

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

5.

OA (Appeal) 333/2015

Lt Cdr Mahesh V Birajdar ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. D J Singh, Advocate  
For Respondents : Mr V Krishnan, proxy for Mr. Harish V  
Shankar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER  
08.11.2023

Part submissions addressed on behalf of the applicant.  
During the course of submissions made on behalf of the  
applicant, reliance is placed on the provisions of Section 17(b) of  
the Navy Act, 1957 which reads to the effect:

“79(b)

79(a) xxxxxx

*(b) it was not known by whom the offence was committed,  
the first day of which the identity of the offender is known  
to the person aggrieved by the offence or to the authority  
investigating into the offence, whichever is earlier, shall be  
excluded.”*

2. It has been submitted on behalf of the applicant that  
proceedings of Board of Inquiry were submitted on 02.03.2009  
that the period of limitation shall commence thereto. It is  
essential that the proceedings of the Board of Inquiry be

produced by the respondents with copy thereof being placed on record.

3. The respondents are also directed to produce the original Court Martial proceedings qua the applicant on the next date of hearing.

4. Re-list for further hearing on 21.02.2024 at 2.15p.m.

**(JUSTICE ANU MALHOTRA)**  
**MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)**  
**MEMBER (A)**

**CHANANA**