

Army Act, 1950

Section 146 - Subsequent Fitness of Lunatic Accused for Trial

Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 145, the officer commanding the army, army corps, division or brigade within the area of whose command the accused is in custody or is detained, or any other officer prescribed in this behalf, may--

(a) if such person is in custody under sub-section (4) of section 145, on the report of a medical officer that he is capable of making his defence; or

(b) if such person is detained in a jail under sub-section (5) of section 145. on a certificate of the Inspector General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section on a certificate of any two or more of the visitors of such asylum that he is capable of making his defence,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, if (he offence is a civil offence, by criminal court.
