

**S.T. 02(11)18**  
**CNR No.-WBBK090002912017**

**In connection with Simlupal P.S. case no. 18/17 dated 12.03.2017 U/s  
498A/304B/302/34 of the IPC corresponding to G.R. no. 98/17**

**Order No. 50**  
**Dated 09.08.2021**

Today is the date fixed for hearing of the prisoner petition dated 14.06.2021 of the accused Surajit Panda, production of the accused person and appearance of the accused person on bail.

Accused Surajit Panda is produced through V.C from Bankura District Correctional Home.

No other accused persons are present.

President of Khatra Advocates' Bar Association has informed to this Court that their members have resolved by resolution dated 02.08.2021 not to participate in any judicial work, except bail matters and filing, in view of the present situation of COVID-19 pandemic

Ld. Advocate for the accused persons is present.

Ld. Public Prosecutor In-charge of this case is present.

Ld. Advocate for the accused Surajit Panda has submitted that the accused person is mentally ill, and this Court is required to try the fact of unsoundness and incapacity of this accused person before hearing of the petition dated 14.06.2021 of the said accused person. Ld. Public Prosecutor In-charge of this case has not opposed the said contention of the Ld. Advocate for the accused person.

From the record, it is revealed that this case is at the stage of prosecution evidence. It is also revealed from the record that in this case there are five accused persons, and four accused persons are on bail. From the record, it is revealed that the said accused person has history of mental illness since long, but on 04.09.2018 this accused person was found mentally fit and capable of making his defence, and due to that reason, this Court has framed charge against him on 14.11.2018. It is also revealed from the record that this Court has directed the Superintendent, Presidency Correctional Home to constitute a Medical Board to examine the accused Surajit Panda, and to submit a report regarding his mental health with specific finding, whether the said accused person is mentally fit or not to face the trial, and vide memo no. 7080/AB-II dated 30.07.2019, the Superintendent, Presidency Correctional Home, Kolkata had submitted a report, from which it is revealed that medical board hold that the said accused person is able to stand trial at that time. From the record , it is revealed that one prisoner petition was received by this Court from the said accused person on 24.06.2021, and in that petition said accused person has mentioned that he is suffering from mental illness, and after that this Court has called for medical report of the said accused person from the Superintendent, Bankura District Correctional Home, regarding the factum of the mental illness of the said accused person. It is also revealed from the record that on 01.07.2021 one report is received from the Superintendent , Bankura District Correctional home, in respect of the mental illness of the said accused person and from the medical report submitted by the Superintendent, Bankura District Correctional Home, it is not clear whether the said accused person is a person of unsound mind and in consequence of the same incapable of making his defence. By virtue of section 329 of Cr.P.C, if at the trial of any person, it appears to the Court that such person is of unsound mind and consequently incapable of making his defence, the Court shall in the

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first instance try the fact of such unsoundness and incapacity. In this circumstances, Medical Superintendent Cum Vice Principal, B.S. Medical College and Hospital, Bankura is directed to report through any expert whether the said accused person namely, Surajit Panda who is languishing in Bankura District Correctional Home in connection with Simlapal P.S. case no. 18/17 dated 12.03.2017 U/s 498A/304B/302/34 of the IPC corresponding to G.R. no. 98/17, is suffering from unsoundness of mind, and he is incapable of making his defence on the next date fixed.

Superintendent, Bankura District Correctional Home is directed to coordinate with the Medical Superintendent Cum Vice Principal, B.S. Medical College and Hospital, Bankura for examination and treatment of the said accused person as per the procedure of law, and file a report on the next date fixed specifically whether the said accused person is suffering from unsound mind and inconsequence of the same incapable of making his defence and status of treatment of the said accused person, namely Surajit Panda on the next date fixed.

Superintendent, Bankura District Correctional Home is also directed to produce the accused person physically before this Court on the next date fixed.

It is mandatory for all the parties to maintain COVID-19 protocols during the whole proceeding.

Fix 23.08.2021 for production of the accused person in custody, appearance of the accused persons on bail, filing of the report by the Superintendent, Bankura District Correctional Home, filing of the report through expert by the Medical Superintendent Cum Vice Principal, B.S. Medical College and Hospital, Bankura and further hearing of the prisoner petition dated 14.06.2021.

Let the copy of this order be sent to the Medical Superintendent Cum Vice Principal, B.S. Medical College and Hospital, Bankura and to the Superintendent, Bankura District Correctional Home, for compliance.

Dictated & corrected  
by me.

A.S.J

Additional Sessions Judge,  
Khatra, Dist.- Bankura