



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1436 OF 2025

Nitin Alias Gabya Bhaskarrao Khandagle

Age : 33 years, Occu : Imprisoned,

R/o. House No.4-2-37, Rajendra Niwas,

Anguri Baugh, Tq. & Dist. Aurangabad.

Through His Relative

Bhaskarrao Uttamrao Khandagale

Age : 70 years, Occu : Rtd. Govt. Servant,

R/o. At 4237, Anguri Baugh,

Dist. Chh. Sambhajinagar

...Petitioner

Versus

1. The State of Maharashtra,
Through the Police Inspector,
Police Station Kranti Chowk,
Dist. Aurangabad.

2. The Superintendent,
Regional Mental Hospital, Yerwada,
Pune, Dist. Pune – 06.

3. The Superintendent,
Central Jail, Aurangabad,
Dist. Aurangabad.

...Respondents

Mr. Arun Shejwal, Advocate for the Petitioner.

Mr. K. S. Patil, APP for Respondent Nos. 1 and 3.

CORAM : ABHAY J. MANTRI, J.

DATE : NOVEMBER 18, 2025

ORAL JUDGMENT :

1. Heard learned counsel for the petitioner and the learned APP for the respondent state. I have gone through the impugned order and record.

2. The petitioner assails the order dated 16th August 2025, passed by the learned Additional Sessions Court, Aurangabad, below Exhibit 1, wherein the court held that the accused is fit for trial and the matter was fixed for framing of charge. Being aggrieved by the same, the petitioner has preferred this appeal.

3. At the outset, the learned counsel for the petitioner contends that the evidence of Medical Officer, Dr. Shama Rathod, clearly indicates that regular medication is required to the accused, and that if the treatment is stopped or there is gap in the treatment, then the behaviour of the accused may change, and he may become violent, in which case an injection is required to be administered. He therefore submits that the medical officer's evidence reveals that the accused is not fit for trial. He further argued that the Mental Health Review Board (for short, "**MHRB**") has only certified that "*the accused is fit for discharge*", but not observed that he is fit for trial. However, the Superintendent of Jail, while submitting the communication dated 21st December 2023 to the Court, stated that "*the accused is fit for discharge and **trial***", thereby inserting the word '*trial*', which does not appear in the Board's certificate. Hence, he submitted that the order passed by the learned Trial Court is liable to be set aside.

4. The learned counsel for the petitioner further tried to canvass that no regular treatment was being given to the accused. However, he

failed to point out the basis for such a submission, as the accused is neither with the father nor in his custody. Therefore, I do not find any substance in his contention in that regard.

5. On the other hand, learned APP strenuously opposed the contention of the learned counsel for the petitioner and submitted that the Board (MHRB) has categorically held that “*the accused is fit for discharge*”, which implies that he is fit for discharge and trial. During the course of arguments, he also tendered across the bar a communication issued to him by the Superintendent of Jail, as well as another communication issued to the Superintendent of Jail by the Superintendent of the Mental Hospital, Yerwada, Pune. He submitted that both these letters indicate that the accused had recovered and was therefore discharged, and that the mental fitness certificate was accordingly issued. Hence, he argued that the order passed by the learned Trial Court is just and proper, and no interference is warranted.

6. Having heard the rival contentions and upon going through the record, at the outset, it appears that on 30th May 2023, the accused was referred to the Regional Mental Hospital, Yerwada, Pune, where the treatment was given to him. During the course of his treatment, he was produced before the MHRB Committee, which examined him. During this examination, the Committee was of the opinion that he was fit for discharge and accordingly declared him fit for discharge, certifying the same. Pursuant

to the said report, the Superintendent of the Regional Mental Hospital, Yerwada, Pune, sought directions from the court against the concerned authorities to provide regular medical treatment to the accused.

7. I have perused the impugned order, wherein the learned Trial Court, in paragraph No. 4, has dealt with the issue and thereafter held that the accused is fit for trial. However, nothing has been brought on record by the petitioner to show that the accused is not fit for trial or that he has again had any mental disorder. Therefore, I do not find any substance in the contention of learned counsel for the petitioner in that regard. Moreover, he has failed to demonstrate that the regular treatment is not being provided to the accused, and as such, he has failed to show that the order passed by the learned Trial Court is improper. As a result, the petition is devoid of merit and stands dismissed.

7. Needless to clarify that during the trial, if the learned Trial Court finds that the accused is not fit for trial or is suffering from a mental disorder, at any stage of the trial, it may refer the accused to the Regional Mental Hospital for treatment or their opinion and, till then, may halt the trial/prosecution against him.

8. The petition is dismissed. No order as to cost.

(ABHAY J. MANTRI, J.)