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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CRL.A. 996/2002**

KRISHAN KUMAR

.....Appellant

Through: Mr. Anurag Andley, Mr. Aditya  
Andley, Mr. Tanmay Gupta and Mr.  
Sahil Nagar, Advocates.

versus

STATE OF DELHI

.....Respondent

Through: Mr. Mukesh Kumar, APP for the State.  
Insp. Santosh Kumar, PS Kashmere  
Gate.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE AMIT SHARMA**

**ORDER**

% **11.09.2024**

1. This hearing has been done through hybrid mode.

**CRL.M.A. 20516/2024 (Exemption)**

2. Exemption is allowed, subject to all just exceptions. Application is allowed and disposed of accordingly.

**CRL.M.A. 20515/2024**

3. This is an application filed by the Appellant seeking postponement of the hearing of the appeal in view of the medical condition of the Appellant.

4. Let the Appellant be examined by a Medical Board of Institute of Human Behaviour & Allied Sciences (hereinafter 'IHBAS'), strictly as per Section 3 of the Mental Healthcare Act, 2017. The said provision is set out below:



***“3. Determination of mental illness.***

*(1)Mental illness shall be determined in accordance with such nationally or internationally accepted medical standards (including the latest edition of the International Classification of Disease of the World Health Organisation) as may be notified by the Central Government.*

*(2)No person or authority shall classify a person as a person with mental illness, except for purposes directly relating to the treatment of the mental illness or in other matters as covered under this Act or any other law for the time being in force.*

*(3)Mental illness of a person shall not be determined on the basis of,-*

*(a)political, economic or social status or membership of a cultural, racial or religious group, or for any other reason not directly relevant to mental health status of the person;*

*(b)non-conformity with moral, social, cultural, work or political values or religious beliefs prevailing in a person's community.*

*(4) Past treatment or hospitalisation in a mental health establishment though relevant, shall not by itself justify any present or future determination of the person's mental illness.*

*(5)The determination of a person's mental illness shall alone not imply or be taken to mean that the person is of unsound mind unless he has been declared as such by a competent court.”*

5. The Appellant shall appear before the Medical Board of IHBAS on 23<sup>rd</sup> September, 2024. The IHBAS Medical Board shall submit a report after examining the Appellant with regard to the present medical (physical and mental) health of the Appellant and, whether the mental condition of the Appellant is reversible or is it an irreversible situation.

6. Copy of this order be communicated to Mr. Tushar Sannu, Advocate



(**M: 9911991166**), for communication to Dr. R.K. Dhamija – Director IHBAS (Tel: 011-22114021). Let a copy of the order be also sent to Dr. Dhamija directly as well.

7. List before Court on 4<sup>th</sup> December, 2024.

**PRATHIBA M. SINGH, J**

**AMIT SHARMA, J**

**SEPTEMBER 11, 2024/sn/ks/pr**