



2025:DHC:576-DB



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

Date of decision: 27th January, 2025

+ W.P.(C) 467/2025

ROHTASH KUMAR GODARAPetitioner
Through: Dr. Surender Singh Hooda, Adv

versus

BORDER SECURITY FORCERespondent
Through: Ms. Nidhi Raman, CGSC with
Mr. Ankur Yadav & Mr. Zubin
Singh, Advs. for R-1 & 2.
Mr.Hemender singh, (DC) BSF.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, praying for the following reliefs: -

“Issue a writ, order or direction in the nature of mandamus thereby directing the Respondent to suspend the Petitioner’s sentence of imprisonment in terms of Section 130 of the Border Security Force Act, 1968 and release the Petitioner forthwith till such time the Petitioner’s Statutory Petition against the findings and sentence dated 30.07.2024 passed by the Ld. GSFC is decided and a further period of 15 days in the event the Petitioner’s Statutory Petition is not allowed in order for the petitioner to avail subsequent remedy”



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2. The petitioner has been convicted by the General Security Force Court (GSFC) for the offences punishable under Section 354/448 of the Indian Penal Code (IPC), and by an Order dated 30.07.2024, the petitioner has been sentenced to undergo Rigorous Imprisonment of two years along with dismissal from Service.
3. The pre-confirmation petition filed under Section 117 (1) of the Border Security Force Act, 1968 (BSF Act) read with Rule 167(1) of the Border Security Force Rules, 1969 (BSF Rules), has also been rejected.
4. The learned counsel for the petitioner submits that the petitioner has submitted a post-confirmation petition under Section 117(2) of the BSF Act, and has also filed an application under Section 130(1) of the BSF Act, seeking suspension of his sentence. These petition/application was submitted to the Competent Authority on 09.12.2024. The petitioner is aggrieved by the fact that these have not been decided till date.
5. The learned counsel for the respondent has submitted that the petitioner has undergone 37 days of Open Arrest (before/during trial) between 23.06.2024 to 29.07.2024, and 68 days of Rigorous Imprisonment in the Force custody (post-trial) from 30.07.2024 to 05.10.2024.
6. The learned counsel for the petitioner submits that, thereafter, the petitioner has been lodged at Central Jail, Coimbatore, and there has been no break in his custody period.
7. Keeping in view the above facts, we direct the respondent to



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decide the post-confirmation petition filed by the petitioner within a period of three weeks from today. In case the respondent is unable to decide on the same, for any reason whatsoever, the application of the petitioner for seeking suspension of sentence shall be decided within the same period, and an order thereon shall be communicated to the petitioner. In case, the petitioner is aggrieved by the order so passed, it shall be open to the petitioner to challenge the same in accordance with law.

8. The petition is disposed of with the above directions.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 27, 2025

ab/sk/DG

Click here to check corrigendum, if any