

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.7952 OF 2012

UNION OF INDIA & ORS.

APPELLANT(S)

VERSUS

AVIJIT MISRA

RESPONDENT(S)

O R D E R

We have heard learned counsel for the parties at some length.

We have also gone through the impugned judgment delivered by the Armed Forces Tribunal, Kolkata Bench. The Tribunal has upon reappraisal of the entire evidence come to the conclusion that the charges framed against the respondent had not been proved beyond a reasonable doubt. Although a valiant attempt was made by learned counsel for the appellant to argue that the said conclusion is not justified the same being against the weight of evidence on record, we are not impressed nor are we inclined to reappraise the evidence to upset pure finding of fact. That apart, the Tribunal has also recorded a finding that the respondent had not been given a fair and reasonable opportunity at the trial which vitiated the order passed by the Court Martial.

In the totality of these circumstance, therefore, we see no compelling reason to interfere with the impugned order especially when no substantial question of law of general public interest appears to be arising for our consideration. In the result, this appeal fails and is hereby dismissed.

No costs.

.....CJI.  
(T.S.THAKUR)

.....J.  
(R. BANUMATHI)

.....J.  
(UDAY UMESH LALIT)

NEW DELHI  
APRIL 27, 2016

ITEM NO.101

COURT NO.1

SECTION XVII

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

Civil Appeal No(s).7952/2012

UNION OF INDIA &amp; ORS.

Appellant(s)

VERSUS

AVIJIT MISRA

Respondent(s)

Date : 27/04/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s)

Mr. B. V. Balaram Das, Adv.

For Respondent(s)

Mr. Mushtaq Ahmad, Adv.  
Mrs. Sarla Chandra, Adv.

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

The civil appeal is dismissed in terms of the signed order.

(Ashok Raj Singh)  
Court Master

(Veena Khera)  
Court Master

(Signed Order is placed in the file)