

IT E M NO.5

COURT NO.1

SEC T I O N P I L

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Crl.) No(s).2 9 6 of 20 0 5

R E: I L L E G A L D E T E N T I O N O F M A C H A L L A L U N G
Petitioner(s)

(With office report)

W I T H

W. P .(Crl.) No. 18/ 2 0 0 6
(With appln. for directions and office report)

Date: 19/ 0 7 / 2 0 0 7 These Petitions were mentioned today.

CORAM :

HON' B L E T H E C H I E F J U S T I C E
HON' B L E M R. J U S T I C E R. V. R A V E E N D R A N
HON' B L E M R. J U S T I C E D A L V E E R B H A N D A R I

Mr. Vijay Hansar i a, Sr. Adv. (A.C.)

For Petitioner(s) Mr. P. K . Gowami, Sr. Adv.

For Respondent(s) Mr. K. K. Venugopal, Sr. Adv.
Mr. Ng. J. R. Luwang, Adv.
Ms. Haripriya P., Adv.

Mr. P. I. Jose, Adv.
Mr. Anupam Mishr a, Adv.
Mr. J ayesh K.U., Adv.
Ms. Deepti, Adv.

UPON hearing counsel the Court made the following
O R D E R

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It was reported that large number of under trial persons are in mental hospitals for a long period on the ground that they are mentally challenged and their trial of their cases in which they are involved is being protracted as they are medically unfit to defend their cases before the trial courts. In some of the cases, charges against such accused persons are of minor nature enabling punish ments for shorter terms. Nevertheless, the accused are in mental hospitals for long periods and the trial courts are not

taking steps to examine them periodically by doctors to ascertain whether they are able to defend the case. In some cases even when they are mentally fit to face the trial and defend their case, the trial court is not taking timely steps to either conduct the trial or to commit the case to Sessions Court for trial. Pursuant to our directions, the Registrars of various High Courts have now submitted detailed reports of the various cases in which such persons are kept in mental hospitals.

The Registrars of High Courts of Jammu & Kashmir and Tamil Nadu have not submitted the reports. Office is directed to remind them to send the reports urgently.

Learned Amicus Curiae is suggesting that he will go through the various reports and summarize the same and find out grave cases in which serious injustice has been done to such under-trial prisoners and point out as to what remedial steps can be taken in these cases to conclude the trials or to release these mentally challenged persons to the custody of their relatives so that the agony of long incarceration of mental asylum could be avoided.

Office will furnish a photocopy of the reports to the learned Amicus Curiae. Office will also give a photocopy of the reports of Registrars of High Court of J&K and Tamil Nadu to the Amicus Curiae as soon as the

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same are available.

Learned Amicus Curiae will also give some suggestions as to how and what remedial measures can be taken in all these cases.

The Union of India is also made a party.

Mr. Gopal Subramanium, learned Additional Solicitor General shall also assist this Court in this matter.

List after four weeks.

(R.K. DHAWAN)
COURT MASTER

(VEERAVERA)
COURT MASTER