

Order No. 53

dated . 22.09.2015.

Today is fixed for production of accused Deepak Joshi from Dum Dum Central Correctional Home. Along with report of medical officer.

Accused Deepak Joshi is produced in Court from Dum Dum Central Correctional Home. .

In order to ascertain his capacity of understanding as part of preliminary inquiry , I have asked him some questions relating to his personal details. During such inquiry by Court, the accused correctly told his name and told that name of his father is Champa Kumar Jaisi. He also told that originally he is a native of Ilam, Ektofa Nepal . He also told that now he is detained in jail . Said information given by the accused on being compared with the information available in the charge sheet, is found to be correct. Then under that situation I asked Ld. advocate of this Bar Sri Gunjan Sherpa to represent the accused . Sri Gunjan Sherpa in no time agreed to represent him and in my presence, he communicate with the accused in a Nepali language. Ld. advocate told me that still he remember the Nepali language and his answering to all the questions properly. Hence, Secretary, D.L.S.A be requested to appoint Sri Gunjan Sherpa to represent the accused Deepak Joshi in this case.

However, since the matter is understanding of the present soundness of his mind lies within the absolute domain of the psychiatrist in the absence of any report in clear terms regarding his capacity to entering into the defence of the case, I am not inclined to resume trial.

On the above precincts, Superintendent, Dum Dum Central Correctional Home be asked to produce the accused before the medical officer with a specific question whether the accused is capable to enter the defence of this case or not. After obtaining the report, he would communicate the same to this Court.

The report of the medical board shows the accused still needs continuous treatment and regular follow up. So the accused be sent to the Dum Dum Central Correctional Home for that purpose.. Superintendent, Dum Dum Central Correctional Home should ensure his (accused) continuous treatment and regular follow up.

After obtaining the report of medical board regarding the capacity of the accused to enter into the defence, Court will pass necessary order in view of the same.

Let a copy of this order be sent to the Superintendent , Dum Dum Central Correctional Home as well as to the Secretary D.L.S.A.

The xerox copy of OPD ticket bearing registration No. 7223/08 and the Memo No. 7011/AB-II dated 19.09.15 with its enclosure be kept with the record.

To 23.11.2015 for report.

Dicctd & Corttd by me;

Additional Sessions Judge, 1st Court,  
& Judge, Spl Court, Darjeeling.

(Partha Pratim Chakraborty)

Additional Sessions Judge, 1st Court,  
& Judge, Spl. Court, Darjeeling.

