

MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD ON 31st MAY, 2024 THROUGH VIRTUAL MODE

A meeting of the High Powered Committee chaired by Hon'ble Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee was held on 31.05.2024 (*Friday*) through virtual mode.

The Meeting was attended by Mr. R. Telang, I.A.S., Additional Chief Secretary, Home Department, Government of Sikkim/Member, High Powered Committee; Mr. Sharab Tonyot, Deputy Inspector General of Police (Prison)/Member, High Powered Committee; Mrs. Tshewang Doma, Additional Secretary (Confidential), Home Department/Member Secretary, High Powered Committee and Mr. Sonam Wangdi Bhutia, Additional Superintendent of Police, District Prison, Boomtar, South Sikkim/Member, High Powered Committee.

AGENDA ITEMS

Item Agenda No. 1 : Confirmation of the Minutes of the Meeting of the High Powered Committee which was held on 6th December, 2023.

The minutes of the meeting held on 6th December, 2023, stands approved and confirmed.

Item Agenda No. 2 : Decongestion of Jails

(a) *To consider Convicts who have undergone their sentence or are entitled to remission/suspension/commutation of sentence under Sections 432 and 432A of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C.") and Furlough in terms of the Sikkim Prison Manual;*

(I) The State Central Prison, Rongyek, East Sikkim : NIL

(II) The District Prison, Boomtar, Namchi, South Sikkim : NIL

(b) *To consider UTPs released on Bail by the Court, but unable to furnish sureties;*

STATE CENTRAL PRISON, RONGYEK - 12

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section
1.	Palden Bhutia@ Pema Bhutia 28/M	Tathangchen Gangtok	Rangpo P.S 52/21	7/9/14 of SADA, 2006 r/w sec. 9(1)(b) of SADA Act 2017 r/wsec.22/27 NDPS Act, 1985	15.09.2021	Special Judge (SADA) East	7/9/14 of SADA, 2006 r/w Section 9(1)(b) of SADA Act 2017 read with Section 22/27 NDPS Act, 1985
2.	Mahesh Pradhan 30/M	Namphing, South Sikkim A/P Sirwani, Singtam, Sikkim	Rangpo P.S. 22/2022	22/27 of NDPS Act, 1985 r/w sec. 34 of IPC 1860	15.05.2022	Special Judge (NDPS), Gangtok	21(b) of the NDPS Act, 1985
3.	Lok Bahadur Chettri 28/M	Tadong, 6 th Mile, Gangtok, Sikkim	Rangpo P.S. 01/2023	7/9/14 of SADA 2006 r/w Sec. 9(1)(c) of SAD Amendment Act 2018 r/w Sec. 22/27 of NDPS Act 1985 & Sec. 34 IPC 1860	09.01.2023	Special Judge (SADA), Gangtok	7/9/14 of SADA 2006 r/w Sec. 9(1)(c) of SAD Amendment Act 2018 r/w Sec. 22/27 of NDPS Act 1985 & Sec. 34 IPC 1860
4.	Madan Karki 29/M	Kirney, Melli, West Bengal	Rangpo P.S. 31/2023	7/9/14 of SADA Act, 2006 r/w sec. 9(1)(c)/9(4)(a) of SAD Act 2017 r/w sec. 34 of IPC 1860	04.05.2023	Special Judge (SADA), Gangtok	7/9/14 of SADA 2006 r/w Sec. 9(1)(c) of SAD Amendment Act 2018 r/w Sec. 22/27 of NDPS Act 1985 & Sec. 34 IPC 1860
5.	Sujan Lepcha 23/M	Mamring, Namchi, Sikkim	Rangpo P.S 22/2023 Dated 12.04.2023	454/380 IPC, 1860	25.05.2023	Chief Judicial Magistrate Gangtok, Sikkim	454/411/380/34 of IPC, 1860

