

**ARMED FORCES TRIBUNAL, CHANDIGARH  
REGIONAL BENCH AT CHANDIMANDIR**

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1. TA 1247 of 2010 (arising out of Cr.WP 1067 of 2008)

<b>Sandeep Kumar</b>	.....	<b>Petitioner(s)</b>
<b>Vs</b>		
<b>Union of India and others</b>	.....	<b>Respondent(s)</b>

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For the Petitioner (s) : Mr Ravinder Malik, Advocate, for  
Lt Col (Retd) CS Dalal, Advocate.  
For the Respondent(s) : Mr. Gurpreet Singh, Sr. PC.

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2. TA 1251 of 2010 (arising out of Cr.WP 1107 of 2008)

<b>Neeraj Kumar Dhaka</b>	.....	<b>Petitioner(s)</b>
<b>Vs</b>		
<b>Union of India and others</b>	.....	<b>Respondent(s)</b>

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For the Petitioner (s) : Mr Ravinder Malik, Advocate.  
For the Respondent(s) : Mr SK Sharma, Sr PC.

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**Coram: Justice Vinod Kumar Ahuja, Judicial Member.  
Air Marshal (Retd) SC Mukul, Administrative Member.**

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**ORDER  
12.12.2013**

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These petitions have been filed by the petitioners under Article 226 of Constitution of India for staying the operation of findings and sentence awarded by General Court Martial vide order dated 10.12.2007 and 06.10.2008 passed by respondent No.2 being Appellant Authority and for issuing appropriate directions for releasing the petitioners from custody. On constitution of this Tribunal the petitions were sent to this Tribunal and were registered as TA No. 1247 of 2010 and 1251 of 2010 respectively.

2. In view of the fact that the petitions have been file challenging the order of General Court Martial holding the petitioners guilty and awarding them sentence, the present petitions are to be treated as appeals filed by the petitioners and being the Appellate

Authority this Tribunal has to assess the evidence accordingly taking the grounds alleged in the petitions as grounds of appeals in both the cases.

3. In view of the fact that both the petitioners were tried by the same Court Martial jointly, both these petitions are being taken up and are being disposed of together.

4. Notice of the petitions was issued to the respondents.

5. Petitioners were charged on 26.09.2007 under Section 52(a) of the Army Act read with Section 34 of Indian Penal Code for having committed theft on 06.04.2006 of (a) Pistol Browning 9 mm, Butt No.1, Registered No. T-5251 and (b) Pistol Browning 9 mm, Butt No. 22, Registered No. B-3927 at Pokharan Field Firing Ranges (Rajasthan) and were tried.

6. The petitioners were held guilty by the District Court Martial who tried the petitioners for the offences mentioned above and they were sentenced as under:-

“ To undergo rigorous imprisonment for 1 years and six months, with dismissal from service.”

7. Briefly stated the facts of the case are that the Army Authorities found out that the two pistols detailed above were stolen on 06.04.2006 by the petitioners in connivance with one another when they were posted at Pokharan Field Firing Ranges. These pistols were subsequently recovered on 22.05.2006 in an area known as Lunkaransar.

8. A Court of Inquiry was ordered, which was convened on 25.05.2006 and a report was submitted by the Court of Inquiry and both the petitioners were tried by the District Court Martial for the offence of theft and were held guilty and were convicted and sentenced accordingly as detailed above.

9. We have heard the learned counsel for the parties and have gone through the record.

10. The submissions made by learned counsel for Sandeep Kumar petitioner namely Mr. C.S.Dalal, Advocate, were that the case of the prosecution solely rests upon the alleged confessional statements made by petitioner Sandeep Kumar and his co-petitioner Neeraj Kumar. It was submitted that the joint trial of both the

petitioners was conducted wrongly since the Court of Inquiry in coming to its conclusion had relied upon the alleged confessional statement of co-petitioner Neeraj Kumar also for which an application was submitted during Court of Inquiry for separate trial of petitioner, which was not allowed. It was also submitted that the case of the prosecution solely rests upon the alleged confessional statements made by both the petitioners which were allegedly written by the petitioners themselves in their own hands. It was submitted that no such confessions were made by the petitioner and his co-petitioner but these were got recorded by giving them beating by pressurizing them and these were allegedly given to the persons in authority and cannot be termed as voluntary. It was submitted that such confessional statements cannot be relied upon which were made to the persons in authority, were not voluntarily made, and this has not led to any recovery of the pistols allegedly stolen by them which had already been recovered from an open area. These original statements were also not proved but secondary evidence was led to prove these statements which permission was wrongly granted and those statements were not legally proved to have been made by both the petitioners which cannot be relied upon.

