



2026:DHC:3223-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision 17th April, 2026*

+ **W.P.(C) 2163/2023**

AMOL SINGH

.....Petitioner

Through: Mr. Abhay Kumar Bhargava,
Mr. Satyaarth Sinha, Mr.
Ajinkya Dhalwade, Mr. Sanchit
Kumar, Advs.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Ms. Shubhra Parashar and Mr.
Virender Pratap Singh Charak
Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (ORAL)

AMIT MAHAJAN, J.

1. The present writ petition has been filed under Article 226 of the Constitution of India, by the Petitioner/ Sh. Amol Singh an erstwhile Constable in the Border Security Force ('BSF') assailing the Impugned Order dated 21.04.2022 passed by the Commandant of 112 BN BSF, whereby the Petitioner was *dismissed from service* pursuant to proceedings before a Summary Security Force Court ('SSFC'), as well as countersigning order dated 25.05.2022 and order dated 23.11.2022 rejecting the statutory petition preferred by the Petitioner.



2. Succinctly stated, the petitioner was serving in 112 Battalion, BSF when he was charged under Sections 31(b), 40 and 22(e) of the BSF Act, 1968, as under: -

1st Charge BSF ACT 1968 U/S - 31{b)	EXACTING MONEY FROM A PERSON WITHOUT PROPER AUTHORITY <i>in that he,</i> <i>in the month of Dec 2021 to Feb 2022 accepted transactions of Rs.15,000/- (Rupees fifteen thousand) on 02/12/2021, Rs.20,000/(Rupees twenty thousand) on 10/12/2021, and Rs.26,900/-(Rupees twenty six thousand nine hundred) on 10/02/2022 and other smaller transactions totaling Rs.96,900/-(Rupees ninety six thousand nine hundred) in the account of Smt Anshi Devi (wife of the friend of accused) for facilitating Indian tout namely Jahangir Gazi S/o Islam Gazi (age approx. 34 yrs) resident of Vill-Tarali (Uttarpara), PO Hakimpur, PS Swarupnagar, North 24 Parganas(WB)</i>
2nd Charge BSF ACT 1968 U/S -40	AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE <i>in that he,</i> <i>On 01/04/2022 at about 1825 hrs, when mobile phone of Indian tout namely Jahangir Gazi S/o Islam Gazi (age approx. 34 yrs) resident of Vill -Tarali (Uttarpara), PO Hakimpur, PS-Swarupnagar, North 24 Parganas (WB) was checked by 'G' staff, found suspected chatting on his whatsapp number and after thorough checking; his email ID i.e. amolsingh23375@gmail.com was also found in mobile possessed by the Indian tout.</i>
3rd Charge BSF ACT 1968 U/S - 22(e)	NEGLECTING TO OBEY LOCAL ORDER <i>in that he,</i> <i>On 01/04/2022 while Offg Coy Comdr of BOP Tarali 'A' Coy along with 'G' Staff carried out a surprise mobile checking on the basis of chatting with Indian tout, found 03</i>



	<i>(three) mobile phones in his possession; which is violation of the local order and instructions issued vide DG's Secretariat L/No.DG's Instrs/BSF/2012/197 dated 27/01/2012</i>
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3. A Record of Evidence was ordered on 04.04.2022. *Vide* Order dated 19.04.2022, the SSFC was directed to be assembled on 21.04.2022, to initiate trial against the Petitioner. Pertinently, the above Order records, that the Friend of the Accused-Sh. Jagdish Chand Pant and Interpreter-Sh. Narayan Chand were also directed to attend the proceedings.

4. During the proceedings held on 21.04.2022, the Petitioner, admittedly, *pleaded guilty* to both the 1st and the 2nd charge. His plea of guilt was recorded and the same also bears his signatures. The same is reproduced as under: -

“ **PAGE - B**
The charge sheet is read (translated) and explained to the accused, marked annexure 'B-2', signed by the Court and attached to the proceedings.

Arraignment

Q-1. Question to the Accused.

How say you No. 102552090 CT/GD Amol Singh, are you guilty or not guilty of the 1st Charge?

A-1. Answer by the accused.

Guilty.

