

POLICE CIRCULAR ORDER No. 107

A case has come to notice in which submission of charge-sheet against a lunatic was deferred for his medical examination. Attention of all officers is invited to the provisions of Chapter XXXIX of Cr. P. C. according to which the enquiry regarding lunacy of an accused person including his medical examination is the responsibility of the Magistrate and not of the Police. In cases, therefore in which an accused person appears or claims to be insane at the time of commission of the offences or at the time of the arrest, the police should submit charge-sheet as soon as a *prima facie* case is made out, leaving the medical examination to be arranged by the Court. He should, however in course of investigation collect other evidences in support of the lunacy, if any and take down the descriptive roll of the accused as laid down in the Bihar and Orissa Lunacy Act Manual.

Medical
examination of
Lunacy of
accused
persons.

(Previous Police Circular Order No. 2 of 1956)