

L/Naik Mahabir Singh

Vs

Chief of Army Staff

Special Leave Petition (Criminal) No. 2304 of 1987

(Ranganath Misra, M. H. Kania JJ)

19.10.1987

ORDER

1. Heard counsel for the petitioner. This petition is barred by limitation and no application for condonation of delay has been made. We have, however, accepted the oral prayer of the counsel to condone the delay and have proceeded to hear the matter on merits.

2. Of the several submissions made, only one aspect deserves to be noticed. There was a summary court martial in which the petitioner was found guilty and was sentenced to six months' imprisonment and dismissed from service. The abstract of the proceeding produced as Annexure II to the petition shows that the proceedings were subject to review under the Army Act, Section 162. Counsel makes grievance that such review has not been done. We do not propose to issue notice but in case the decision of the summary court martial is subject to review, the authorities shall exercise jurisdiction of review and pass appropriate order or directions. A copy of this order shall be forwarded to the Army Headquarters at New Delhi for compliance to the extent indicated above. Special leave petition is disposed of accordingly.

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