

## MINUTES OF THE MEETING OF THE HIGH POWERED COMMITTEE HELD ON 11<sup>TH</sup> DECEMBER, 2024 THROUGH VIRTUAL MODE

A meeting of the High Powered Committee chaired by Hon'ble Mrs Justice Meenakshi Madan Rai, Judge, High Court of Sikkim and Executive Chairperson, Sikkim SLSA/Chairperson, High Powered Committee was held on 11.12.2024 (*Wednesday*) through virtual mode.

The Meeting was attended by Mr R Telang, IAS, Additional Chief Secretary, Home Department, Government of Sikkim/Member, High Powered Committee; Mr Thakur Thapa, Deputy Inspector General of Police (Namchi Range) with additional charge of State Central Prison, Rongyek; Mr Khemraj Bhattarai, Additional Secretary (Confidential), Home Department/Member Secretary, High Powered Committee and Mr Tseten Palzor 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 31<sup>st</sup> May, 2024.**

The minutes of the meeting held on 31<sup>st</sup> May, 2024, was 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, "CrPC")/ 473 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short, "B N S S") and Furlough in terms of the Sikkim Prison Manual;*

It was informed by the Additional Chief Secretary, Home Department, Government of Sikkim/Member, High Powered Committee that during the State Sentence Review Board held on 8<sup>th</sup> March, 2024, the names of 11 (*eleven*) life convicts were taken up for premature release, wherein, six life convicts were released from the prison on Independence Day, 2024 vide Notification bearing No 04/Home/2024 dated 05.08.2024. Thereafter, during the State Sentence Review Board meeting held on 27<sup>th</sup> November, 2024, names of two life convicts were recommended for premature release. The same is currently pending with the State Government.

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

### (I) 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.	Vivek Pradhan 34/M	Upper Arithang, Gangtok	Sadar P S Case No 24/2024 dated 23.02.2024	Sections 454 and 380 IPC, 1860/331(3) and 305 BNS	01.03.2024	Chief Judicial Magistrate, Gangtok, Sikkim	Sections 454 and 380 IPC, 1860 /331(3) and 305 BNS
2.	Rikesh Suji 32/M	Tadong, Gangtok	Sadar PS Case No 117/2024 dated 16.08.2024	Sections 7/9/14 of SADA ,2006 r/w Section 9(1)(c) of SAD Amendment Act, 2017	17.08.2024	Special Judge (SADA) Gangtok	12.12.2024 has been fixed by the Ld Special Judge (SADA) for consideration of charge

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

### **RESOLVED:**

It was resolved that we may wait for their sureties as the offence entails for 07 (*seven*) years of more.

(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/Sections 478 and 479 of the B N S S:*

- (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, 1860 (for short, "I P C")/Sections 303(2), 304, 305, 306, 315 and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, "B N S"), or alleged to be an offence not more than 2 years imprisonment:*

**STATE CENTRAL PRISON, RONGYEK - 01**

SI 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.	Manish Tamang 27/M	Mirik, Darjeeling West Bengal	Sadar P S Case No 130/2024 dated 04.09.2024	Section 305(a) of BNS, 2023/38 0 IPC, 1860	12.09.2024	Chief Judicial Magistrate, Gangtok	305(a), 331(4), 62 of BNS, 2023

**RESOLVED:**

It was resolved to consider release of the above UTP depending on the value of articles stolen by him and considering the fact he is a first time offender.

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(f) *To consider UTPs eligible to be released on bail under Section 167 of the Cr P C/Section 187 of the B N S and under Section 167(2)(a)(i) and (ii) of the Cr P C/ Section 187(2)(a)(i) and (ii) of the B N S 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:*

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

(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 - 04**

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.	Rikesh Suji 32/M	Tadong, Gangtok	Sadar PS Case No 117/2024 dated 16.08.2024	Sections 7/9/14 of SADA ,2006 r/w Section 9(1)(c) of SAD Amendment Act, 2017	17.08.2024	Special Judge (SADA) Gangtok	12.12.2024 has been fixed by the Ld Special Judge (SADA) for consideration of charge
2.	Arpan Pradhan 26/M	Lower Chisopani , Andheri, near Juice Factory, Singtam, Gangtok	Singtam PS Case No 28/2024 dated 19.07.2024	Section 103(1) of BNS, 2023/302 of IPC	01.08.2024	Session Judge, Gangtok	103(1) of BNS, 2023
3.	Phurba Tamang 34/M	Nepal, A/P Marchak, Ranipool, Gangtok, Sikkim	Ranipool PS Case No 43/2024 dated 23.09.2024	Sections 22/27 of NDPS Act, r/w Section 3(5) of BNS, 2023/34 of IPC, 1860	25.09.2024	Special Judge (NDPS) Gangtok	Sections 22/27 of NDPS Act, r/w Section 3(5) of BNS, 2023/34 of IPC and 483 of BNS/439 of CrPC
4.	Michael Milan Rai 33/M	Machong, Lossing, Pakyong	Pakyong PS Case No 33/2024 dated 12.11.2024	Sections 9(1)(m)(n)/10 of POCSO Act, 2012	13.11.2024	Chief Judicial Magistrate Pakyong	Charge Sheet not filed