6.	Chogendra Pradhan 28/M	Kabray, Namchi, Sikkim	Rangpo P.S 22/2023 Dated 12.04.2023	454/380 IPC, 1860	25.05.2023	Chief Judicial Magistrate Gangtok, Sikkim	454/411/380/34 of IPC, 1860
7.	Ashim Chettri 23/M	Gourbathan, Near Mal Bazar, West Bengal A/P Jalipool above Kamakothi Mandir, Ranipool, Sikkim	Ranipool P.S 15/2023 Dated 22.06.2023	457/380 IPC, 1860	31.07.2023	Chief Judicial Magistrate Gangtok, Sikkim	457/380 IPC, 1860
8.	Yangdup Subba 24/M	Pelling, Gyalshing, Sikkim A/P Luing, Ranka, Gangtok, Sikkim	Sadar P.S Case No. 14/2024 Dated 27.01.2024	380 IPC, 1860	29.01.2024	Chief Judicial Magistrate Gangtok, Sikkim	380 IPC, 1860
9.	Padam Tamang@ Sherey 31/M	Chandmari, Gangtok, Sikkim	Ranipool P.S 08/2024 Dated 07.02.2024	9/14 Of SADA ,2006 r/w Sec. 9 of SAD Amendment Act, 2017	08.02.2024	Special Judge (SADA,2006), Gangtok, Sikkim	17(1) SADA Rules, 2007 and 9(1)(b) of SADA Act, 2006 r/w 9(1)(a) of SADA Act, 2006
10.	Roshan Pradhan 28/M	Rabdang, Singtam, Sikkim A/P Tadong, Gangtok, Sikkim	Sadar P.S. Case No. 10/2024 Dated 20.01.2024	454/380 IPC, 1860	13.02.2024	Judicial Magistrate (FirstClass) Gangtok, Sikkim	Charge Sheet not yet filed
11.	Bishnu Adhikari 51/M	Lingee, Pakyong, Namchi, Sikkim	Sadar P.S. Case No. 30/2024 Dated 01.03.2024	354 IPC r/w sec. 04 of SC&ST (Prevention of Atrocities) Act, 2015 & 67 of IT Act, 2000	03.03.2024	Judicial Magistrate (FirstClass) Gangtok, Sikkim	Charge Sheet not yet filed
12.	Ishori Thapa 18/F	Falakata, Alipurdwar, West Bengal	Sadar P.S. Case No. 36/2024 Dated 23.03.2024	454/380/34 IPC, 1860	04.04.2024	Judicial Magistrate (FirstClass) Gangtok, Sikkim	Charge Sheet not yet filed

RESOLVED:

The Learned Courts shall consider whether they are eligible for being released on Personal Bond only. The Learned Courts shall exercise their discretion as per judicial norms.

(c) *To consider release of UTPs booked under compoundable offences:*

- (I) The State Central Prison, Rongyek, East Sikkim : NIL
 - (II) The District Prison, Boomtar, Namchi, South Sikkim : NIL
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(d) *To consider release of UTPs covered under Sections 436 and 436A of the Cr.P.C.:*

- (I) The State Central Prison, Rongyek, East Sikkim : NIL
 - (II) The District Prison, Boomtar, Namchi, South Sikkim : NIL
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(e) *To consider release of 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 or alleged to be an offence not more than 2 years*

STATE CENTRAL PRISON, RONGYEK - 02

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section
1.	Ajay K. 22/M	Bangalore, Karnataka	Sadar P.S Case No. 79/2023 dated 10.05.2023	380 IPC, 1860	17.05.2023 Readmitted on 28.09.2023	Judicial Magistrate, First Class Gangtok, Sikkim	380 IPC, 1860
2.	Yangdup Subba 24/M	Pelling, Gyalshing, SikkimA/P Luing, Ranka, Gangtok, Sikkim	Sadar P.S Case No. 14/2024 Dated 27.01.2024	380 IPC, 1860	29.01.2024	Chief Judicial Magistrate Gangtok, Sikkim	380 IPC, 1860

RESOLVED:

It is agreed that the Learned Trial Court shall be requested to expedite the trial, while leaving the question of release under Probation of Offenders Act, 1958, at their discretion.

