

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 542 of 2016**

Banti Sharma @ Brijesh Sharma S/o Suryakant Sharma Aged About 35 Years R/o House, No. 35, Sunder Nagar, Opp: Laxmi Provision Store, Raipur, Tahsil & District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Raipur, District Raipur Chhattisgarh.

---- Non-applicant

For Applicant :	Mr. C.R. Sahu, Advocate
For Non-Applicant/State:	Mr. Rajendra Tripathi, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21.06.2016**

1. The present Revision Petition has been preferred against the order dated 10.05.2016 passed by the 6th Additional Session Judge, Raipur in Sessions Trial No. 85/2016. Vide the impugned order the Court below has rejected the application under Section 329 of Cr.P.C. preferred by the present Applicant.

2. Learned Counsel for the Applicant submits that the Court below has wrongly rejected the said Application vide the impugned order. The Court below ought to have considered the mental status of the Applicant before proceeding with the trial. The Court below has also not properly appreciated the medical report that was annexed along with the Application under Section 329 of the Cr.P.C. That for all these reasons learned Counsel for the Applicant submits that the order dated

10.05.2016 deserves to be recalled.

3. However, on perusal of the record it would clearly reflect that the Doctor has not opined the present Applicant to be a psychic person but has given a report that the Applicant is nicotine influenced and habituated to cannabis for which he is being treated. In addition, if we peruse the impugned order it would also clearly reflect that the Court below also at the time of entertaining the Application under Section 329 of Cr.P.C. had put various questions to the present Applicant to which the Applicant has normally replied as a normal prudent person and did not show any symptoms of not having a proper sense of understanding, therefore the Application was rejected.

4. Considering the medical report annexed along with the present Revision Petition and also considering the impugned order where the Court below has properly considering the Application and has also tested the mental competency of the present Applicant before deciding the said Application, this Court is of the opinion that there is no illegality or perversity committed by the Court below in passing the impugned order, calling for any interference.

5. The Revision Petition accordingly is dismissed being devoid of merit.

Sd/-
(P. Sam Koshy)
JUDGE