**DISTRICT PRISON, BOOMTAR - 02**

Sl No	Name of the UTP	Address	Police Station/FIR No	Arrested under Section
1	Pradeep Rai@Pappu	Housing Colony, Nayabazar, Soreng District	Soreng P S Case No 16/2024	Sections 21(b)/27 of NDPS Act.
2	Sujan Darjee	Birtamore, Nepal currently residing at Ogeng, Singling, Soreng	Soreng P S Case No 21/2024	Sections 04/06 of POCSO Act

**RESOLVED:**

It was resolved not to release UTP Rikesh Suji as he is an offender under Sikkim Anti Drugs Act, 2006.

As informed by the Deputy Inspector General of Police (Namchi Range) with additional charge of State Central Prison, Rongyek, the following UTPs viz; Arpan Pradhan suffering from Hepatitis C, Phurba Tamang who is suffering from HIV and UTP Michael Milan Rai suffering from Syphilis, are under the treatment of Dr Tenzing Palmo Limboo, Medical Officer, New STNM Hospital, who is visiting the Prison for medical check-up/treatment of inmates. Further, UTP Arpan Pradhan is also being taken to New STNM Hospital, Sochakgang for medical treatment.

It was advised by the Hon'ble Chairperson, High Powered Committee that counseling by Psychiatrists and Clinical Psychologists should be provided for the above UTPs.

It was informed by the Additional Superintendent of Police, District Prison, Boomtar that UTPs Pradeep Rai@Pappu and Sujan Darjee are HIV positive and are under treatment under ART (Antiretroviral Therapy) drugs. It was also informed that UTP Pradeep Rai@Pappu is found to have Lymph nodes Tuberculosis (TB) and medication has been started in the Jail.

It was informed by the Hon'ble Chairperson, High Powered Committee that on 11.12.2024, the National Legal Services Authority (NALSA) has launched Special Campaign for Old Prisoners and Terminally ill Prisoners. The Campaign was launched by Hon'ble Mr. Justice Sanjiv Khanna, Chief Justice of India & Patron-in-Chief, NALSA in august presence of Hon'ble Mr. Justice B.R. Gavai, Judge, Supreme Court of India and Executive Chairman, NALSA and Hon'ble Mr. Justice Surya Kant, Judge, Supreme Court of India and Chairman, Supreme Court Legal Services Committee. The campaign aims at giving consideration to those prisoners who are terminally ill *viz*; dying of cancer or suffering from Multi-Drug Resistant (MDR) TB, Extensively-Drug

Resistant (XDR) TB, etc., or, are old and infirm. It was also re-iterated by Her Ladyship that all prisoners who are suffering from HIV, TB, etc. be sent on fortnightly basis to the New STNM Hospital or District Hospital, Namchi for medical check-up or treatment, to avoid any fatality in the Prison.

Her Ladyship also requested that any prisoner complaining of throat pain or infection or any other ailment should be forwarded to the jail visiting Medical Officer. Further, it was requested that those persons who have just been convicted and sentenced on a particular date be given counseling by the Psychiatrist/Clinical Psychologist on the very next day, as well as, counseling for those prisoners who are terminally ill or suffering from HIV, Sexually Transmitted Diseases (STD), TB, etc. should also be carried out periodically, without fail.

**RESOLVED:**

It was resolved to forward a copy of NALSA’s Special Campaign for Old Prisoners and Terminally ill Prisoners to the Home Department, Government of Sikkim, State Central Prison, Rongyek and District Prison, Boomtar.

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

**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.	Susmita Rai 20/F	Majhigoan, Rangpo, Pakyong, Sikkim	Rangpo PS 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

**RESOLVED:**

Resolved not to recommend release of the female prisoner as she was booked for possessing commercial quantity of controlled substances under the NDPS, Act, 1982.

(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 1/4<sup>th</sup> of the maximum sentence prescribed;*

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

*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	Dokshing Patim, NazitamMartam, Gangtok, Sikkim	Singtam PS Case No 36/2024 Dated 20.10.2023	302 IPC, 1860/103(1) of IPC, 1860/103(1) of BNS, 2023	26.10.2023	Judicial Magistrate (FirstClass) Gangtok, Sikkim	302 IPC, 1860/103(1) of BNS, 2023

It was informed by the Deputy Inspector General, State Central Prison that the above UTP suffering from Schizophrenia was taken to the New STNM Hospital on 11.12.2024, for assessing if he needs to be hospitalized.

**RESOLVED:**

It was resolved that the above UTP should be forwarded to the New STNM Hospital and hospitalized until his symptoms of Schizophrenia are brought under control.

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(k) *To consider UTPs eligible for release under Section 437(6) of the Cr P C/Section 480(6) of B N S S, 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**
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(l) *To consider release of UTPs detained under Sections 107, 108, 109, 151 of the Cr P C/Sections 126, 127, 128 and 170 of B N S S:*

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

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**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.**

It was informed by the Deputy Inspector General, State Central Prison that at present there are two Staff Nurses posted at the Prison.

The Additional Superintendent of Police (Prison), District Prison, Boomtar informed that the Medical Officer Dr Prana Sharma who was posted at the District Prison for attending the UTPs and Convicts got selected at the Regional Institute of Medical Sciences (RIMS) for Radio Oncology, and, they are presently without a Doctor.

**RESOLVED:**

It was resolved that the Sikkim SLSA will take steps with the Principal Secretary, Health & Family Welfare Department for deputing a Doctor at the District Prison, Boomtar.

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**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.**

It was informed by the Deputy Inspector General, State Central Prison that sanitization is being carried out at the Prison once in three months, wherein, in the District Prison it is being carried out on fortnightly basis.

It was advised that the State Central Prison carry out sanitization on a fortnightly basis, similar to District Prison, Boomtar.





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

Vide letters bearing 543/SCP/J/2022 dated 09.12.2024 and 134/ASP/DPN/S dated 07.12.2024 & 09.12.2024 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.

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**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 counseling sessions by Psychiatrists and Clinical Psychologists will continue in both Jails.

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

Presently it is reported that Convict Rudra @Sonam Lepcha lodged at the State Central Prison, Rongyek has completed his Chemotherapy and Radio therapy treatment and he is now only under medication, and is not experiencing any pain.

**RESOLVED:**

It was resolved that the Jail Authorities are to inform the Sikkim SLSA if the condition of the above Convict worsens at any point of time.

With regard to Convict Lakpa Tenzi Sherpa lodged at the State Central Prison, Rongyek suffering from “Right Upper Lobe Fibro – Cavitatory Lesion, Post TB Sequelae”, it was resolved that the Jail Authorities shall undertake to check on the latest condition of the Convict and inform the Sikkim SLSA with regard to the exact nature of the illness although they are of the view that it is not contagious as he has undergone surgery and is now only under medication.

It was informed by the Additional Superintendent of Police, District Prison, Boomtar that presently there is no Psychiatrist to counsel the inmates of the Prison since the transfer of Dr Tsepel Eden Bhutia to North Sikkim, and, that the last visit made by the Psychiatrist was on 20<sup>th</sup> September, 2024. He also informed that the said matter was brought before the DLSA Namchi, Secretary, Health and Family Welfare Department and Chief Medical Officer, District Hospital Namchi.

**RESOLVED:**

It was resolved that the Sikkim SLSA shall take up the matter with the Principal Secretary, Health & Family Welfare Department and the Chief Medical Officer of the District Hospital Namchi for deputing a Psychiatrist on fortnightly basis. The Sikkim SLSA shall also examine the possibility of online psychological counseling for the UTPs lodged at the District Prison, Boomtar.

The Additional Chief Secretary, Home Department was also requested to furnish the list of Convicts likely to be released by July, 2025.

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 Thakur Thapa )  
Deputy Inspector General of Police,  
Namchi Range  
and additional charge of  
State Central Prison, Rongyek

Sd/-  
( Mr Khemraj Bhattarai )  
Additional Secretary, Home (Confidential),  
Home Department, Government of Sikkim  
Member Secretary, High Powered Committee

Sd/-  
( Mr Tseten Palzor Bhutia )  
Additional Superintendent of Prison,  
District Prison, Boomtar,  
Member, High Powered Committee