

ITEM NO.302

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19058/2012
(Arising out of impugned final judgment and order dated 27/03/2012
in WP No. 2324/2011 passed by the High Court Of Gauhati)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

BALBIR SINGH

Respondent(s)

(With appln.(s) for placing Addl. Documents on record and interim
relief and office report)
(For Final Disposal)

WITH

SLP(C) No. 5298/2015

Date : 25/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. P.S. Patwalia, ASG
Mr. Rana Mukherjee, Sr. Adv.
Mr. Gaurav Sharma, Adv.
Ms. Gunwant Dara, Adv.
Mr. Vikas Bansal, Adv.
Mr. Arun Kumar Singh, Adv.
Mr. B. Krishna Prasad, AOR

Ms. Sushma Suri, AOR

For Respondent(s) Ms. Nidhi, AOR

Ms. Liz Mathew, AOR

Mr. Gautam Narayan, AOR
Ms. Shruthi Parasa, Adv.

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

SLP (C) No. 19058 of 2012

Heard Mr. P.S. Patwalia, learned Additional Solicitor General
and Ms. Nidhi, learned counsel for the respondent.

In this special leave petition, the petitioner-Union of India had called in question, the judgment and order dated 27.3.2012 passed by the Division Bench of the Gauhati High Court in Writ Petition (C) No.2324 of 2011. During the pendency of the special leave petition, on the basis of an order passed on 15.1.2016 that was recorded on the foundation of the statement made by Mr. Patwalia, the competent authority of the Union of India afforded an opportunity of hearing to the respondent and passed an order on 15.7.2016.

In our considered opinion, the direction issued by the Gauhati High Court, having been satisfied, nothing remains to be adjudicated in the present special leave petition.

At this juncture, Ms. Nidhi submitted that the respondent would like to challenge the orders passed by the competent authority as also the court martial proceedings.

In view of the aforesaid, we permit the respondent to challenge the said order before the appropriate forum in accordance with law within three months. Needless to say, the respondent will be at liberty to raise all contentions before the appropriate authority. The execution of the death sentence shall remain stayed for a period of six months. Needless to say, we have granted six months time so that the respondent can file appropriate proceedings before the competent authority and the said authority can address the *lis* in accordance with law. The competent authority, if so advised, can always extend the order of stay. Needless to say, as we have not addressed to or adverted to the question of law that has been dwelled upon by the Gauhati High Court, the question of law is kept open.

The special leave petition is accordingly disposed of.

SLP(C) No. 5298 OF 2015

In the present special leave petition, the Union of India and its functionaries had called in question the legal acceptability of

the order dated 14.10.2014 passed by the High Court of Punjab and Haryana at Chandigarh in LPA No.585 of 2014. During the pendency of the special leave petition, vide order dated 20.2.2015, the next friend of the respondent was heard and on the basis of the oral hearing, the sentence of life imprisonment has been reduced to 14 years.

In view of the punishment imposed, we grant liberty to the respondent to challenge the same before the appropriate authority within a period of six months. If he files appropriate application before the competent authority, it shall be decided within a span of three months thereafter without being influenced by any of the observations made by the High Court or our non-interference.

The special leave petition is accordingly disposed of. Needless to say, all issues that have been raised in the special leave petition by both sides are kept open.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master