11. It was further submitted that no date of making these statements is mentioned in these statements. Before recording the statements the petitioners were never told that it can be used as against them and these were accordingly made in non-compliance of the provisions under the Army Regulations relating to recording of such statements.

12. It was further submitted that no theft of the pistols was committed on 06.04.2006 and the respondents themselves have concluded that this theft was committed subsequently. The first version given to the Army Authorities was stated to be wrong as per the Army Officers and subsequently a new version was introduced in regard to learning about theft and subsequent recoveries which were proved to have been made at two different timings and at two different places.

13. The prosecution has come up with the story that the brother of the petitioner came and made a statement before the

Authorities that the petitioner had brought the pistols and was asked to return the same and, therefore, his statement was also recorded during Court of Inquiry proceedings but when examined the said brother namely Pankaj Kumar Dhaka turned hostile and did not state that any such statement was made by him to the authorities.

14. It was also submitted that earlier no FIR was lodged and the first version given to the Army Authorities about the theft was withdrawn and subsequently these were recovered from an open area. Two signals had already been sent to the Army Authorities in regard to the theft which were later on withdrawn on the plea that wrong version was given to the authorities to save the respect (Izzat) of the Unit.

15. It was also submitted that the provisions of Army Rule 180 were not complied with and the statement made of the petitioner as well as of the co-accused of Army Act akin to Section 313 Cr.PC were not complied with which are mandatory in nature. It was submitted that these provisions require that the substance of the prosecution evidence recorded as against the petitioner has to be put to him and simply two questions were recorded of the petitioner and his co-petitioner and, therefore, the trial stands vitiated and the guilt of the petitioner and his co-petitioner does not stand established beyond any reasonable doubt.

16. Learned counsel for co-petitioner Neeraj Kumar, Mr.Ravinder Malik, Advocate, had adopted the same submissions as made by counsel for Sandeep Kumar petitioner and he further submitted that there are no findings of Court of Inquiry that the theft of the pistol was committed on 06.04.2006. It was also submitted that the result of the Court of Inquiry on the basis of which both petitioners were held guilty, were never made available to this Tribunal in spite of sufficient time having been granted. The prosecution has also relied upon two chits Ex.12 and Ex.13 and the originals were never placed on record. There was also a status report dated 18.05.2006 which suggests that the pistols were available on 03.05.2006 which clearly belies the prosecution version that the theft of the pistols was committed on 06.04.2006. It was also submitted that the Court of Inquiry had never fixed the negligence of these two officials which led to the loss/theft of the pistols which were allegedly recovered on a

later date from the area. It was also submitted that Shri H.S.Chahal who was the Army Officer had given a status report wrongly about the theft and a fresh Court of Inquiry was therefore ordered vide Ex.332. It was also submitted that the time of recovery of pistols on 22.05.2006 has been wrongly given at one place as 1600 hours and at another place at 0500 hours which, therefore, proves that the prosecution version is not reliable.

17. It has been specifically alleged in the petition that according to the documents the loss had occurred in between 27.04.2006 and 09.05.2006 which find corroboration from Exhibits 21, 23 and 33. The report was lodged with the police on 13.05.2006 on which FIR was registered on 25.05.2006. However, cancellation report was sent on 05.06.2006 that the pistols have been found and the FIR be cancelled. It does not make a reference as to when the pistols were recovered though the reference was sent for cancellation of the FIR dated 25.05.2006. A perusal of Ex.21 shows that a cancellation report was lodged on 05.06.2006 that the report dated 13.05.2006 regarding loss of two weapons be treated as cancelled since these weapons have been recovered and deposited in the Kote of the Regiment.

18. Ex. 23 is a report from the Army Regiment that the loss was reported on 12.05.2006 and thereafter all weapons were rechecked. A perusal of Ex.33 shows that the report was lodged by Subedar Katar Singh that all the weapons were physically examined on 27.04.2006 by J.G.Gopalan and these were found to be correct. However, on 12.05.2006 the weapons were examined and two pistols (numbers given) were found missing and, therefore, the report was lodged about theft on 13.05.2006.