- (f) *To consider UTPs eligible to be released on bail under Section 167 of the Cr.P.C. and under Section 167(2)(a)(i) and (ii) of the Cr.P.C. read with Section 36A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (where persons accused of Section 19 or Section 24 or Section 27A or for offences involving commercial quantity) where investigation is not completed in 60/90/180 days.*

STATE CENTRAL PRISON, RONGYEK - 01

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section
1.	Roshan Pradhan 28/M	Rabdang, Singtam, Sikkim A/P Tadong, Gangtok, Sikkim	Sadar P.S. Case No. 10/2024 Dated 20.01.2024	454/380 IPC, 1860	13.02.2024	Judicial Magistrate (FirstClass) Gangtok, Sikkim	Charge Sheet not yet filed

The Deputy Inspector General of Police (Prison), State Central Prison, Rongyek, informs that the above UTP Roshan Pradhan is a recidivist having been incarcerated four times previously and this is the fifth case registered against him. He has been granted bail on 17.05.2024 by the Learned Judicial Magistrate Gangtok, Sikkim in CrI.M.C Bail 23/2024 but is still in prison on his inability to furnish surety.

RESOLVED:

Considering the circumstances it is resolved that we may await the trial to truncate.

- (g) *To consider release of UTPs who are imprisoned for offences which carry a maximum punishment of 2 years:*

- (I) The State Central Prison, Rongyek, East Sikkim : **NIL**
 (II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(h) *To consider release of vulnerable UTPs who are sick or infirm and require specialized medical treatment:*

STATE CENTRAL PRISON, RONGYEK - 03

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section
1.	Padam Tamang@ Sherey 31/M	Chandmari, Gangtok, Sikkim	Ranipool P.S 08/2024 Dated 07.02.2024	9/14 Of SADA ,2006 r/w Sec. 9 of SAD Amendment Act, 2017	08.02.2024	Special Judge (SADA,2006), Gangtok, Sikkim	17(1) SADA Rules, 2007 and 9(1)(b) of SADA Act, 2006 r/w 9(1)(a) of SADA Act, 2006
2.	Chogendra Pradhan 28/M	Kabray, Namchi, Sikkim	Rangpo P.S 22/2023 Dated 12.04.2023	454/380 IPC, 1860	25.05.2023	Chief Judicial Magistrate Gangtok, Sikkim	454/411/380/34 of IPC, 1860
3.	Saddam Hussein 26/M	Champasari, West Bengal A/p Singtam, Sikkim	Singtam P.S 23/2024 Dated 24.05.2024	21(b)/27 of NDPS Act, 1985	25.05.2024	Chief Judicial Magistrate Gangtok, Sikkim	Charges not filed

With regard to UTP Padam Tamang@Sherey, it is seen that the UTP has not been able to furnish surety despite being enlarged on bail by the Ld. District & Sessions Judge, Special Division-II Gangtok, Sikkim in CrI.M.C SADA- Bail 19/2024 dated 16.04.2024.

With regard to UTPs Chogendra Pradhan and Saddam Hussein, it is seen that they are patients of Pulmonary Tuberculosis. The Deputy Inspector General of Police (Prison), State Central Prison, Rongyek, informs that UTP Chogendra Pradhan's form of Tuberculosis is not contagious as per the report of the resident doctor. It is also informed that UTP Chogendra Pradhan is in the State jail, whereas UTP Saddam Hussein is now admitted in the STNM Hospital.

It will be advisable to obtain a certificate of the necessary tests that were conducted and of the Doctor's, stating that the illness of UTP Chogendra Pradhan is not contagious, to be placed in the records of the High Powered Committee.

