



\$~37

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 14559/2024 & CM APPLs. 61074-77/2024  
SHINDE MOHAN KALU .....Petitioner

Through: Mr.Sanjeev Kaushik,  
Mr.Simranjeet Singh Rekhi &  
Ms.Shriya Mishra, Advs.

versus

UNION OF INDIA & ORS. ....Respondents

Through: Ms.Avshreya Pratap Singh  
Rudy, SPC with Ms.Usha  
Jamnal & Mr.Bishwajyoti Pal,  
Advs. along with Major Anish  
Muralidhar.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

% **18.10.2024**

1. This petition has been filed by the petitioner challenging the Order dated 13.07.2022, passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (in short, 'AFT') in OA(Appeal) No. 466/2022 titled ***Signalman Sinde Mohan Kalu v. Union of India & Ors***, by which the learned AFT denied to suspend the sentence of conviction or grant bail to the petitioner.

2. Aggrieved of the said order, the petitioner filed a Review Application, being RA 43/2023, which has been dismissed by the learned AFT *vide* Order dated 12.10.2023, holding therein that the review application is not maintainable. The petitioner has challenged this order as well before this Court.

3. The learned counsel for the petitioner submits that the Order



dated 13.07.2022 passed by the learned AFT is being considered as a dismissal of the appeal itself.

4. We do not find the same to be borne out from the Order dated 13.07.2022 passed by the learned AFT. The abovesaid orders are clear that what was dismissed was an application seeking suspension of sentence and that the prayer of the petitioner to be released on bail was declined.

5. We, therefore, are not inclined to entertain the present petition.

6. However, at the same time, we also notice that the petitioner by the Order dated 18.06.2021 passed by the SGCM has been, after finding him guilty of the offences under Section 69 of the Army Act read with Section 10 of the Protection of Children from Sexual Offences Act, 2012, sentenced to undergo rigorous imprisonment of 5 years and has been dismissed from service. The petitioner has already undergone 3 years and 9 months of imprisonment.

7. Keeping in view the above, it shall be open to the petitioner to file a fresh application seeking suspension of sentence or for an early hearing of his appeal before the learned AFT. The disposal of the present petition shall, in no manner, prejudice this right of the petitioner.

8. The petition is disposed of in the above terms. The pending applications are also disposed of.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**OCTOBER 18, 2024/rv/DG**

*Click here to check corrigendum, if any*