

(2023) 04 DEL CK 0014

In the Delhi High Court

Case No : Civil Writ Petition No. 4159 Of 2023

Abhishek Kumar

APPELLANT

Vs

Union Of India Through Secretary Mha & Anr.

RESPONDENT

Date of Decision : 05-04-2023

Acts Referred:

Border Security Force Act, 1968 — Section 117(2)

Citation : (2023) 04 DEL CK 0014

Hon'ble Judges : Suresh Kumar Kait, J; Manmeet Pritam Singh Arora, J

Bench : Division Bench

Advocate : Abhay Kumar Bhargava, Satyaarth B. Sinha, Jatin Singh, Keshav Bajaj, Shivam Gaur, Shubham Agarwal, Hemendra Singh

Final Decision : Disposed Of

Judgement

CM APPL. 16127/2023

1. Vide the present application, applicant/petitioner is seeking stay on impugned order report dated 16.02.2023 passed by the Commandant 157 Bn BSF and suspension of sentence passed against him.

2. Notice issued.

3. Learned counsel for non-applicants/respondents accepts notice and submits that pursuant to impugned order dated 16.02.2023, petitioner has filed an application on 05.03.2023 for suspension of sentence, however, the same is pending for consideration before them.

4. We hereby dispose of present application by directing the respondents to decide the application dated 05.03.2023 filed by the petitioner within one week from today and decision thereof be communicated to petitioner within two days thereafter in writing with a reasoned order.

5. Needless to say, if the petitioner feels aggrieved by the decision of the respondents on his application, he may approach the appropriate forum.

6. Vide the present petition, petitioner prays as under:

(i) Issue a writ of Mandamus or any other appropriate writ, order or direction, thereby directing the respondent may to supply copy of the trial proceedings to the petitioner as expeditiously as possible and the petitioner may be allowed to prefer a Petition under Section 117 (2) of the BSF Act, 1968 and the sentence passed against the petitioner by the Commandant 157 BB BSF dated 16.02.2023 may remain suspended till adjudication of the said statutory petition to be preferred under 117 (2) of the BSF Act.

7. Learned counsel for respondents, who is appearing on advance notice, on instructions, submits that Summary Security Force Court (SSFC) proceedings dated 16.02.2023 are from Guwahati enroute to Delhi and the moment they receive, the same shall be supplied to the petitioner.

8. In view of above, we hereby direct the respondents to provide aforesaid SSFC proceedings to the petitioner within three days.

9. With the aforesaid directions, the present petition is disposed of.

Copy of order be given dasti under signatures of Court Master.