

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.158 OF 2017

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

CHANDRAKANT P. GAIKWAD JC 753199A

Respondent(s)

O R D E R

The respondent was appointed as a Sepoy on 30.08.1982. While he was working as a Junior Commissioned Officer holding the rank of Subedar, he was dismissed from service and was also sentenced to rigorous imprisonment for a period of one year, on certain charges that were proved before the Court Martial.

The order of punishment was challenged by him in the Armed Forces Tribunal, Regional Bench Mumbai. The Tribunal set aside the order of dismissal but the sentence of imprisonment for one year was maintained.

We are informed that he has undergone the sentence of one year. As the respondent would have retired on 30.08.2010 on completion of 28 years of service, he was deemed to have been discharged from service w.e.f. 30.08.2010 with all consequential benefits. A direction was given to work out the arrears

of his pension and other benefits and to make payment within a period of four months. On instructions, the learned counsel for the appellant submits that during the pendency of this appeal filed against the judgment of the Tribunal, the direction issued by the Tribunal has been implemented and the respondent has been paid his arrears and is continuously being paid the pensionary benefits.

In the facts and circumstances of the case, we see no reason to interfere with the order of the Tribunal. The appeal is, accordingly, dismissed. Pending applications, if any, stand disposed. of.

However, the question of law is left open.

.....J
(L.NAGESWARA RAO)

.....J
(AJAY RASTOGI)

NEW DELHI;
05th DECEMBER, 2019

ITEM NO.101

COURT NO.9

SECTION II-A

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

Criminal Appeal No(s).158/2017

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

CHANDRAKANT P. GAIKWAD JC753199A

Respondent(s)

Date : 05-12-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s) Ms. Swarupama Chaturvedi, Adv.
 Mr. Merusagar Samantray, Adv.
 Mr. Prakash Ranjan Nayak, Adv.
 Ms. Smita Choudhury, Adv.
 Mr. B.V. Balaram Das, AOR
 Mr. K. Luikang Micheal, Adv.
 Mr. Mukesh Kumar Maroria, AOR

For Respondent(s) Mr. Kunal Cheema, adv.
 Mr. Amol B. Karande, AOR
 Mr. Vilas Giri, Adv.
 Mr. Vijay S. Khamkar, Adv.
 Mr. Pulkit Tyagi, Adv.
 Mr. Raj Saheb Patil, Adv.

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

The appeal is dismissed in terms of the
signed order. Pending application, if any stand
disposed of.

(B. Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)