

**FORM NO.4**  
**(SEE RULE 11 (1))**  
**IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA**  
**ORDER SHEET**

**APPLICATION No. O.A. No. 19/2010**

APPLICANT (S)	Ex Sepoy Govind Choubey
RESPONDENT (S)	Union of India & 4 Others
Legal Practitioner for Applicant (s)	Legal practitioner for Respondents
Mr. Subhas Chandra Basu	None

	<p style="text-align: center;"><b><u>ORDERS OF THE TRIBUNAL</u></b></p> <p><u>Order Serial Number:</u> 27 <span style="float: right;">Dated :26.03.2014</span></p>
	<p>Mr. Subhas Chandra Basu, learned Advocate appears for the appellant. Mr. Rajib Mukherjee, learned Advocate appearing for Mr. Dipak Kumar Mukherjee, the learned Advocate for the respondents prays for an adjournment. Such prayer stands granted unopposed. .</p> <p>However, in terms of our earlier order dated 17.07.2013, two files marked as Appendix A and B containing eight items have been produced by the respondents. The respondents have also produced some other documents which were not earlier produced such as JAG review report and the original court of inquiry proceedings in a separate envelope. Let all these documents be kept with the record.</p> <p>A close scrutiny of these documents reveals that the appellant was charge-sheeted under section 376 IPC and on submission of such charge sheet, the learned Chief Judicial Magistrate, Ranchi delivered the appellant together with relevant documents including the copies of the case records pertaining to Ranchi Sadar bearing G.R case No. 3302/2006 (FIR No. 183 2006 dated 27.09.2006) to the Military</p>

authorities as per the prayer of Major General S R Ghosh, General Officer Commanding vide his order dated 12.12.2006.

It further appears that in our earlier order dated 17.07.2013 at page 2 an explanation was sought from the appropriate authority as to why despite being charge-sheeted under Section 376 I.P.C., the appellant's case was finally handed over to the Military Court since the law is very specific that the offences u/s.376 IPC is exclusively triable by the learned Court of Sessions and there is no scope to hand over the case records to Military authorities for trial by Court Martial. Since the Id. Counsel for the respondents is not present, Capt. Sini Thomas, officiating OIC, Legal Cell, HQ Bengal Area is not in a position to offer any explanation in this regard. Under such circumstances, the Id. Counsel for the respondents is directed to obtain an explanation in this regard in terms of our order 17.07.2013 from GOC 23 Infantry Division at Ranchi and submit such explanation within six weeks from this date positively. Let a copy of the order be forwarded to 23 Infantry Division at Ranchi.

It further appears that most of the documents are required to be translated into English from its Hindi version. In such view of the matter, Hindi Translator of this Tribunal is directed to cause translation of those Hindi documents of both the files marked as Appendix A and B within two weeks from this date.

At this stage, Mr. Basu submits that after the documents are translated into English, he should be given liberty to inspect the same. Accordingly, liberty is granted to the learned counsel from both sides to inspect these documents upon observing the necessary formalities within two weeks thereafter.

In view of the above, let this matter be taken off the hearing list and be fixed for further order on 06.06.2014

A plain copy of the order, duly countersigned by the Tribunal Officer, be given to the parties upon observance of all usual formalities.

(Lt Gen K.P.D. Samanta)  
Member (Administrative)

(Justice Raghunath Ray)  
Member ( Judicial )