19. A combined reading of all these documents shows that once it is being reported that upto 27.04.2006 all the weapons were found intact and then it is being reported that these two weapons were found missing on 12.05.2006 and again a cancellation report is being lodged on 05.06.2006 that the report about the loss of theft reported on 13.05.2006 be treated as cancelled, this discretion leads to the inference that it is difficult to believe the prosecution story that the

weapons were lost on 06.04.2006 for which both the petitioners were charged.

20. It was also proved that the record shows that the weapons were available upto 27.05.2006 which belies the version of the theft having been committed on 06.04.2006. The report to the police was sent for the first time on 13.05.2006 and subsequently it was reported to the police that the pistols had been recovered and the report should be cancelled but no date was mentioned in the subsequent report sent to the police. It was submitted that the prosecution witnesses have admitted that there was non-compliance of Rule 180 and as such there was no fair trial.

21. The examination of the petitioner as submitted above also shows that only two questions were put up and the version of the prosecution as proved during the Court of Inquiry was not proved and according to law the provisions of Section 313 Cr.PC are mandatory in nature and have to be complied with in full.

22. Thus, in view of the above submissions it was submitted by learned counsel for both the petitioners that the petitioners were wrongly held guilty and sentenced and, therefore, those findings are required to be set aside.

23. On the other hand the submissions made by learned counsel for the respondents were that the honour of the Army was maintained once they reported that the pistols had been recovered and there was no occasion for the respondents to falsely implicate the petitioners which would have brought disrepute to the Unit. However, once one of the brothers of the accused came and confessed about the theft committed by his brother, thereafter a second Court of Inquiry was ordered which concluded that the theft was committed by the petitioners and, therefore, they were held guilty. Thus, he had supported the findings of the District Court Martial holding them guilty and supported the impugned order passed by the District Court Martial which was confirmed on appeal.

24. On appraisal of the proceedings of the District Court Martial including the record of the case and on consideration of the submissions made by learned counsel for both the petitioners, we find that there are many infirmities in the prosecution evidence as well as

in the case that we cannot uphold the conviction and sentence imposed upon the petitioners for the detailed reasons given below.

25. To substantiate their case the prosecution had examined 11 witnesses before the District Court Martial. The first witness examined is Lt. Col. J.G. Gopalan who was Squadron Commander of the Regiment who stated that he was informed on 12.05.2006 by Risaldar Katar Singh about the loss of two pistols. The matter was reported to Lt. Col. Arvinder Singh, Second-in-Command. Search parties were sent to the places where they had been before, during the field firing. Petitioners No.1 and 2 had been nominated as Sentries for Kote on 06.04.2006 by Risaldar Rai Singh. Search parties were sent later on 18.05.2006 or 19.05.2006. A hand written slip was recovered which stated that 'Pistol 110% mil jayegi lekin squadron mein jinke naam ke akshar 3 ya 4 hain, unko 24 ghante ke liye out pass bhejen. By order. Is case mein ek अधिकारी भी है।'

26. He further submitted that after discovering the handwritten slip the entire squadron less 16 selected personnel were sent to search. He produced the bundles containing the two pistols duly sealed. On 18.06.2006 petitioner Neeraj Kumar's brother Master Pankaj Dhaka had come to meet him who disclosed that his brother had brought these two pistols to him when he had gone on leave. He reported the matter to Arvinder Singh, Second-in-Command. He further stated that while confessing accused Neeraj Kumar Dhaka had said that Sandeep Kumar was also along with him who was party to this theft. He further stated that a written confession was given by accused No.1 Neeraj Kumar Dhaka and accused No.2 Sandeep Kumar and a written statement of younger brother of accused No.1 Pankaj Dhaka was also given. He produced the hand written confessional statement of accused No.1 Neeraj Kumar of two pages Ex. '8' and of Sandeep Kumar accused No.2 of four pages Ex. '9', in original. He has not stated as to who gave this statement to him, in whose presence these were written and on which date but he simply produced these statements during the trial.

