

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 863 OF 2024

Mohit Kumar Singh (ME-I), P. No. 247500-A ...Petitioner
Versus
Union Of India & Ors. ...Respondents

Mr. D R Singh for the Petitioner.
Mr. Amrendra Mishra for the Respondents.

**CORAM : NITIN JAMDAR &
M. M. SATHAYE, JJ.**

DATED : 6 MARCH, 2024

P.C.:

1. Heard learned Counsel for the parties.
2. The Petitioner has questioned the outcome of the Summary Trial dated 12 November 2022 along with confirmation order dated 29 November 2022.
3. The Petitioner working with the Naval Force has been awarded punishment of detention to quarters, reduction of rank and deprivation of First Good Conduct Badge.
4. The Petitioner approached the Armed Forces Tribunal. By order dated 10 August 2023, the Petitioner was granted liberty to withdraw the application and take appropriate action before the appropriate Court or

forum. Learned Counsel for the Petitioner informs that this was so because the Tribunal had expressed that the Tribunal will not have jurisdiction to examine the Petitioner's application against the above mentioned punishments imposed. According to the learned Counsel for the Respondents the position is correct as the Tribunal will not have jurisdiction to entertain the application in respect of the punishment imposed in view of the definition of "service matters" under section 3(o) of the Armed Forces Tribunal Act, 2007 where only certain punishments of severe nature would be considered by the Tribunal.

5. Learned Counsel for the Respondents drew our attention to Section 163 of the Navy Act of 1957 (*the Act of 1957*) wherein it is provided that any person tried under the provisions of this Act, in case of any conviction or order, can invoke the power under this section. Learned Counsel for the Petitioner contended that the Petitioner has made such representation under section 163, however, since there was no response, he had approached the Tribunal where the matter was disposed of in above circumstances. Since the Petitioner has already invoked section 163 of the Act, the proceedings therein now be taken to its logical end.

6. Learned Counsel for the Respondents, on instruction, states that the application filed by the Petitioner invoking section 163 of the Act of 1957 would be processed as per law and appropriate order would be passed. Copy of the Petition would be considered by the Respondents as

an additional representation.

7. Leaving all contentions open to be considered in the Application so filed, we dispose of the Petition.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)