IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.821/2025

DASHRATH PATRA **APPELLANT(S)**

VERSUS

THE STATE OF CHHATTISGARH **RESPONDENT(S)**

O R D E R

1. The appellant was convicted for the offences punishable under Sections 302, 352 and 201 of the Indian Penal Code, 1860 (for short, 'the IPC'). The occurrence is of 27th September, 2018. On that day, the deceased Asam Gota and one Fagu Ram Karanga (PW2) were cutting grass in an agricultural field. At that time, the appellant came there armed with an iron pipe and assaulted the deceased on his head. Thereafter, when PW2 fled away, the appellant chased him. The Trial Court convicted the appellant and sentenced him to undergo life imprisonment for the offence punishable under Section 302 of the IPC. The High Court, by the impugned judgment, has confirmed the same.

2. The main submission canvassed before the High Court was that there is sufficient evidence on record to show

that the appellant was of unsound mind on the date of occurrence as can be seen from the evidence of the prosecution witnesses. The High Court negated the said contention on the basis of the medical examination of the appellant conducted on 7th December, 2023.

3. The learned counsel appearing for the appellant has invited our attention to the evidence of the prosecution witnesses who have deposed that the mental condition of the appellant was not good and was unstable at the relevant time. He relied upon decisions of this Court in the case of *Dahyabhai Chhaganbhai Thakkar vs. State of Gujarat*[1] and *Rupesh Manger (Thapa) vs. State of Sikkim*[2].

4. The learned counsel appearing for the State in support of the impugned judgment submitted that the initial burden is always on the accused to prove his defence under Section 84 of the IPC. It is submitted that the initial burden cannot be said to have been discharged if there is no evidence adduced to show his conduct prior to the occurrence, at the time of occurrence and post occurrence. In this case, medical evidence showing his condition at the relevant time is not on record. The medical examination of the appellant

1. AIR 1964 SCC 1563
2. (2023) 9 SCC 739

made in December, 2023 showed that he was normal. It is, therefore, submitted that as held by the High Court, the appellant has not discharged burden on him.

5. In the case of *Dahyabhai Chhaganbhai Thakkar* (supra), a Bench of three Judges of this Court in paragraph 7 held thus:

> **"7. The doctrine of burden of proof in the context of the plea of insanity may be stated in the following propositions: (1) The prosecution must prove beyond reasonable doubt that the accused had committed the offence with the requisite mens rea, and the burden of proving that always rests on the prosecution from the beginning to the end of the trial. (2) There is a rebuttable presumption that the accused was not insane, when he committed the crime, in the sense laid down by s. 84 of the Indian Penal Code: the accused may rebut it by placing be fore the court all the relevant evidence-oral, documentary or circumstantial, but the burden of proof upon him is no higher than that rests upon a party to civil proceedings. (3) Even if the accused was not able to establish conclusively that he was, insane at the time he committed the offence, the evidence placed before the court by the accused or by the prosecution may raise a reasonable doubt in the mind of the court as regards one or more of the ingredients of the offence, including *mens rea* of the accused and in that case the court would be entitled to acquit the accused on the ground that the general burden of proof resting on the prosecution was not discharged."**
>
> **(Underlines supplied)**

6. This decision has been followed in several decisions including the decision in the case of *Rupesh Manager*

(Thapa) **(supra) wherein this Court reiterated that standard of proof to prove the defence under Section 84 of the IPC is only a reasonable doubt. It is also well settled that a distinction has to be made between the legal insanity and medical insanity and it is not at all necessary to prove medical insanity. Another Bench of three Hon'ble Judges of this Court in the case of *Surendra Mishra vs. State of Jharkhand*[3] in paragraphs 11 to 13 held thus:**

> **"11. In our opinion, an accused who seeks exoneration from liability of an act under Section 84 of the Indian Penal Code is to prove legal insanity and not medical insanity. Expression "unsoundness of mind" has not been defined in the Indian Penal Code and it has mainly been treated as equivalent to insanity. But the term insanity carries different meaning in different contexts and describes varying degrees of mental disorder. Every person who is suffering from mental disease is not ipso facto exempted from criminal liability. The mere fact that the accused is conceited, odd, irascible and his brain is not quite all right, or that the physical and mental ailments from which he suffered had rendered his intellect weak and affected his emotions or indulges in certain unusual acts, or had fits of insanity at short intervals or that he was subject to epileptic fits and there was abnormal behaviour or the behaviour is queer are not sufficient to attract the application of Section 84 of the Indian Penal Code.**

3. (2011) 11 SCC 495

12. The next question which needs consideration is as to on whom the onus lies to prove unsoundness of mind.

13.In law, the presumption is that every person is sane to the extent that he knows the natural consequences of his act. The burden of proof in the face of Section 105 of the Evidence Act is on the accused. Though the burden is on the accused but he is not required to prove the same beyond all reasonable doubt, but merely satisfy the preponderance of probabilities. The onus has to be discharged by producing evidence as to the conduct of the accused prior to the offence, his conduct at the time or immediately after the offence with reference to his medical condition by production of medical evidence and other relevant factors. Even if the accused establishes unsoundness of mind, Section 84 of the Indian Penal Code will not come to its rescue, in case it is found that the accused knew that what he was doing was wrong or that it was contrary to law. In order to ascertain that, it is imperative to take into consideration the circumstances and the behaviour preceding, attending and following the crime. Behaviour of an accused pertaining to a desire for concealment of the weapon of offence and conduct to avoid detection of crime go a long way to ascertain as to whether, he knew the consequences of the act done by him."

7. In the case of *Bapu Alias Gujraj Singh vs. State of Rajasthan*[4] in paragraph 8 this Court held thus:

"8. Under Section 84 IPC, a person is exonerated from liability for doing an act on the ground of unsoundness of mind if he, at the time of doing the act, is either incapable of knowing (a) the nature of the

4. (2007) 8 SCC 66

> **act, or (b) that he is doing what is either wrong or contrary to law. The accused is protected not only when, on account of insanity, he was incapable of knowing the nature of the act, but also when he did not know either that the act was wrong or that it was contrary to law, although he might know the nature of the act itself. He is, however, not protected if he knew that what he was doing was wrong, even if he did not know that it was contrary to law, and also if he knew that what he was doing was contrary to law even though he did not know that it was wrong. The onus of proving unsoundness of mind is on the accused. <u>But where during the investigation previous history of insanity is revealed, it is the duty of an honest investigator to subject the accused to a medical examination and place that evidence before the Court and if this is not done, it creates a serious infirmity in the prosecution case and the benefit of doubt has to be given to the accused.</u> The onus, however, has to be discharged by producing evidence as to the conduct of the accused shortly prior to the offence and his conduct at the time or immediately afterwards, also by evidence of his mental condition and other relevant factors. Every person is presumed to know the natural consequences of his act. Similarly every person is also presumed to know the law. The prosecution has not to establish these facts."**
>
> **(Underlines supplied)**

8. Therefore, the burden to prove legal insanity is on the accused. It is enough if a reasonable doubt is created about the mental state of the accused at the time of the commission of the offence. The standard of proof to prove insanity is only a reasonable doubt.

9. PW1 is not an eye-witness. In the cross-examination,

he stated that the appellant was getting attacks of madness. He further stated that the people in the village also knew that the mental condition of the appellant was not good and he keeps on having attacks of madness. PW-2 is an eye-witness. In the cross-examination, he also accepted that the mental condition of the appellant was not good and people of the village knew about this. He also added that due to the mental condition, the appellant used to abuse and fight with the villagers. PW-3 also accepted in the cross-examination that the appellant was mentally unstable and the villagers were aware about it. He also admitted that due to mental instability, the appellant kept on abusing and beating people in the village. PW-4 is not an eye-witness. He pleaded ignorance about the correctness of the suggestion whether the appellant is mentally unstable. PW-5 in his cross-examination deposed that mental condition of the appellant was not good. Even PW-6 in the cross-examination stated that mental condition of the appellant was not good. PW-10 also deposed about unstable mental condition of the appellant. He also accepted that due to mental instability, the appellant kept on abusing and beating all the people in the village. We may note here that the prosecution did not

seek permission of the Court to record re-examination of these witnesses who have clearly deposed in the cross-examination about the unstable mental condition of the appellant. The depositions show that this was his condition before the occurrence and after the occurrence.

10. We are surprised to note that after the evidence was recorded, the prosecution did not move the Trial Court seeking permission to medically examine the appellant. The law lays down that no act done by a lunatic is an offence. The reason is that a lunatic is not in a position to defend himself. Right to defend a charge for an offence is a fundamental right guaranteed under Article 21 of the Constitution of India.

11. The medical examination of the appellant made during the pendency of the appeal is meaningless. The reason is that it was made more than 5 years after the incident.

12. Looking to the depositions of the witnesses which we have quoted above, we are of the view that this is a case of more than a reasonable doubt about the insanity or unsoundness of mind of the appellant. Hence, the benefit of doubt must go to the accused. In these circumstances, the impugned judgment cannot be sustained and the same are set aside.

13. The appeal is accordingly, allowed.

14. The appellant shall be forthwith set at liberty unless required in any other case.

15. Pending application(s), if any, shall stand disposed of.

.....J.
(ABHAY S.OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
MAY 8, 2025.

ITEM NO.102 COURT NO.4 SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO.821/2025

DASHRATH PATRA **Appellant(s)**

VERSUS

THE STATE OF CHHATTISGARH **Respondent(s)**

(IA No. 33795/2025 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 08-05-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) : Mr. S. Mahendran, AOR

For Respondent(s) :Mr. Abhishek Pandey, Standing Counsel
Mr. Prashant Kumar Umrao, AOR

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

The appeal is allowed in terms of the signed order.

The operative portion of the signed order reads thus:

> **"12. Looking to the depositions of the witnesses which we have quoted above, we are of the view that this is a case of more than a reasonable doubt about the insanity or unsoundness of mind of the appellant. Hence, the benefit of doubt must go to the accused. In these circumstances, the impugned judgment cannot be sustained and the same are set aside.**
> **13. The appeal is accordingly,**

allowed.

14. The appellant shall be forthwith set at liberty unless required in any other case.”

Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)

[Signed order is placed on the file]