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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7875/2024 & CM APPL. 32597/2024 –Stay., CM APPL.
32598/2024 –Ex.

UNION OF INDIA

.....Petitioner

Through: Ms.Manisha Agrawal Narain, CGSC
with Mr.Sandeep Singh Somaria, Adv.
Cdr Shrihari Patil.

versus

EX SEA I (GW) SUMIT

.....Respondent

Through:

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

15.07.2024

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1. The present petition under Article 226 of the Constitution of India seeks to assail the order dated 16.10.2023 passed by the Armed Forces Tribunal in O.A.(Appeal) 3223/2023.
2. Vide the impugned order, the learned Tribunal while admitting the respondent's appeal assailing the findings and sentence of his summary trial based on which he was dismissed from service with three months rigorous imprisonment, has suspended the sentence awarded to the respondent during the pendency of his appeal.
3. We find that while suspending the respondent's sentence, the learned Tribunal has imposed various conditions and, therefore, we deem it apposite to reproduce the said order hereinbelow:-

“3. Taking note of the aforesaid, we direct that during



the pending of the appeal, the sentence of imprisonment of the appellant shall remain suspended and he be released on bail With the following conditions :-

(1) On furnishing a bail bond in the sum of Rs.5,000/- (Rupees Five thousand) with one surety in the like amount to the satisfaction of the Principal Registrar, Armed Forces Tribunal, Principal Bench .

(2) That the appellant shall not commit any further offence.

(3) That the appellant shall surrender his passport, if any, to the Principal Registrar, Armed Forces Tribunal, New Delhi.

(4) That the appellant will not try to approach any of the witnesses including complainant who have testified against him with a view to threaten or intimidate them.

(5) The Appellant shall not visit any place other than Delhi and his native place to which he belongs, without the permission of this Tribunal.”

4. After some arguments, learned counsel for the petitioner, on instructions, submits that the petitioner would be satisfied, in case, this Court were to direct the Tribunal to decide the O.A. in a time bound manner. She, however, concedes that a counter affidavit to the O.A. is yet to be filed by the petitioners.
5. In these circumstances, taking into account that the sentence imposed on the respondent stands suspended after merely 9 days of imprisonment, we are of the view that the matter needs to be disposed of expeditiously. However, since pleadings in the OA are yet to be completed, we dispose of the writ petition along with all pending applications, by requesting the learned Tribunal to decide the O.A. within a period of six months from the date of completion of pleadings.
6. We, however, make it clear that we have not expressed any opinion



on the merits of the pleas raised in the petition.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 15, 2024

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