

S.C. No. 12(5)2025
Reg. No. 60 / 2025

Order No. 34 dtd. 08.12.2025

Today is fixed for hearing of the petition filed on behalf of the accused alleging his unsoundness of mind. The accused Bonomali Majhi is produced from JC through VC. He is again taken into custody and remanded to JC till 17.12.2025.

The Ld. Advocate for the accused and the Ld. PP in-charge both are present.

The Ld. Counsel for the accused submitted that he is suffering from unsoundness of mind and he is incapable of making his defence. The Ld. Counsel further submitted that the accused is suffering from mental illness for prolonged period and he has been under medical supervision for the said reason. It is also submitted that at present there is no document of his treatment because the accused has burnt all his medical papers. Thus the Ld. Counsel submitted that he shall be sent to Psychologist or Psychiatrist for their opinion about his unsoundness of mind.

The Ld. PP in-charge has raised strong objection to this prayer and submitted that this petition has been filed only to delay the proceeding of the case. It is submitted that this plea of unsoundness of mind has been taken by the accused after he has been examined u/s. 351 BNSS and not at the time of the initiation of the trial. According to the Ld. Counsel for the prosecution there is no merit in the petition and hence the same should be rejected.

I have heard both parties at length and have gone through the case record. The accused has taken the defence of unsoundness of mind when he has been examined u/s. 351 BNSS in which he had made some admissions about the alleged offence. However, when the prayer for uncoundness of the mind has been raised and there is no document from the side of the defence to show the truthfulness of his claim, I think the accused shall be referred to Clinical Psychologist or Psychiatrist for his examination so that this court can obtain a report whether the said accused is suffering from such uncoundness of the mind or intellectual disability that he is incapable of entering into his defence.

Accordingly, the Superintendent of Bishnupur Health District Hospital is directed to make arrangements for the examination of the above named accused by a Clinical Psychologist or Psychiatrist attached with the said hospital and to report by

the next date positively whether the said accused is suffering from such uncoundness of the mind or intellectual disability that he is incapable of entering into his defence.

The concerned Superintendent is directed to intimate Bishnupur Correctional Home the date of such examination so that the accused can be produced before the concerned Clinical Psychologist or Psychiatrist at the Bishnupur District Hospital.

The Superintendent, Bishnupur Correctional Home is directed to produce the above named accused before the concerned Psychologist or Psychiatrist at Bishnupur District Hospital on such date as would be intimated to him by the Hospital Authorities. He is also directed to make necessary security arrangements for escorting the above accused to the Bishnupur District Hospital for his examination. The case is adjourned till next date.

Let a copy of this order be sent to the Superintendent of Bishnupur Health District Hospital and to Superintendent, Bishnupur Correctional Home for compliance and report.

Fix – 17.12.2025 for physical production of the accused and awaiting report from Bishnupur District Hospital.

D / C by me

Addl. Dist. & Sessions Judge,
Bishnupur, Bankura.

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Bishnupur, Bankura