(i) *To consider release of UTPs who are women;*

STATE CENTRAL PRISON, RONGYEK - 03

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section
1.	Rupa Rai 51/F	Lower Lingdum, Ranka, Gangtok, Sikkim	Sadar P.S 33/2023	324/325 of IPC, 1860	13.03.2023	Session Judge, Gangtok, Sikkim	Under Section 324/325 of IPC, 1860
2.	Susmita Rai 20/F	Majhigoan, Rangpo, Pakyong, Sikkim	Rangpo P.S 06/2024 Dated 16.02.2024	21(b) of NDPS Act, 1985 r/w Sec. 34 IPC, 1860	21.02.2024	Special Judge (NDPS, 1985), Pakyong, Sikkim	21(b) of NDPS Act, 1985 r/w Sec. 34 IPC, 1860
3.	Ishori Thapa 18/F	Falakata, Alipurwar, West Bengal	Sadar P.S. Case No. 36/2024 Dated 23.03.2024	454/380/34 IPC, 1860	04.04.2024	Judicial Magistrate (First Class) Gangtok, Sikkim	Charge Sheet not yet filed

- With regard to female UTP Rupa Rai, the bail filed was rejected by the Learned Court of Judicial Magistrate (First Class), Gangtok in CrI. Misc. Case (Bail) No. 28 of 2023 dated 23.08.2023. It is informed by the Deputy Inspector General of Police (Prison), State Central Prison, Rongyek, that the trial is underway.
- With regard to UTP Susmita Rai, the Deputy Inspector General of Police (Prison), State Central Prison, Rongyek submits that it is unknown as to whether she had applied for bail. She is not a substance abuser but has been booked for selling the controlled substances.

RESOLVED:

We may request the Learned Special Judge (NDPS), Pakyong, to consider the petition for bail.

- With regard to UTP Ishori Thapa, since the UTP has been granted bail by the Learned Judicial Magistrate Gangtok, Sikkim in CrI.M.C Bail 20/2024 dated 08.05.2024, but has been unable to furnish surety, we may allow her sometime to furnish surety.

(j) *To consider release of UTPs who are first time offenders between the ages of 19 and 21 and in custody for offences punishable with less than 7 years of imprisonment and have suffered at least 1/4th of the maximum sentence prescribed;*

- (I) The State Central Prison, Rongyek, East Sikkim : **NIL**
(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(k) *To consider release of UTPs who are of unsound mind;*

STATE CENTRAL PRISON, RONGYEK - 01

Sl. No.	Name and age of the UTP	Address	Police Station/ FIR Crime No.	Arrested under Section	Admitted in Prison on	Particulars of Court	Charges framed under Section
1.	Tshering Dubo Bhutia 60/M (Sl. No.51) [Flag 12]	Dokshing Patim, Nazitam-Martam, Gangtok, Sikkim	Singtam P.S. Case No. 36/2024 Dated 20.10.2023	302 IPC, 1860	26.10.2023	Judicial Magistrate (FirstClass) Gangtok, Sikkim	302 IPC, 1860

RESOLVED:

The test conducted by the Department of Psychiatry, New STNM Hospital, states that the UTP is a Schizophrenic. It is resolved that the above UTP be advised to file a petition for bail, considering his mental condition.

(l) *To consider 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;*

- (I) The State Central Prison, Rongyek, East Sikkim : **NIL**
(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

(m) *To consider release of UTPs detained under Sections 107, 108, 109, 151 of the Cr.P.C.;*

- (I) The State Central Prison, Rongyek, East Sikkim : **NIL**
(II) The District Prison, Boomtar, Namchi, South Sikkim : **NIL**

Item Agenda No.3: UTPs And Convicts with Covid-19 in the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim and availability of medical facilities and treatment.

Vide letters bearing 37/GOS/PRISON/2024 and 46/ADDL/DPN/S dated 22.05.2024 received from State Central Prison, Rongyek and District Prison, Boomtar, respectively, it has been informed that no UTPs or Convicts in either of the Prisons are suffering from COVID-19 as of now

Further, as per District Prison, Boomtar, during admission of UTPs, RT- PCR tests are done and they are kept in isolation for seven days.

