

ST 7(3)2015

**In the Court of Additional District and Sessions Judge, Fast
Track 3rd Court Basirhat.**

**Present:- Sanjay Naskar,
J.O.Code WB01025**

Order no. 142 dt. 17-06-2025 :-

The sole accused is produced from judicial custody through video conferencing and he is identified by the data entry operator, duly authorized by the Controller of the Correctional Home. He is taken to custody and remanded to JC till 01/07/2025.

Received the medical treatment sheet of the accused from the Superintendent of DDCCH wherein it is reported that the accused is attending psychiatry OPD Pavlov. Let it be kept with the record.

The Superintendent of DDCCH did not peruse the provision of Chapter 25 of the Cr.P.C. Without perusing the same, he has submitted a report in casual manner.

The accused is facing trial for committing the offence punishable under section 326/307 & ors. IPC. The question is whether the accused is incapable of entering into his defence for his alleged unsoundness mind.

None is representing the accused. So, the Ld. Chairman SDLSC Basirhat is requested to provide Ld. Advocate for the accused. Let it be informed.

The Superintendent of DDCCH is directed to cause the accused to be examined by the Civil Surgeon of the District Hospital or any such medical officer as notified by the State Govt.

in this behalf. The court is required to examine the said medical officer, if he found the accused unsound mind. The Superintendent of DDCCH did not mention the name of the medical officer who examined accused. If the Civil Surgeon finds the accused to be of unsound mind, he shall refer him to psychiatrist for care and treatment and prognosis of the conditions and thereafter the psychiatrist shall inform this court whether the accused is suffering from unsoundness of mind or mental retardation.

The report as submitted by the Superintendent DDCCH is not at all a report to be considered. So he is directed to submit proper report in accordance with law and in the meantime he is directed to keep the accused in such place where regulars psychiatric treatment can be provided.

In the meantime late a date fixed for hearing to ascertain whether the court can proceed on the basis of the evidence on record to find out whether there is any prima facie case without examining the accused or the trial is required to be postponed.

To.....01/07/2025 for report from the Superintendent of DDCCH and hearing.

Let the copy of this order be sent to superintendent DDCCH for his information and necessary action.

Dictated & Corrected by me.

Addl. District Judge,
Fast Track 3rd Court, Basirhat.

Sanjay Naskar.
J.O.Code WB01025
Addl. District Judge,
Fast Track 3rd Court, Basirhat.