

**ARMED FORCES TRIBUNAL
REGIONAL BENCH: GUWAHATI
(THROUGH VIRTUAL HEARING)**

1.

MA 31/2024 IN OA (Appeal) 34/2024

Subedar SKT Arvind Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Amit Joshi, Advocate
For Respondents : Mr. P.K. Garodia, Advocate

CORAM

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

ORDER
25.11.2024

Appeal admitted.

2. Issue notice. Mr. P.K. Garodia, learned counsel appearing for the respondents, accepts notice.
3. Heard on the question of suspension of sentence.
4. Considering the fact that the appellant has been sentenced to undergo imprisonment of one year and dismissed from service and further taking note of the fact that he has been in custody during the trial for a period of about 200 days and thereafter till now, it is a fit case where suspension of sentence and bail can be granted to the appellant. Therefore, in exercise of the powers conferred on us under Section 15(3) of the Armed Forces Tribunal

Act, 2007, we direct for suspension of the sentence during the pendency of appeal and for release of the appellant on bail on his furnishing a bail bond amounting to Rs.5,000/- (Rupees Five Thousand Only) with one surety of the like amount to the satisfaction of the Deputy Registrar, Regional Bench, Guwahati subject to the following conditions:

- (a) That the appellant, if holder of a passport, shall surrender the same to the Deputy Registrar, Armed Forces Tribunal, Regional Bench, Guwahati, else he shall file an affidavit to the effect that he does not hold a passport.
- (b) That the appellant will not commit any offence while on bail and shall not indulge in any act of violence by words or physical act against any officer of the Indian Army.
- (c) That the appellant will not try to approach any of the witnesses who have testified against him with a view to threaten or intimidate them.
- (d) The appellant shall report for promulgation of confirmation by the Competent Authority as and when required on being so noticed.

5. Respondents to file their counter affidavit in the OA (Appeal) 34/2024 within eight weeks and keep the records of the trial present for perusal of this Tribunal at the time of hearing. Rejoinder, if any, be filed within four weeks thereafter. List the OA (Appeal) 34/2024 after the completion of pleadings.

6. It is indicated that we have only suspended the jail sentence and not stayed the conviction and punishment.

7. The MA stands disposed of.

8. A copy of this order be given *'DASTI'* to the learned counsel for the parties.

[JUSTICE RAJENDRĀ MENON]
CHAIRPERSON

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