

GAHC010023412024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/637/2024

IMRAN HUSSAIN LASKAR
S/O ABDUS SALAM LASKAR
VILL- GHAGRAPAR PART-I,
P.O. SALCHAPRA, P.S. SILCHAR, DIST. CACHAR, ASSAM
PIN-788801

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
DEFENCE, SOUTH BLOCK,
NEW DELHI-110001.

2:THE CHIEF OF ARMY STAFF IHQ OF MINISTRY OF DEFENCE

REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF DEFENCE
SOUTH BLOCK
NEW DELHI-110001.

3:GENERAL OFFICER COMMANDING HQ

57 MOUNTAIN DIVISION SIGNAL REGIMENT
LEIMAKHONG
PMPHAL
PIN-90845

Advocate for the Petitioner : MR. S B LASKAR

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

04.04.2024

(Vijay Bishnoi, CJ)

This writ petition is filed by the petitioner being aggrieved with the order dated 09.10.2023 passed by the Armed Forces Tribunal, Regional Bench, Guwahati whereby, the application filed by the petitioner for suspension of the sentence awarded in the Court Martial proceedings dated 21.07.2023 has been dismissed. In the Court Martial proceedings the petitioner was convicted of the offence punishable under Section 69 of the Army Act, 1950 read with Section 13(2)/13(1)(E) of the Prevention of Corruption Act, 1988 and sentenced to be reduced to ranks and suffer to simple imprisonment for four years and to be dismissed from service. The Tribunal has rejected the application for suspension of sentence vide order dated 09.10.2023 by simply observing that the learned counsel for the applicant has not been able to convince the Court on any of the point advanced for suspension of sentence.

Having heard the learned counsel for the parties and after going through the records of the Court Martial proceedings and particularly taking into consideration the fact that the petitioner is in custody since 14.09.2023 and the total sentence awarded to the petitioner is simple imprisonment for four years, we deem it appropriate to allow this writ petition and suspend the sentence awarded to the petitioner in the Court Martial Proceeding during pendency of the OA(A) No.24/2023 pending before the Armed Forces Tribunal, Regional Bench, Guwahati provided that the petitioner shall furnish a personal bond of

Rs.25,000/- with two sureties of the like amount to the satisfaction of the General Officer Commanding HQ, 57 Mountain Division Signal Regiment, Leimakhong, Imphal.

The writ petition is disposed of.

JUDGE

CHIEF JUSTICE

Comparing Assistant