Prison that there is one UTP, aged about 19 years, arrested under Sections 323/392 of the IPC who is Human Immunodeficiency Virus (HIV) positive. Similarly, the Sr. SP (Prison), District Prison, Boomtar informed also that there is one UTP at the District Prison aged about 41 years, arrested under Sections 7/14 of the SADA, 2006 read with Section 9(1)(c) SADA Act, 2017, who is also HIV positive. That, presently both UTPs are on Anti-Retroviral Drugs. As per the Prison Authorities since the UTPs are on Anti-Retroviral Drugs they are stable and in good health. It was directed by Her Ladyship that an awareness programme on HIV should be conducted by the SLSA in both the prisons.

It was further informed by the both Prison Authorities that presently there are no inmates suffering from either Tuberculosis (TB), Multidrug Resistant Tuberculosis (MDR-TB) or other contagious diseases. Neither are there UTPs who require specialized medical treatment in both the Prisons.

10. UTPs who are women

Discussion on women UTPs have already been taken up hereinabove.

11. UTPs who are first time offenders between the ages 19 and 21 and in custody for the offence punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence possible.

The name of such UTPs have already been considered hereinabove.

12. UTPs who are of unsound mind

The Dy. Inspector General of Police (Prison), State Central Prison informed that there are no such inmates at the State Central Prison. However, the Sr. Superintendent of Police (Prison), District Prison, Boomtar informed that one UTP Subhash Chandra Chettri, aged 46, arrested under Section 376 of the IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO), behaves abnormally and is partially differently abled. The Meeting after discussing the issue suggested that the Prison Authorities forward the UTP for Psychiatric evaluation after which necessary steps could be taken with regard to the UTP as per Law.

13. UTPs eligible for release under Section 437(6) of the Cr.P.C, wherein in a case triable by a Magistrate, the trial of a person accused of any non-bailable offence has not been concluded within a period of 60 days from the first date fixed for taking evidence in the case.

None.

14. UTPs detained under Sections 107, 108, 109, 151 of the Cr.P.C.

None.

ITEM AGENDA No.2

15(i). As informed by the Dy. Inspector General of Police (Prison), State Central Prison, there are no Convicts who are presently entitled to be released on remission/or under the provisions of Sections 432 and 433A of the Cr.P.C. That, remissions that accrue to Convicts are calculated every year upon which they are released on 15th August and 26th January annually.

(ii) It was informed by that Assistant Superintendent of Prison, Mr. Bijay Subba that at the last Meeting he had inadvertently stated that the holding capacity of the District Prison, Boomtar, South Sikkim, is 84 (*eighty four*), whereas in fact, it is 74 (*seventy four*). Necessary rectification in this regard may be carried out in all the records as agreed to by the Meeting.

16. RESOLVED; The Meeting recommends the release of the UTPs whose names have been detailed hereinabove in Paragraphs 3A and 3B. The recommendation along with the names of the UTPs shall be forwarded to the Learned concerned Courts for considering their release on interim or regular Bail. The Jail Authorities shall immediately assist the UTPs who require legal aid to take steps in this regard.

17. It was further decided that the High Powered Committee shall meet on **25th September, 2021 (Saturday), at 03:00 p.m.**

18. The Meeting ended with a Vote of Thanks to the Chair, proposed by the Member Secretary, Sikkim SLSA.

Sd/-
(**Justice Meenakshi Madan Rai**)
Judge, High Court of Sikkim
and Executive Chairperson,
Sikkim State Legal Services Authority,
Chairperson, High Powered Committee

Sd/-
(**Ravindra Telang, IAS**)
Principal Secretary,
Home Department, Government of Sikkim
Member, High Powered Committee

Sd/-
(**Cheden P. Ladingpa**)
Special Secretary,
Home Department, Government of Sikkim
Member Secretary, High Powered Committee

Sd/-
(**Sharab Tonyot**)
Deputy Inspector General of Police,
State Central Prison, Rongyek,
Member, High Powered Committee

Sd/-
(**K.L. Tenzing**)
Senior Superintendent of Police,
District Prison, Boomtar,
Member, High Powered Committee

Other Officers present at the Meeting

Sd/-
(**Prajwal Khatiwada**)
District & Sessions Judge,
East Sikkim, at Gangtok

Sd/-
(**S. P. Bhutia**)
Member Secretary,
Sikkim State Legal Services Authority

Sd/-
(**Jiwan Kumar Kharka**)
District & Sessions Judge,
South Sikkim, at Namchi

Sd/-
(**Yadav K. Sharma**)
Joint Director, Home (Confidential),
Government of Sikkim

Sd/-
(**Renu Raj Chettri**)
Additional Superintendent of Prison,
State Central Prison, Rongyek, East Sikkim

Sd/-
(**Bijoy Subba**)
Assistant Superintendent of Prison,
District Prison, Boomtar, Namchi, South Sikkim.

Sd/-
(**Yogesh Gurung**)
Law Officer, Home Department,
Government of Sikkim