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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010488612024**

\+ CRL.REV.P. 1013/2024, CRL.M.A. 23614/2024, CRL.M.A. 11280/2026

MANINDER SINGH ALIAS KALE .....Petitioner

Through: Mr. Mohit Mathur, Sr. Adv. along with Mr. Luv Manan, Mr. Vignesh, Mr. K.S. Choudhary, Ms. Reenaya Grover, Advocates (98117 99076)

versus

STATE OF DELHI AND ANR. .....Respondents

Through: Ms Pratiksha Tripathi, Mr Divyesh Pratap Singh, Mr satyavrat Awasthi, Mr Mandeep K Prosad, Advocates for R2 (8285553663)
SI Manish Kumar, Crime Branch, NR-I
Ms Pratiksha Tripathi, Mr Divyesh Pratap Singh, Mr satyavrat Awasthi, Mr mandeep K Prosad, Mr Ambhuj Kumar Singh, Advocates for R2 (8285553663)

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

O R D E R

% 09.10.2026

1. This Court on 17.09.2026, after hearing the learned counsel for the petitioner at length, passed the following order:-

> *"1. By way of the present petition under Sections 442/438 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner, seeks setting aside of the impugned order dated 03.05.2024 passed by the learned Additional Session Judge, Special Judge, NDPS Act, Saket*

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*Courts, Delhi (**learned Trial Court**), whereby the petitioner's application under Sections 328/329 of the Code of Criminal Procedure, 1973 (**CrPC**) came to be dismissed; as also seeks passing of a fresh order to conduct the psychological analysis/ test of the petitioner under Section 368 the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), by the concerned and specialized medical authorities.*

2. Though, as noted in the order 09.08.2024, the petitioner, by way of the present petition is, in effect, seeking postponement of the trial on account of his incapacity to stand trial owing to unsoundness of mind, however, the same is quite strange, particularly, whence the records not only reveal that the petitioner has duly participated in the proceedings before the learned Trial Court since the framing of the charges way back on 23.03.2013, but has also had the benefit of getting represented from the best of the legal minds.

3. Notably, before the learned Trial Court, more than 40 prosecution witnesses have been examined till date, who have also been cross examined by the petitioner's counsel. However, all this while, it had never been the case of the petitioner before the learned Trial Court that the cross-examination of the witnesses could not be done by his counsel for want of instructions and/ or he was of unsound mind.

4. Further, interestingly, even though as per the IHBAS medical report dated 13.04.2021, the petitioner has been diagnosed with 'Schizophrenia with predominant negative symptoms'. However, the subsequent interactions of the petitioner during follow up with the Doctor of IHBAS clearly reflect that he could comprehend and understand the nature of allegations against him as well as the consequences thereof as also have denied the same.

5. In fact, the learned Trial Court in its impugned order has also noted that the petitioner had also provided coherent and intelligible answers to the questions put by the learned Trial Court while recording his Section 313 CrPC statement dated 27.10.2022.

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6. Moving further, this Court finds that all the aforesaid have been duly noted by the learned Trial Court in the impugned order while coming to the conclusion that even though the petitioner is suffering from schizophrenia, the same does not have any effect on his capacity to defend himself during trial. The relevant extracts thereof are reproduced as under:-

> *"8.0 Now coming to the facts of the instant case, the chargesheet in the present case was filed way back in the year 2013. The accused has had the benefit of best of legal assistance as he has been represented throughout by Sh. K.K. Manan, Ld. Senior Advocate. Charges were framed against the accused on 23.03.2013. Even at that stage, no such plea of unsoundness of mind was taken. It is a matter of record that 44 witnesses were examined by the prosecution in the present case. All this while, the accused participated in the Court proceedings and had been instructing his Counsel. The Ld. Defence Counsel would not have been able to cross-examine more than 40 witnesses without proper instructions from the accused. It is a matter of record that during the entire trial not once was this plea taken before the Court that the Ld. Defence Counsel had not received proper instructions from the accused due to his mental illness. It is also noteworthy that statement of accused under section 313 CrPC was recorded by the Court as recent as on 27.10.2022. The Court had put questions to the accused and had recorded his answers and the accused had provided coherent and intelligible answers to the questions. Even at that time, no such plea was taken.*