27. A perusal of the statement of petitioner Sandeep Kumar shows that it is allegedly written in own hand by Sandeep Kumar and there are two witnesses to the same namely Risaldar Katar Singh and

Atender Dahiya. Out of these two witnesses Risaldar Katar Singh has been examined as PW 7, who has stated that the weapons were never physically checked in between 31.03.2006 and 09.05.2006 and, therefore, it looks surprising as to how the theft was allegedly committed on 06.04.2006. He thereafter reported about the loss of two pistols on 12.05.2006 since these were to be issued to the crew on the tank. Thus, it is the prosecution case that the loss was reported on 12.05.2006 and before that no person had concluded about the theft having taken place on 06.04.2006. In case the charge was clear that the theft was committed since the date of last inspection till the date it was found missing on 12.05.2006, it could have been said that the charge was clear and was not defective, but here the authorities are specific that the loss was committed on 06.04.2006, but no physical inspection appears to have been done from 06.04.2006 till the loss was found on 12.05.2006 by this witness. He further submitted that the pistols were lost while in transit in the exercise as no pistols were issued to any one.

28. He further stated that the hand-written slip found on 19.05.2006 was found by Major Sarwan Kumar who handed it over to him at about 0630 hours. He handed over the hand written slip to JG Gopalan and had sealed only the scanned copy of the hand written slip found at the Dhobi table Ex. '15'. He further stated that he lodged a daily diary report on 13.05.2006 at Police Station, Lunkaransar, Ex. '33'. He also lodged a daily diary report on 25.05.2006 about recovery of two pistols for cancellation of the earlier daily diary report.

28. In regard to the confessional statements which are most material and he is a witness to both the statements, he stated as under:-

“.... Colonel HS Chehal, Commandant, Lieutenant Colonel (Now Colonel) Arvinder Singh, Second-in-Command and Lieutenant Colonel JG Gopalan, Squadron Commander were also present there. Both the accused persons confessed about stealing the two pistols 9mm Browning, in the presence of the entire squadron. They also wrote a confessional statement along with Master Pankaj Dhaka, brother of accused No.1 in the office area on 19 Jun 2006. When accused No.1 was writing his confessional statement, No. 15477146N Sowar Krishan Kumar and myself were present. When accused No. 2



was writing his confessional statement, No. 15490428L Sowar Atender Dahiya and myself were present. The verbal as well as written confessions made by the accused persons were voluntarily in nature.

I am now shown Exhibit '8' and '9', the written confessional statement of accused No 1 and accused No 2 respectively in original. I identify both the documents as well as and my signatures.”

29. It is, therefore, clear from a perusal of his statement that the written confession was given by the petitioners in presence of entire squadron . Thus, these statements were made to the persons in Army and cannot be relied upon.

30. He further stated that he made the statement at Court of Inquiry that physical check of weapons was carried out on 27.04.2006. The report was given but actually the physical check was not done. This clearly suggests that he has tried to give false version as per his convenience. He further stated that he made the statement at Court of Inquiry that pistols were physically checked up by him on 09.05.2006 and he noticed a deficiency of two pistols. He told the Unit to check near the Dhobi Table and the clothes lying on it as the written slip of paper on 19.05.2006 was found on the Dhobi table. Dafedar Vijay Pal came and informed him that there was nothing on the table and he again asked him to search thoroughly the entire camp including Langer and Dhobi area etc. When he was coming back from rear portion of the building to the front, he found a black polythene package at 0500 hours on 22.05.2006 in the wee hours of the morning and brought the two packages to him. They opened the boxes and the said box gave the impression of weight akin to that of two pistols. He denied the suggestion that these pistols were found by a search party of Risaldar Raja Ram Jat at general area on 22.05.2006 but this false story was created to save the reputation (Izzat) of the regiment since they were not aware as to who was the culprit. He came up with the plea that in reality the two pistols were found near the Dhobi table at the camp location at Lunkaransar. When he was further questioned by the Court he stated that Col. H.S.Chahal had advised them to falsely state before the Court of Inquiry the fictitious story of finding the two pistols 9mm Browning at general area.

31. The other witness to Ex. '9' the confessional statement of Sandeep Kumar petitioner who had attested the same is Atender Dahiya PW 11. He stated that the confessional statement was written by Sandeep Kumar voluntarily on 19.06.2006 at the office area of Armoured Regiment. He admitted that Lt. Col. JG Gopalan, Squadron Commander, 'A' Squadron of 71 Armoured Regiment was present at that time. He stated that he did not have any interaction with accused No.2 before or after he wrote the confessional statement. He had only seen him writing the statement.