The Accused having pleaded guilty to the 1st charge, the Court explains to the accused the meaning of that charge to which he has pleaded guilty and ascertains that the accused understands the nature of the charge(s) to which he has pleaded guilty. The Court also informs the accused in the language he understands, the general effect of that plea and



the difference in procedure which will be followed consequent to the said plea. The court having satisfied itself that the accused understands the charge(s) and the effect of his plea of guilty and satisfied from the record/abstract of evidence or otherwise that there is no need for the accused to withdraw his plea of guilty, accepts his plea and records the same. The provisions of Rule 142(2) are complied with.

Q-2. Question to the Accused.

How say you NO.1 02552090 CT/GD Amol Singh, are you guilty or not guilty of the 2nd Charge?

A-2. Answer by the accused.

Guilty.

The Accused having pleaded guilty to the 2nd charge, the Court explains to the accused the meaning of that charge to which he has pleaded guilty and ascertains that the accused understands the nature of the charge(s) to which he has pleaded guilty. the Court also informs the accused in the language he understands, the general effect of that plea and the difference in procedure which will be followed consequent to the said plea. The court having satisfied itself that the accused understands the charge(s) and the effect of his plea of guilty and satisfied from the record/abstract of evidence or otherwise that there is no need for the accused to withdraw his plea of guilty, accepts his plea and records the same. The provisions of Rule 142(2) are complied with.

Sd- (accused with date)

Sd- (friend of

accused with date)

Sd- (The Court) “

(emphasis supplied)

5. Hence, the SSFC conducted proceedings on the *plea of guilt* by the Petitioner, recorded that the Record of Evidence has been read,



translated and explained to him and then recorded the statement of the Petitioner in reference of charge and mitigation of punishment of the Petitioner, as under: -

“Findings of the court

The accused No. 102552090 CT/GD Amol Singh, 112 Bn BSF is found guilty of both the charges.

The record of evidence is read (translated) explained and marked Exhibit-K, signed by the Court and attached to the proceedings.

Q-1. Question to the accused.

Do you wish to make any statement in reference to the charge or in mitigation of punishment?

A-1. Answer by the accused.

*In my 12 years of service, I have not even one bad entry in my service record. **I have been admitting right from the beginning that a mistake has been done by me and I shall never repeat it.** It may kindly be considered that I have 02 small kids, 01 younger sister for marriage, 01 younger brother and parents dependent upon me. My father is asthma patient & mother also remain unwell. I am yet to repay loan of around 10.5lakhs which I had taken for my sister marriage in Jan 2019. So I request for some leniency by the Court.*

Q-2. Question to the accused.

Do you wish to call any witness as to character?

A-2. Answer by the accused.

No

”

(emphasis supplied)

6. After accepting the plea of the Petitioner and upon consideration of the material on record, the SSFC found the petitioner guilty and consequently, awarded the punishment of *dismissal from*



service. The DIG BSF SHQ Kolkata countersigned the SSFC trial proceedings on 25.05.2022.

7. The statutory petition preferred by the Petitioner under Section 117(2) of the BSF Act challenging the above order, came to be rejected by the DG, BSF, *vide* order dated 23.11.2022, wherein it was noted that the findings were supported by evidence on record, including financial transactions and electronic communication linking the Petitioner with a smuggler/tout. Relevant extract is reproduced hereinbelow: -

“3. On being arraigned by the Court, the petitioner pleaded 'Guilty' to both the charges. The Court, thereafter, complied with the provisions of Rule 142(2) of the BSF Rules, 1969. Having satisfied that the petitioner has understood the provisions of Rule 142(2), the Court accepted the plea. ROE was read over and, thereafter, the petitioner was found 'Guilty' of the charges. The Court, thereafter, saw his service profile. His general character has been assessed as 'Satisfactory'. The Court, thereafter, sentenced him 'to be dismissed from service'. DIG BSF SHQ Kolkata has countersigned the SSFC trial proceedings on 25-05-2022.

4. Feeling aggrieved, the petitioner has submitted a statutory petition dated 08-07-2022 addressed to the DIG BSF. The points raised by the petitioner in his petition are as under:-

(a) That the petitioner has served the department to the entire satisfaction of the superiors and has unblemished and meritorious record.

(b) The petitioner was trapped in a false case while working at BOP Tarali, 112 Bn BSF Kalyani, Distt



Nadiya.

(c) **Petitioner admitted his guilt on both the charges and requested for mercy keeping in view his family responsibilities of parents, wife and two small children.**

(d) Petitioner has never been convicted earlier and he has four cash rewards given by the Commandant. In spite of such career profile he has been sentenced to be dismissed from service.

