

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-1772-1990 (O&M)

Date of decision: 04.09.2023

Ranjit Singh

..Appellant

Versus

Union of India

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Jatin Salwan, Advocate for the appellant

Mr. Arun Gosain, Sr. Standing counsel for UOI

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below is challenged by the plaintiff in this Regular Second Appeal. He filed a suit for grant of decree of declaration to the effect that the order dated 02.01.1985 passed by the Commandant, 28th Battalion, BSF, Khemkaran, while sitting as a Summary Security Force Court (hereinafter referred to as 'SSF Court') is illegal, null and void.

2. The appellant was charge-sheeted on the allegation that he was aiding smuggling in the area. He was supplied with notice alongwith the record of the evidence. The SSF Court was constituted as laid down in the relevant rules. The appellant appeared before the SSF Court and pleaded guilty. He was dismissed from the service and granted civil imprisonment for a period of six months. In the civil court, the appellant averred that his confession is not signed by him and he has not been granted the assistance of a friend in the departmental proceedings. Both the courts examined the provisions of the BSF Rules and found that there is no provision in the Act and the rules which

require the court to get the signatures of the appellant, once he pleads guilty. Moreover, both the courts have also held that the proceedings of the SSF Court have been carried out in accordance with the Act and the Rules and no prejudice has been caused. In fact, Sh. A.K.Vaishnav, DW1, has been examined by the SSF Court and the appellant failed to point out any error in the procedure adopted.

3. Keeping in view the aforesaid facts, no ground to interfere is made out.

4. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

04.09.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE