

**COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

22.

OA 489/2010 with MA 1399/2018 & 2777/2022(TA 36/2012)RB
Kolkata)

Ex Lt Col. Prawin Kumar	Applicant
VERSUS		
Union of India and Ors.	Respondents

For Applicant	:	Ms Shruti Rawat, proxy for Mr. SS Pandey, Advocate
For Respondents	:	Mr. RS Chillar, proxy for Mr. Anil Gautam, Sr CGSC

CORAM

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

**ORDER
26.04.2023**

A copy of the prayer in OA 3/2021 filed by Ex. Subedar(SKT) Appanna Krishna Gaudar before the AFT, Regional Bench, Kochi has been submitted on behalf of the respondents.

2. In terms of proceedings dated 25.04.2023, it has been apprised on behalf of the respondents that OA 3/ 2021 has been filed by Ex Subedar(SKT) Appanna Krishna Goudar before the AFT(Regional Bench) Kochi vide which the applicant has prayed for the quashing of the SGCM proceedings dated 25.10.2008 vide which the applicant was found to be guilty and is stated to have been found guilty by invoking Section 34 of the Ranbir Penal Code. The substantive accusations are against Ex Subedar (SKT) Appanna Krishna Goudar, the applicant in OA 3/2021 before the AFT, Regional Bench, Kochi.

3. In view thereof, in as much as there is OA 3/2021 pending before the AFT, Regional Bench, Kochi, in relation to the same Summary

General Court Martial proceedings as in the instant OA 489/2010 filed by the applicant herein, subject to the orders of the Hon'ble Chairperson, the proceedings in OA 489/2010 pending before us and the OA 3/2021 may be considered to be placed before a single Bench in order to avoid any conflicting views and analysis of the same evidence led in the matter.

Re-list on 15.05.2023.

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

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

CHANANA