

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20526/2008

(From the judgement and order dated 25/01/2008 in WPC No.2511/
1992 of the HIGH COURT OF DELHI AT NEW DELHI)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

VISHAV PRIYA SINGH

Respondent(s)

(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

WITH

SLP(C) NOS. 3995-4000 of 2009

(With appln. for c/delay in filing SLP and office report)
(FOR FINAL DISPOSAL)

SLP(C) NO. 16304 of 2009

(With appln. for c/delay in filing SLP and office report)
(FOR FINAL DISPOSAL)

Date: 05/11/2009 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. H.P. Raval,ASG
Mr. Ashok K. Srivastava,Adv.
Mr. T.A. Khan,Adv.
Mr. Rajiv Nanda,Adv.
Mrs. Anil Katiyar,Adv.
Mr. B. Krishna Prasad,Adv.

For Respondent(s) Mr. S.R. Kal-kal,Adv.
Mr. B.S. Mor,Adv.
Mr. R.C. Kaushik,Adv.

Mr. C.P. Singh,Adv.
Mr. S.M. Dalal,Adv.
Mr. Rameshwar Prasad Goyal,Adv.

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Mrs. Rekha Palli,Adv.
Mr. A.V. Palli,Adv.
Mr. Atul Sharma,Adv.
Mrs. Poonam Singh,Adv.

(in SLP(C) No.16304/09)

Respondent-in-person.

UPON hearing counsel the Court made the following
O R D E R

This matter is being argued for the last three
days in this Court regarding Summary Court Martial.
Learned Additional Solicitor General appearing for the

Union of India has submitted that some guidelines have been brought to his notice only last evening, particularly the guidelines issued by the Additional Directorate General, Disciplines and Vigilance, Adjutant General's Branch, Integrated HQ of MOD (Army), New Delhi, way back on 12th December, 2008, which has been addressed to the Headquarters, Southern Command, Eastern Command, Western Command, Central Command, Northern Command, South-West Command, Army Trg. Command and Andaman & Nicobar Command.

It is clearly stipulated in clause 4 of the said guidelines that whenever an accused pleads guilty of the charge, signature of the friend of the accused along with that of the accused and the Court will be obtained on 'Form of Proceedings of Summary Court Martial' and, if required, additional page may be used for that purpose.

Admittedly, in the instant case, the signatures of the accused or the friend of the accused after the accused pleaded guilty, have not been obtained.

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These guidelines have not been placed before this Court on earlier occasions nor the same were made available to the Division Bench of the High Court which dealt with the matter in great detail.

Even at this stage, the learned Additional Solicitor General is not sure whether there are more guidelines or not. He submits that he will take up the matter with the Chief of the Army Staff to get clear instructions in this regard.

We would like the Chief of Army Staff himself to look into the matter and give comprehensive instructions to the learned Additional Solicitor General. An additional affidavit be filed either by the Chief of Army Staff himself or by the Adjutant General of the Army, within three weeks, with an advance copy thereof to the learned counsel for the respondents.

List this matter on 3rd December, 2009.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER