

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

6.

OA 1776/2025

Wg Cdr Soumya Deep Das		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. Ansh Narayan Tripathi, Advocate
For Respondents	:	Mr. Jagdish Chandra, Advocate

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
01.07.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, the petitioner who is facing disciplinary action and against whom a Court of Inquiry has been initiated has filed this application alleging unauthorized confiscation and tampering of his mobile phone (ICT device) in order to wipe off material evidence against him.

2. Complaints were received against the applicant in relation to certain acts of commission and omission involving a lady stated to be the Manager of a hotel. The complainant made serious allegations regarding conduct that undermined the dignity of a woman, including acts of harassment and sexual offences. The complaint submitted by the lady who is the owner of a hotel operating under a Home Stay facility contained specific allegations against the applicant during his visit to the hotel. Upon preliminary investigation and scrutiny of the applicant's

mobile phone (ICT device), certain materials were found which were incriminating in nature. Based on the written complaint and the preliminary inquiry the mobile phone was seized as reflected in the seizure memo/panchnama marked as Annexure A5 on record. In addition to two mobile phones, a laptop ~~an~~ ^{and} Amazon Kindle and other electronic devices were also seized which are subject to evidence collection in the Court of Inquiry.

3. The applicant's grievance is that he is being harassed in an unauthorized manner and that his mobile phones and other electronic devices have been illegally confiscated. He contends that the actions taken against him are unconstitutional.

4. Considering the seriousness of the allegations against the applicant and the fact that he is a man in uniform the departmental authorities have initiated appropriate action by convening a Court of Inquiry. At this stage, interference by the Tribunal on the basis of vague and unspecified allegations made by the applicant is not warranted. The applicant is at liberty to raise all objections before the Presiding Officer of the Court of Inquiry. In case the Court of Inquiry concludes and a charge sheet is issued, the Air Force Act provides statutory and non-statutory remedies to the applicant before the competent authorities. Therefore, invoking the jurisdiction of this Tribunal under Section 14 of the Act at this stage is premature.

5. Accordingly, the application is dismissed without expressing any opinion on the merits of the claim. Liberty is granted to the applicant to ventilate his grievances before the competent

authorities in accordance with law. If a charge sheet is issued and a regular trial is conducted, the applicant will be at liberty to raise all appropriate grounds therein, where his contentions can be duly examined. At this premature stage, interference by this Tribunal under Section 14 is neither warranted nor called for. We therefore refrain from interfering in the matter.

6. The OA is dismissed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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