

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

1.

OA (Appeal) 3801/2024

Gp Capt Yuvraj Singh Chauhan thru Pairokar Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. H. S. Tiwari, Advocate for
Mr. S S Pandey, Advocate
For Respondents : Gp Capt Karan Singh Bhati Sr CGSC

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
21.04.2025

Invoking the jurisdiction of this Tribunal under Section 15 of the Armed Forces Tribunal Act, 2007, the appellant had filed this OA and has sought protection of granting him bail pending promulgation of the sentence after conduct of Court Martial. The matter was considered by a Bench of this Tribunal on 19th September, 2024 and appeal and suspension of sentence granted in the terms of the conditions mentioned in Para 3 of the aforesaid order. Now as the sentence has been promulgated, a right has accrued to the appellant to challenge the order passed and the sentence of conviction before the Tribunal, this application is rendered infructuous and therefore we direct the applicant to withdraw this application and file an appropriate application/appeal in accordance with law.

2. We are informed by Mr. Bhati, learned Sr. CGSC appearing for the respondents, on instructions, that after the promulgation proceedings the sentence of the imprisonment has also been remitted and the sentence of cashering has been modified 'to forfeit 5 years of past service for the purpose of pension'. That being so, in view of the modification of the sentence, appellant may challenge the conviction as contemplated under law and in case any grievance still subsists, he shall have the liberty to assail the same before the appropriate forum, subject to the condition that the statement made by Mr. Bhati with regard to remittance of sentence after the promulgation proceedings, the bail granted is not needed to be continued. However, as a matter of precaution, we direct that the order dated 19.09.2024 granting bail to the applicant on if required, shall remain in operation for a period of four weeks.

3. With the aforesaid observations and principles, the appeal stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.P. MOHANTY]
MEMBER (A)