32. The other confessional statement is Ex. '8' of Neeraj Kumar petitioner and one of the witness was Katar Singh, who has already been discussed above and had been examined as PW 7.

33. The other witness to the statement is Krishan Kumar, who has not been examined.

34. Learned counsel for the petitioners had referred to Army Order 256 of 1972, Appendix 'A' with reference to Para 10 of Chapter VIII in regard to confessions and admissibility in trials under the Army Act, 1950. The relevant Army Order is being reproduced below as Annexure A-1:-

“1. The Indian Evidence Act, 1872 subject to the provisions of the Army Act, applies to all proceedings before a Court-Martial. Section 25 of the Indian Evidence Act provides that no confession made to a police officer shall be proved as against a person accused of any offence. Section 26 of the same Act provides that no confession made by any person, whilst he is in the custody of a police officer, unless it be made in the immediate presence of a magistrate, shall be proved as against such person. However, facts discovered in consequence of a confession which is itself inadmissible having been made to a police officer, or whilst in the custody of a police officer and not in the immediate presence of a magistrate and so much of the confession as distinctly relates to the facts thereby discovered, may be proved. (Indian Evidence Act section 27).

2. A military police officer (which expression includes a Provost Marshal and any other person legally exercising authority under him or on his behalf) is as regards a person subject to the Army Act deemed to be a 'police officer', and consequently the admissibility, at a trial by Court Martial, of a confession made to him or whilst in his custody will be determined by the provisions of the aforesaid Sections 25, 26 and 27 of the Indian Evidence Act. Where, therefore, a person subject to the

Army Act makes or it appears he is about to make a confession to a military police officer, or whilst in custody of such officer the procedure specified in paras 3 and 4 below will be followed.

3. When a person, subject to the Army Act, makes or it appears he is about to make a confession to a military police officer and is not in military police custody at the time, the military police officer will take him before a military officer other than a military police officer and will leave him with that officer. The military officer will, in the presence of a witness who must not be military police officer administer a caution to such person in accordance with Army Rule 23(3). The military officer will not record any such statement unless he is satisfied that the statement is being made voluntarily. If such person still wishes to have his statement recorded, any statement made by him shall be taken down and read over to him. The military officer will then endorse a certificate at the foot of the statement as follows:-

‘Certified that I duly cautioned \_\_\_\_\_ in accordance with Army Rule 23(3).’

4. When a person, subject to the Army Act, makes or it appears he is about to make a confession whilst in the custody of a military police officer, he should first be removed from military police custody and placed in ordinary military custody. He may then be taken before a military officer with a view to having his confession recorded in the manner described in para 3 above. Alternatively, he may be taken by the military police officer before a magistrate, for his confession to be recorded in accordance with Section 164 of the Code of Criminal Procedure.”

35. It is clear from a perusal of the above that this confession made is subject to the provisions of Sections 25, 26 and 27 of Indian Evidence Act and the person making the statement has to be informed, has to be first removed from military officer for recording his admission or alternatively he may be taken before a Magistrate for a confession to be recorded in accordance with Section 164 of Criminal Procedure Code. In the present case the record of the case is not clear as to whether the petitioner was in custody when he made statement and though the petitioner has alleged that he was arrested on 16.06.2006 i.e. the date when this alleged confession was recorded though no date is mentioned on these statements. There is nothing on record as to how and at whose instance the petitioners volunteered to reduce into writing the said confessions.

36. Under Section 24 of the Evidence Act, 1872, a confession caused by inducement, threat or promise was irrelevant in criminal proceedings if it appears to have been caused by inducement, threat or promise. The extra judicial confession cannot be sole basis for recording the confession of the accused, if other surrounding circumstances and the material available on the record do not suggest his complicity. It is a weak type of evidence and requires appreciation with great care and caution and when it is surrounded by suspicious circumstances its credibility becomes doubtful and it loses its importance. Extra judicial confession has to be corroborated by independent evidence.

37. According to Section 27 of the Evidence Act in case such information leads to recovery of some article it can be admitted in evidence for the limited purpose as regards the fact deposed which led to discovery in consequence of information received from a person accused of any offence in the custody of a police officer.

