

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

140.

AT 126/2023 in OA 1771/2023 (RB Chandigarh)

Ex Col Subhash Chandra thru Pairokar		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant : Mr. S S Pandey, Advocate

For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

ORDER
18.12.2023

AT 126/2023

This application has been filed under Section 27 of the Armed Forces Tribunal Act, 2007 seeking transfer of OA 1771/2023 pending before the Armed Forces Tribunal, RB, Chandigarh to the Principal Bench at New Delhi.

2. The applicant represented through his wife as a Parokar, Ex Col Subhash Chandra, was put to trial and convicted in the Court Martial and is undergoing the sentence of imprisonment in the civil jail. His wife is residing in Delhi (NCR) area and as her husband is in jail she is unable to go to Chandigarh to brief the counsel and defend the matter, therefore, she prays for transfer of the OA so also

the bail application to the Principal Bench at New Delhi for its hearing.

3. At the time of hearing a suggestion was made by me to the learned counsel for the applicant that for the present I may consider for transferring the application for suspension of sentence only for its hearing at the Principal Bench, New Delhi and thereafter depending upon the outcome of the application for bail/suspension of sentence, further directions with regard to hearing of the OA can be passed. Learned counsel for the applicant candidly submits that his oral consent for the same may be recorded.

4. Keeping in view the aforesaid, for the present OA 1771/2023 with all its records is directed to be transmitted to the Principal Bench, New Delhi for limited purpose of considering the interim prayer for suspension of sentence and bail. Further issue with regard to retaining the Original Application for hearing at the Principal Bench shall depend upon the outcome of the interim order to be passed in the application for suspension of sentence.

5. This order has been passed taking note of the fact that the lady may not be in a position to go to Chandigarh where the OA is pending and brief the counsel and may not get

an effective hearing with regard to the bail application/suspension of the sentence.

6. In view of the aforesaid, AT stands disposed of.

7. Let a copy of this order be provided ***DASTI*** to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

Priya
AT 126/2023