

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.732 of 2006

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Niraj Kumar son of Dev Nandan Prasad, resident of village-Mamai, P.S.-
Tarapur, District- Munger

.... Petitioner/s

Versus

- 1.The Union of India through the Secretary, Ministry of Defence, New Delhi
2. The Chief of the Army Staff, New Delhi
- 3.The Commanding Officer, 629 Electronics and Mechanical Engineer Battalion, C/o 56 A.P.O.
4. Lieutenant Colonel, K.B.S.Sinha, Place Mamoon Cantt., Presiding Officer of District Court Martial
- 5.IC-32716M Major General, Prakash Chandra Singh Khanti, General Officer Commanding 29, Infantry Division
- 6.State of Bihar through the Superintendent of District Jail, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kr.Agrawal, Advocate
:Mr. Ghanshyam Jhaa, Advocate

For the Respondent/s : Mr. G.P.4
Mr. Dr.R.Ranjan, Asst.S.G.
Mr. Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

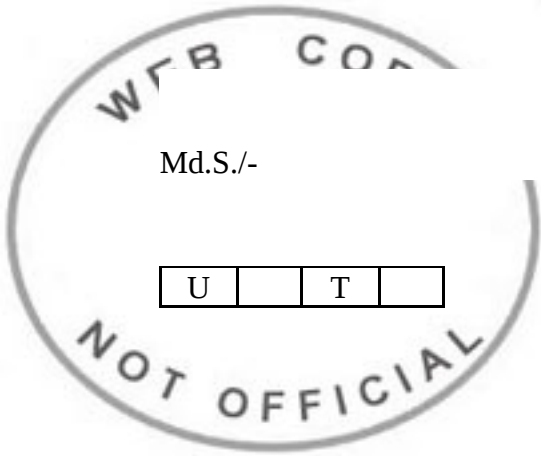
9 10-08-2015 The present application has been filed under Articles 226 and 227 of the Constitution of India on 17.11.2006. When the matter was taken up on 13.3.2007, none appeared on behalf of the petitioner. Again when the matter was taken up on 19.7.2013, 29.7.2013 and 5.3.2014 none appeared to press this application. Even today, none appears on behalf of the petitioner to press this application. It appears that the petitioner has lost his interest in the case and that is why no counsel is appearing to press this application.

Learned counsel for the Union of India, however, raised a preliminary objection regarding maintainability of the writ petition itself on the ground of enactment of the Armed Forces Tribunal Act, 2007. He has placed reliance on a Division Bench judgment in *Union of India through Secretary, Ministry of Defence, New Delhi and Ors. vs. Ajay Kumar* [(2012)3 PLJR 805].

I have examined the order under challenge and perused the Division Bench judgment on which reliance has been placed by the learned counsel for Union of India. The Armed Forces Tribunal Act, 2007 received the assent of the President of India on 25.12.2007 and was published in the Gazette of India dated 28.12.2007. The object of the Act is to provide for the adjudication or trial by Armed Forces Tribunal of disputes and complaints with respect to commission, appointment, enrolment and conditions of service in respect of persons subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950 and also to provide appeals arising out of orders, findings or sentences of Court-Martial held under the said Acts and for matters connected therewith or incidental thereto.

Be that as it may, in view of the enactment of the Armed Forces Tribunal Act, 2007, the instant application would not be maintainable before this Court. Accordingly, the application is

disposed of as not maintainable.



(Ashwani Kumar Singh, J)