38. No recoveries were effected on the confessional statements of either of the petitioners and in fact the recovery of the two pistols had already been made from an open place accessible to all and these were not hidden at the place of recovery. There is nothing on record to show as to under what circumstances the petitioners made disclosure statements out of their own and once these were made to persons in authority i.e. their superior officers who were present there, it cannot be said to be voluntary so as to hold that these prove the guilt of the petitioners.

39. Apart from the above there are other infirmities which make the prosecution case doubtful. PW 1 Lt.Col. JG Gopalan had admitted that in the Court of Inquiry he had stated that both pistols were found in Square WD-6579 to Bikaner in square WD-7285 in the vicinity of 32 R in square WD-6680. He admitted that the earlier statements given by him were given for Izzat of the Unit and when the Unit had come to the point of no return they had to disclose the real facts. He admitted that he had not seen both the accused stealing the two pistols or keeping the two pistols back on the Dhobi table.

40. The two slips Ex. '15' relied upon by the prosecution were allowed to be proved by secondary evidence by allowing the

evidence under Section 65 of Evidence Act but before allowing such application no such evidence was led in regard to existence of any such slip or the loss of the said slip. Unless and until the existence of the document is proved apart from the loss, no secondary evidence can be allowed to be led. He submitted that copy No.1 of the Court Martial proceedings does not contain the list of documents as Exhibits which were handed over to the Prosecutor but these documents were lost in transit and are untraceable. Who proves the loss it is not on record. He admitted that the earlier information was incorrect that two pistols were found in general area by Rakesh Fogat beneath the ground which statement was made because of Regimental loyalties. This is, therefore, clear that one version was coming that these were found beneath the ground and second version was that these were found at the Dhobi table and the manner in which the witnesses have shifted their stands or made statements clearly leads to the inference that they cannot be relied upon.

41. Brother of the accused namely Pankaj Dhaka when examined in Court turned hostile and stated that he never made any statement.

42. Apart from the above, a perusal of the statement of accused Sandeep Kumar recorded shows that the prosecution evidence was not put to the petitioner when his statement was recorded and only two questions were put up to petitioners Sandeep Kumar as well as Neeraj Kumar and the whole case proved against them was not put up to them in their statements akin to Section 313 Cr.PC which requires that the whole case of the prosecution has to be put up to the accused so that he can answer them and, therefore, there was non-compliance of the provisions of Army Rule 58 akin to statement under Section 313 Cr.PC.

43. From above detailed discussion it is very much clear that the case solely rests upon the alleged confessional statements made by both the petitioners which have not been proved to have been made voluntarily and these did not lead to any recovery and, therefore, cannot be linked with the accused and thus do not satisfy the requirement of Army Order 256 of 1972 referred to above also. There

is no other evidence led by the prosecution as against the petitioners and the statements of other witnesses are not very material.

44. In view of the above discussion we accordingly hold that the guilt of the petitioners was not proved beyond any reasonable doubt and as such the findings holding them guilty and convicting and sentencing them, which findings were affirmed by the Appellate Authority, are liable to be set aside. Accordingly, we allow both the petitions filed by the petitioners and the impugned orders are set aside. The order shall be issued for reinstatement of both the petitioners forthwith.

45. In regard to the arrears we may refer to the decision of Hon'ble the Supreme Court in **Union of India and others Vs. Jaipal Singh, 2004(1) SCT 108 = 2003 Supp(5) SCR 115**. It was held by Their Lordships that in case a person is discharged on account of criminal proceedings and conviction, he cannot claim back wages for the period he was not in service. The State cannot be made liable for the period for which it could not avail the services of the respondents. A perusal of the judgment in **Appeal (civil) 3892 of 1999, Baldev Singh Vs. Union of India and others, decided on 28.10.2005** also shows that it was held by Their Lordships of Hon'ble the Supreme Court that in case the petitioner had been restored in service on acquittal and on acceptance of appeal by the High Court, he is not entitled for the back wages.

46. It is, therefore, clear from the above discussion that Hon'ble the Supreme Court has laid down the principle that in case there is no work, no pay shall be paid as back wages for the period the petitioners were out of service. Therefore, the petitioners are not entitled to the past wages for the period they had not worked.

**(Justice Vinod Kumar Ahuja)**

**(Air Marshal (Retd) SC Mukul)**

12.12.2013

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Whether the judgment for reference is to be put on Internet? Yes/ No