(e) Petitioner has prayed that dismissal has ruined his life, he is on the brink of starvation along with his family members and has requested that extreme penalty of dismissal may be commuted to any other punishment and he may be reinstated in service. He has also requested to give him a personal hearing in the matter.

5) In a case of pleading of 'Guilty', which the petitioner has done in this case, no evidence is required to be led before the Court. This is the reason that after acceptance of the plea of Guilty by the Court, no witness has been examined before the SSFC.

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13. A perusal of evidence above clearly reveals that the petitioner, while deployed on the border, was in communication with an Indian National, Smuggler/Tout Jahangir Gaji through his whatsapp chats. Petitioner had given account details of Smt. Anshi Devi and Shri Vinod Yadav to the said Jahangir Gaji and accordingly transaction of money has been done on different dates starting from 25.09.2021 to 10.02.2022, total eight such financial transactions. These financial transactions clearly reveal involvement of



*the petitioner for personal gains with the said Indian smuggler/tout. **Petitioner has accepted the said fact, however, has requested for commutation of the sentence so that he can continue with his service. Petitioner has mainly prayed that his record is clean and he has committed the mistake which he has admitted and therefore he should be dealt with leniently considering his family commitments. Conduct of the petitioner is reprehensible where he has fallen prey to the financial greed and has seriously compromised the security of the nation and has broken the faith which is reposed in him as a trained soldier of the Force. Such misconduct cannot be dealt with leniently.***

14. The DG BSF has gone through the points raised by NO.102552090 Ex Ct(GD) Amol Singh of 112 Bn BSF, the petitioner, in his statutory petition dated 08.07.2022 addressed to the DG BSF, the evidence contained in the SSFC trial proceedings and have also considered all the attending facts and circumstances of the case.

15. The DG found that the petitioner while deployed on the border came in contact with anti-national elements namely Jahangir Gaji, Indian Smuggler/Tout and developed intimacy. Petitioner through his Whatsapp number shared bank details of Mrs Anshi Devi, wife of his friend namely Shri Anurag Yadav and details of Shri Vinod Yadav, his friend. Accordingly, transaction of money by way of deposit has taken place in the account of Mrs Anshi Devi from 25.09.2021 to 09.01.2022, total seven transactions, where money has been deposited through Sahin Sardar at Hakimpur through SBI CSP. Similarly, one transaction of money has taken place in the account of Shri Vinod Yadav on 10.02.2021. It is, thus,



clear that such deposit of money through Jahangir Gaji was apparently as a motive/reward for showing favours to him. Petitioner was deployed on sensitive Indo-Bangladesh Border and has thus indulged in smuggling or anti-national activities. Petitioner has accepted the fact of his involvement. Thus, the petitioner has committed serious offences for financial gains. Such criminal conducts are reprehensible. Petitioner, being a uniform personnel, was expected to discharge his duties honestly and conscientiously which he has not done.

16. In view of the above, the DG found that findings of the Court are duly supported by the evidence available in the ROE proceedings and the plea of guilt tendered by the petitioner. Petitioner has remained associated with the trial and trial has been conducted in accordance with law. Sentence awarded is just and legal. The DG has, therefore, concluded that the petition lacks merit and has, accordingly, rejected the same.

(emphasis supplied)

8. Aggrieved, the Petitioner has approached this Court, by way of the present petition.

9. The learned Counsel for the Petitioner, though admits that the Petitioner has pleaded guilty to the charges and that the charges were not incorrect, however, argues that the Petitioner pleaded guilty on an assumption that a lenient view would be taken and he did not fully understand the consequences of such plea.

10. He further submits that the proceedings were not conducted in the language understood by the Petitioner i.e. Hindi and therefore, the plea of guilt cannot be said to be voluntary or informed.



11. *Per contra*, the learned Counsel for the Respondents vehemently submit that the present petition is liable to be dismissed as the Petitioner voluntarily pleaded guilty and that the findings are supported by material on record, and that no prejudice has been caused.

12. It is further submitted that the misconduct is grave in nature, involving breach of discipline by a member of a force entrusted with border security, and that the punishment imposed is justified.

13. Submissions heard and the original record of the SSFC has been perused by this Court.

14. It is well settled that the scope of judicial review in matters arising out of disciplinary proceedings, particularly by the armed forces, is well circumscribed. This Court cannot sit as an appellate authority over disciplinary proceedings and interference is warranted only in cases of procedural illegality, perversity, or violation of principles of natural justice. It is also no more *res-integra* that adequacy of evidence or reappraisal thereof is not within the domain of judicial review.

15. Now, advertent to the facts of the instant case, the SSFC proceedings specifically record that the charge-sheet was read, translated and explained to the Petitioner and upon being arraigned, the Petitioner pleaded guilty to both charges. Meaning and nature of the charges, the general effect of such a plea and the difference in procedure which will be followed consequent to the said plea was also explained to the Petitioner. It also emerges that an Interpreter was duly appointed and affirmed to faithfully interpret and translate the



proceedings. The presence of a *Friend of the Accused* is also recorded and the same also bears the signatures of the Friend as well as the Petitioner.

16. The statement made by the Petitioner in mitigation of punishment further fortifies the conclusion that the *plea of guilt* was voluntary and informed. In the said statement, the Petitioner not only *acknowledged his mistake* but also referred to his length of service and personal circumstances, including his dependent family members and financial liabilities, while seeking leniency.

17. It is also noteworthy that the Record of Evidence was also read, translated and explained to the Petitioner. Total 7 prosecution witnesses were examined, and it stands recorded that *the statements of each witness were read over to them in the presence of the accused, independent witness and shorthand type writer, in the language which they understand i.e. Hindi and they have signed it as correct.* The same also bears the signatures of the Petitioner along with the date.

18. Significantly, at no stage did the Petitioner raised any objection regarding the language of the proceedings or his understanding thereof. Even the stand of the Petitioner, in his own Statutory Petition, is wholly inconsistent with the contention of any language barrier or unawareness of consequences. The relevant paragraph of his petition is reproduced hereinbelow: -

“6. That it is humbly submitted that the charges were explained for which the applicant fairly admitted his guilt for the charges at Charge No. 1 & Charge No. 2 also however the applicant submitted that in his 12 years of services there had never been any bad entries in his service



records even once thus requested for mercy with the undertaking to never repeat such mistake on the premises having wife with two small kids, 01 unmarried younger sister, 01 younger brother and dependent old aged ailing parents Suffering from multiple diseases accordingly requested for some leniency by the court.”

19. Hence, the natural corollary of the above is that the Petitioner was fully aware of the nature of the proceedings and the charges against him, actively participated therein, appended his signatures at the relevant stages, and even advanced a detailed plea in mitigation of sentence. Notably, the only defense sought to be urged by him was for leniency on account of his family circumstances. However, the Competent Authority, considering that the findings of guilt were also supported by a detailed appreciation of the material on record (establishing the Petitioner’s involvement in maintaining contact with a known smuggler/tout) and such conduct amounts to a serious breach of discipline and a conscious compromise of the trust reposed in a member of a force entrusted with safeguarding national borders, declined to take a lenient view and dismissed the Petitioner from service, which does not appear disproportionate.

20. The Petitioner’s reliance on the judgment dated 28.08.2024, passed in *W.P. (C) 3294/2023 titled Rajneesh v. Union of India*, by a Coordinate Bench of this Court, is also misplaced as the same is distinguishable on facts. In the above captioned case, the Petitioner therein had assailed the conviction proceedings by the SSFC and the consequent penalty of *dismissal from service*, essentially on the ground that the Commandant had coerced him to plead guilty and Rule 142 was not complied with. Being weighed by the same, the



judgment was passed, in the facts of that case, setting aside the conviction of the Petitioner, with liberty to the Department to initiate a fresh trial.

21. However, in the present case, it is an admitted position and the record also reflects that, the Petitioner has never denied that he is guilty of the charges and has also admitted his “*mistake*” on multiple occasions. Once such grave charges, which strike at the core of national security and integrity, have been admitted by the Petitioner, the quantum of punishment imposed would lie primarily within the domain of the Competent Authority and unless the punishment is shown to be *shockingly disproportionate to the gravity of the misconduct or suffers from arbitrariness*, this Court, in exercise of its jurisdiction under Article 226 of the Constitution, should refrain from re-opening concluded proceedings on any hyper-technical grounds raised at a belated stage.

22. In view of the foregoing, this Court is of the considered view that no ground for interference has been made out with the penalty imposed.

23. The present petition is accordingly dismissed, along with pending application(s), if any.

AMIT MAHAJAN, J.

ANIL KSHETARPAL, J.

APRIL 17, 2026

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