

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2023  
(DIARY NO. 20933 OF 2022)

FLIGHT LIEUTENANT MPS GODARA . . . . . APPELLANT  
VERSUS  
UNION OF INDIA AND OTHERS . . . . . RESPONDENTS

**O R D E R**

Delay in re-filing is condoned.

Permission to appear and argue in-person is granted.

Leave to appeal is granted.

We have heard the appellant, who appears in-person.

The impugned order under challenge dated 06.04.2017 rejects the application for bail. The appellant is now on bail, and hence this appeal is infructuous.

However, the appellant has argued that because of the rejection of bail vide order dated 06.04.2017, certain statutory rights were denied to the appellant.

It is stated by the appellant that he has challenged the order dated 12.04.2017 and other orders in O.A.(Appeal) No. 948/2017, which is pending before the Armed Forces Tribunal, Principal Bench, New Delhi.

It is open to the appellant to raise all pleas and contentions in accordance with law in O.A.(Appeal) No. 948/2017. In view of the above, the appellant seeks liberty to withdraw the

present appeal.

Recording the aforesaid and in view of the statement made by the appellant, the present appeals are dismissed as withdrawn with liberty to the appellant to raise all pleas and contentions before the Armed Forces Appellate Tribunal, in accordance with law.

We clarify that we have made no comments on the merits, or the impact/effect of the impugned order dated 06.04.2017. The appellant's right to challenge the order dated 06.04.2017 post the decision of O.A.(Appeal) No. 948/2017 is also protected/granted.

.....J.  
(SANJIV KHANNA)

.....J.  
(M.M. SUNDRESH)

NEW DELHI;  
JANUARY 23, 2023.  
PS

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 SCRIMINAL APPEAL DIARY NO(S). 20933/2022

(Arising out of impugned judgment and order dated 06-04-2017 in MA No. 416/2017 and 02.05.2022 in M.A. No. 1140/2022 in MA 416/2017 & MA 546/2017 passed by the Armed Forces Tribunal, Principal Bench, New Delhi.)

FLIGHT LIEUTENANT MPS GODARA

PETITIONER(S)

VERSUS

UNION OF INDIA &amp; ORS.

RESPONDENT(S)

(FOR ADMISSION and IA No.187629/2022-CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS and IA No.187627/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.187631/2022-LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES TRIBUNAL ACT, 2007 )

Date : 23-01-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA  
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Petitioner-in-person

For Respondent(s)

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

Delay in re-filing is condoned.

Permission to appear and argue in-person is granted.

Leave to appeal is granted.

The appeals are dismissed as withdrawn in terms of the signed order.

(POOJA SHARMA)  
COURT MASTER (SH)

(Signed order is placed on the file.)

(R.S. NARAYANAN)  
COURT MASTER (NSH)