

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

CRIMINAL MISCELLANEOUS PETITION NO. 7930 OF 2010
IN
CRIMINAL APPEAL NO(s). 302 OF 2005

DY. INSPECTOR GENERAL B.S.F. Appellant (s)

VERSUS

STATE OF WEST BENGAL & ORS. Respondent(s)

(for directions and office report)

Date: 09/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE C.K. PRASAD

For Appellant(s) Mr. P.P. Malhotra, ASG.
Ms. Sushma Manchanda, Adv.
Mr. A. Ramesh, Adv.
Mr. Shreekant N. Terdal, Adv.

For Respondent(s) Ms. Neelam Sharma, Adv.
Mr. Tara Chandra Sharma, Adv.

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

The appeal stands dismissed in terms of the
signed order.

(KALYANI GUPTA)
SR. P.A.

(VINOD KULVI)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISCELLANEOUS PETITION NO. 7930 OF 2010
in
CRIMINAL APPEAL NO. 302 OF 2005

DEPUTY INSPECTOR GENERAL, BSF APPELLANT

VERSUS

STATE OF WEST BENGAL & ORS. RESPONDENTS

O R D E R

We find that the judgment of the High Court is perfectly in accordance with law. The respondent-accused was not on active duty when the alleged incident took place and he was, therefore, not triable under Section 80 read with Section 4 of the Border Security Force Act. There is also no record to show the same.

The Appeal stands dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

NEW DELHI
AUGUST 09, 2010.