

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 (Crl) No(s).3123/2006

(From the judgement and order dated 01/08/2005 in CRLM No. 148/2002  
in CRLWP No. 1491/2000 of The HIGH COURT OF PUNJAB &  
HARYANA AT CHANDIGARH)

UNION OF INDIA & ORS

Petitioner(s)

VERSUS

SHINDER SINGH

Respondent(s)

(With appln(s) for c/delay in filing SLP and stay and office report ))

Date: 14/05/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. B. Datta, ASG

Mr. R.C. Kathia, Adv.

Ms. Rajni Ohri Lal, Adv.

Mrs Anil Katiyar, Adv.

For Respondent(s)

Mr. K.K. Mohan, Adv.

Mr. Sandeep Bansal, Adv.

UPON hearing counsel the Court made the following

O R D E R

The question involved in this special leave petition is a matter of principle as to whether the High Court can in exercise of its jurisdiction under Article 226 of the Constitution interfere with orders passed by the Chief of Army Staff in relation to a Court Martial proceedings which is not subject to the appellate jurisdiction of the High Court. The High Court treating the instant application as if it was an application for bail in a pending appeal has suspended the sentence of life imprisonment passed against the respondent, which the Chief of Army Staff has refused. However, this is a matter which may be raised again in the writ petition before the High Court and, if necessary, before this Court.

We adjourn the hearing of this petition by six months and request a period of four weeks from today. We make it clear that the period during which the respondent is not in custody pursuant to the impugned of the High Court will not be counted for the purposes of grant of remission.

Liberty to the parties to make a mention.

(Ajay Kr. Jain)  
(Vijay Dhawan)

Court Master

Court Master