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> *9.0 To conclude it all, even though the accused is found suffering from schizophrenia, however, as per the opinion of the medical board, his illness is episodic and the symptoms vary. Further, there are lucid intervals when the accused is symptom, free. Also, the record would reveal that the accused was receiving treatment on OPD basis and never required any hospitalization and that his condition improved with medication. Further, the record of interactions of the accused with the doctor, as transcribed in the hospital follow-up sheets would show that the accused could comprehend and understand the nature of allegations against him as well as the consequences thereof. Further, he has throughout been able to instruct his Counsel well without any difficulty. Hence, it cannot be said that the accused is incapable of making any defence as a consequence of his mental illness."*

7. It may also be noted that this is not the first occasion on which the petitioner has sought to undergo psychological analysis/ test. In fact, he had earlier filed similar application also, and that too, way back in the year 2014, when the learned Trial Court, on the basis of the medical status noting that "… …there is no gross behavioural abnormality noted… …", did not find any occasion to pass any further order and proceeded with the trial. The said order has remained unchallenged till date.

8. Thereafter, the petitioner again raised the said plea, albeit, only after a lapse of four years, in the year 2018, which application was also dismissed vide order dated 21.07.2018, inter alia, noting that the petitioner was capable of defending himself, particularly, in view of his communication with the learned Trial Court. The said order was subsequently challenged before this Court in

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CRL.REV.P. 935/2018, wherein directions were issued to IHBAS to conduct the medical examination Pursuant thereto, the petitioner was diagnosed with Schizophrenia with predominant negative symptoms. The learned Trial Court, after considering the said Medical Report dated 13.04.2021, dismissed the petitioner's application on the basis of the reasoning already recorded in the preceding paragraphs, which is under challenge before this Court.

9. Even in the proceedings before this Court, the petitioner has sought the same relief. Interestingly, the present petition as well as two applications being CRL.M.As. 23613-23614/2024 are accompanied with his own supporting affidavits as also the vakalatnama wherein he has appended his own signatures.

10. In fact, learned APP, upon instructions from the IO present in Court, has also handed over a copy of the disclosure statement dated 26.10.2012 of the petitioner, which clearly reflects that the signatures of the petitioner though matching with his signatures on the vakalatnama. However, strangely his signatures in the aforesaid three affidavits are not matching with each other.

11. Under the aforesaid facts and circumstances, the reliance by the learned counsel for the petitioner upon the judgment dated 15.07.2026 in CRL. M.C. 744/2016 passed by the Co-ordinate Bench of this Court entitled as "Kamal Bhardwaj Thr. His Father/Parokar Satish Kumar Vs. The State (NCT of Delhi) & Anr." is misplaced and is of no relevance, since the same though pertaining to the application under Sections 328/329 of the CrPC, however, the same were unlike the proceedings involved herein.

12. Considering the aforesaid, as also that the present is a revision petition wherein the scope of interference is itself limited, and since the petitioner has not been able to make out a case, the present petition is worthy of dismissal with costs, however, since the learned counsel for the petitioner seeks, and is granted, time for seeking instructions qua further arguments, if any/ withdrawal thereof, renotify on

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28.09.2026 at 04:00 PM."

2. As apparent therefrom, though this Court had vividly expressed therein that *"... ...the present petition is worthy of dismissal with costs... ..."*, and an adjournment was granted to the learned counsel for the petitioner on his request, only for *"... ...seeking instructions qua further arguments, if any/ withdrawal thereof... ...*".

3. Today, learned senior counsel has entered appearance for the petitioner, who, has merely made few submissions relying upon the order dated 23.04.2024 passed by the Co-ordinate Bench in CRL. REV.P. 242/2024 entitled '*Inderjit Singh Vs. Central Bureau of Investigation & Anr.*'.

4. Perusal of the said order reveals that the factual matrix involved therein was completely different from those involved herein. In fact, the order passed by the learned Trial Court, which is under challenge herein, is a well-reasoned and detailed order requiring no interference by this Court.

5. As such, in view of the order dated 17.09.2026, the present petition is dismissed with costs of Rs.25,000/- [*Rupees Twenty Five Thousand Only*] to be paid to Delhi High Court Bar Association Lawyers Social Security and Welfare Fund [A/C 155530100009730; IFSC UCBA0001553] within a period of *two weeks*.

SAURABH BANERJEE, J

OCTOBER 9, 2026/So

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