The Medical Officer is in charge of the dispensary located in the prison premises where the UTPs receive medical care and are given access to all basic essential medications.

Item Agenda No.4: Continuation of sanitization and maintenance of hygiene and cleanliness in the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim.

Vide letters bearing 37/GOS/PRISON/2024 and 46/ADDL/DPN/S dated 22.05.2024 received from State Central Prison, Rongyek and District Prison, Boomtar, respectively, it has been informed that sanitization is being carried out at the two Prisons on monthly (*State Central Prison*) and on fortnightly basis (*District Prison*) and maintenance of hygiene and cleanliness is being carried out on regular basis as per COVID-19 protocol.

Item Agenda No.5: Number of new UTPs since 06-12-2023 and the latest vaccination position of UTPs, Convicts, Officers and Staff at the State Central Prison, Rongyek, East Sikkim and District Prison, Boomtar, Namchi, South Sikkim.

Vide letters bearing 37/GOS/PRISON/2024 and 46/ADDL/DPN/S dated 22.05.2024 received from State Central Prison, Rongyek and District Prison, Boomtar, respectively, the following information had been provided:-

STATE CENTRAL PRISON, RONGYЕК

Newly admitted UTPs since 06.12.2023	-	71
Number of UTPs not administered with precautionary dose	-	41
Number of UTPs not administered with second dose	-	08
Number of UTPs not administered with first dose	-	05

DISTRICT PRISON, BOOMTAR

Total No. of UTPs	-	51 since 06.12.2023 (<i>total UTPs - 78</i>)
Fully vaccinated UTPs	-	73
First dose vaccination	-	02
Not vaccinated	-	03

Item Agenda No.6: Present mode of production of UTPs before Courts and continuation of video conference for Remand.

Vide letters bearing 37/GOS/PRISON/2024 and 46/ADDL/DPN/S dated 22.05.2024 received from State Central Prison, Rongyek and District Prison, Boomtar, respectively, it has been informed that all the UTPs required for remand are being produced only through Video Conferencing and UTPs undergoing trial are being produced physically before the Ld. Courts.

Item Agenda No.7: Steps taken for and progress of counselling of UTPs and Convicts by Psychologists and Psychiatrists at the State Central Prison, Rongyek, East Sikkim And District Prison, Boomtar, Namchi, South Sikkim (UTPs, Convicts under SADA and UTPs, Convicts with mental illness, other UTPs and Convicts in need of counselling)

RESOLVED:

It was resolved that the counselling sessions by Psychiatrists and Clinical Psychologists will continue.

Item Agenda No. 8: Any other item(s) with the permission of the Chair.

RESOLVED:

It was resolved that the medication for the UTPs/Convicts who have diabetes will continue and the medical testing of the UTPs as well as Convicts should also be taken up on half yearly basis.

The Additional Chief Secretary, Home Department has informed the meeting that there is a new Centrally sponsored "*Scheme for Support to Poor Prisoners*", that the same has been notified by the State Government. That, the State Legal Services Authority, District Legal Services Authorities and Taluk Legal Services Committees have also been informed of the same. Steps when required should be taken under the Scheme as well. All concerned stakeholders be apprised of the Centrally sponsored Scheme.

The next meeting of the High Powered Committee will be held in the month of August, 2024.

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

Sd/-
(Mr. Ravindra Telang, IAS)
Additional Chief Secretary,
Home Department, Government of Sikkim,
Member, High Powered Committee

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

Sd/-
(Mrs. Tshewang Doma)
Additional Secretary, Home (Confidential),
Home Department, Government of Sikkim
Member Secretary, High Powered Committee

Sd/-
(Mr. Sonam Wangdi Bhutia)
Additional Superintendent of Prison,
District Prison, Boomtar,
Member, High Powered Committee