



W.P.No.44322 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.44322 of 2025

Ex EAA (R)3 Yashwant Kumar
S.No.505774-N,
S/o. Late Gorakh Nath Singh,
Door No.9, 9th Street,
Venkateshpuram, Arakkonam (T.N.),
Pin-631 002
(presently in Central Prison,
Vellore-632 002).

Petitioner(s)

Vs

1. Union of India
Through the Secretary,
Department of Military Affairs,
Govt. of India, Room No.114,
South Block,
New Delhi-110011
2. The Chief of the Naval Staff
IHQ of MoD (NAVY)
Sena Bhavan,
New Delhi -110011.



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3. The Flag Officer
Commanding in Chief
HQS Eastern Naval Command,
Naval Base,
Visakhapatnam-530 014.

4. The Commanding Officer
INS Rajali, Camp Post,
Arakkonam, Pin-631 006.

5. The Superintendent of Police
Central Prison, Bagayam Road,
Thorapadi, Vellore-632 002.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the Order dated 20.06.2025 in M.A. No.64 of 2025 in O.A. (A) No.58 of 2025 passed by the Hon'ble Armed Forces Tribunal, Regional Bench, Chennai, and quash the same consequently grant regular bail by enlarging the petitioner pending final disposal of O.A. (A) No.58 of 2025 pending before the Tribunal.

For Petitioner(s): Mr.M.K.Sikdar

For Respondent(s): Mr.K.Ramanamoorthy,
Senior Panel Counsel
for R1 to R4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Heard learned counsel for the parties.



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2. Challenge to the order passed by the Armed Forces Tribunal, Regional Bench, Chennai, rejecting the application seeking suspension of imprisonment of 5 years is mainly on the ground that by now the petitioner has undergone more than 6 months of jail imprisonment awarded to him and, therefore, the application ought to be allowed.

3. It is also brought to the notice of this Court that, while the appeal remains pending, second application seeking suspension of imprisonment has been filed, which has not been decided so far.

4. We are of the view that, in a case where the period of imprisonment itself is 5 years, either the appeal itself has to be decided expeditiously or the second application for suspension of imprisonment should be considered on an earlier date.

5. As the second application for suspension of imprisonment is pending consideration before the Tribunal, it would be appropriate to dispose of this petition with a direction to the Tribunal that the second application for suspension of imprisonment shall be decided within a period of one month.



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6. With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
20.11.2025

Index : Yes/No
Neutral Citation : Yes/No
bbr

To:

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Union of India
Department of Military Affairs,
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IHQ of MoD (NAVY)
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5.The Superintendent of Police
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Copy to

Armed Forces Tribunal,
Regional Bench,
Chennai.

THE HON'BLE CHIEF JUSTICE

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