

Sessions case No 31/ 81 (Regd. No. 177/14)

Order No.177

Dated 26.11.2019

The record is placed before me for passing necessary order . It appears from the record that report has already been received from Superintendent of Pavlov Hospital Calcutta in connection with the treatment of accused Dipak Joshi and vide his memo No. CPH/ 1311/ DTD. 23.10 2019 wherein it has been stated that no patient in the name of Dipak Joshi is admitted in their hospital .

From record it appears that a report of Superintendent of Dumdum Central Correctional Home vide his memo No. 2528/AB-II dated 01.04.2016 is lying with the record along with the opinion of Board Constituted as per order of this Court regarding the mental health status of accused UTP Dipak Joshi . Thereafter the accused has neither produced before this Court nor any report received from his end .

Be it mentioned here that accused is in custody since **13.05.80** . He was last produced before this Court on 22.09.2015 and a detailed order was passed Vide Order No 148/dated 29.01.2016 regarding placing of the accused before Medical Officer with specific observation . As per the order of the Court he was produced before the Medical Board formed and constituted with Medical officers of Pavlov Hospital and a report dt 01.04.2016 sent to this Court regarding the mental status of accused. Vide order dated 29.01.16 said Superintendent was directed to produce the accused on 06.04.2016 before the Court but irony is that he was neither produced on 06.04.2016 nor the record was put up before the then presiding officer for passing order. Thereafter the accused never produced before this Court although as per Rule (Jail Code and Criminal Procedural Code) it is mandate on his part to produce the accused at regular interval or to submit his report regarding non production of the UTP .

In such a circumstances the Superintendent of Dumdum Central Correctional Home is directed to submit a report alongwith his explanation as to why he failed to produce the UTP Dipak Joshi after 22.09.15 who is in custody in connection with Darjeeling Sadar P.S Case No. 09 dated 11.05.80 U/Sec. 302 I.P.C

To **24.02.20** for report.

Let a copy of this order be forwarded to Superintendent of Dumdum Central Correctional Home , Calcutta for information .

D & C by me:

SD/-

Addl.Sessions Judge 1st Court
Darjeeling

SD/-

Sudeshna De (Chatterjee)
Addl.Sessions Judge 1st Court,
Darjeeling