

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).12894/2006

(From the judgement and order dated 12/01/2006 in WP No. 304/2002
of The HIGH COURT OF DELHI AT N. DELHI)

KEWAL SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

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

Date: 02/02/2007 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. Raj Kumar Gupta, Adv.

Mr. Bishwajit Kumar Shahi, Adv.

Mr. S.S. Bandyopadhyay, Adv.

Mrs. Sharmila Upadhyay, Adv.

For Respondent(s)

Mr. R. Mohan, ASG

Mrs. B. Sunita Rao, Adv.

Mr. Shanti Bhushan Chaubey, Adv.

Mrs Anil Katiyar, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

The appellant is directed to appear before the DIG
, CRPF, Hyderabad

within three weeks from today and the Appellate Authority shall
thereafter give

further directions with a view to dispose of the appeal within
a period of three

months.

(Ajay Kr. Jain)
(Vijay Dhawan)

Court Master
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007

(Arising out of SLP(C) No. 12894 of 2006)

Kewal Singh Appellant
t

Versus

Union of India & Ors. Respondents
nts

O R D E R

We have heard counsel for the parties.

Delay condoned.

Leave granted.

The order of dismissal of the appellant was passed on 13.1.1999. He preferred an appeal which was pending before the Appellate Authority, namely, DIG, CRPF, Hyderabad.

On 18.12.1999, the Trial Court acquitted him of the charge under Section 337 IPC. Counsel for the appellant submits that in view of Rule 27 (ccc) of the Central Reserve Police Force Rules, 1955, the punishment imposed ought not to have been given effect having regard to the acquittal of the appellant by the Trial Court. It is his case that the evidence cited in the

criminal case is the same as the evidence, relying upon which the Disciplinary Authority

proceeded to dismiss the appellant.

Having considered the relevant Rule 27 (ccc), we are of the view that since an

appeal against the order of dismissal was pending before the Appellate Authority when the order of acquittal was passed by the criminal court, the Appellate Authority ought to have taken notice of the order of acquittal and passed its order after taking into consideration the

aforsaid Rule 27(ccc). In the circumstances, we allow this appeal and set aside the order of

the High Court and remit the matter to the Appellate Authority, namely, DIG, CRPF,

Hyderabad to consider the appeal afresh in the light of the order of acquittal passed by the

Magistrate on 18.12.1999 and Rule 27 (ccc) of the Central Reserve Police Force Rules,

1955. This appeal is accordingly allowed.

The appellant is directed to appear before the DIG, CRPF, Hyderabad within

three weeks from today and the Appellate Authority shall thereafter give further directions

with a view to dispose of the appeal within a period of three months.

.....J.

(B.P. SINGH)

.....J.

(H.S. BEDI)

New Delhi

February 02, 2007