

**ARMED FORCES TRIBUNAL REGIONAL BENCH, LUCKNOW**

**Review Application No. 77 of 2016**

Tuesday, the 19<sup>th</sup> day of July, 2016

**By Circulation  
Court No. 1**

**“Hon’ble Mr. Justice Abdul Mateen, Member (J)  
Hon’ble Lt. Gen. A.M. Verma, Member (A)”**

No. 14261926P L/Hav Bhanwar Pal Singh S/o Nathu Singh Village –  
Jitauli, District- Etah ..... Applicant

Versus

1. Chief of the Army Staff, New Delhi- 110011
2. General Officer Commanding Uttar Bharat Area, Bareilly.
3. Commandant-cum- Chief Records Officer, Sig Records Depot  
Regt Post Bag No. 5, Jabalpur.
4. Colonel R.K.Sharma, Commandant Sikh Light Inf. Regiment  
Centre Fatehgarh.
5. Union of India, Through, Secretary, Ministry of Defence New  
Delhi-110011. ... Respondents

**ORDER**

1. In this application, the front page which has an Index of Contents indicates at serial No.1 that it is a Review Application under Section 18

of the Armed Forces Tribunal Procedure Rules, 2008 whereas Page No.1 of the application indicates that this is an application for recall of the judgment dated 23.5.2016 passed in T.A. No. 571 of 2010. The prayer clause too requests that the order dated 23.5.2016 in T.A.No. 571 of 2010 may be recalled.

2. Our order dated 23.5.2016 passed in T.A.No. 571 of 2010 has held that during the SCM trial the petitioner had pleaded guilty for the charges imposed on him and there was no infirmity in SCM proceedings. We had also held that Sub Niranjn Singh, who was nominated to attend the SCM proceedings, did so. Accordingly, we had held that the petitioner did not deserve any relief and the T.A was dismissed. Now, by means of this review application, the petitioner has listed out thirteen errors alleged to be apparent on the face of record. These so-called 'errors apparent' include the delay in holding the SCM, in that, the event that had taken place in August, 1996 and came to the notice of the Respondents in 2000, for which the SCM was held in June, 2002. Another error is the time taken by the SCM which the petitioner says is inadequate. Another issue raised by the petitioner is with regard to the detailment of "Second Member of the Court Martial". SCM has provision for only one member who is the Presiding Officer. The petitioner says that the Court was adjourned *sine die* on 10.6.2002 to procure essential witnesses, but the names of these witnesses, according to the petitioner, were not disclosed, which is another error apparent on the face of record.

3. The petitioner accepted his guilt vide letter dated 3.7.2002. He now says that he was made to sign an application accepting his guilt. He further states that second Member of the SCM i.e. Sub Niranjan Singh was not present during the SCM held on 13.07.2002. The other errors were, according to the petitioner, with respect to time sought for investigation; the trial should have been by District Court Martial and the Court Martial was bad in the eye of law, as it was conducted without obtaining Expert Medical Opinion and that prior approval of competent authority was not obtained before passing the sentence of R.I in military custody.

4. We have carefully examined the errors pointed out by the petitioner and find that there is no substance in them. All these issues had been considered while passing our judgment on 23.5.2016. Accordingly, we find this review application lacking in merit and the same is hereby dismissed.

**(Lt. Gen A.M. Verma)**  
**Member (A)**

**July, 2016**

**(Justice Abdul Mateen)**  
**Member (J)**

**July, 2016**

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