

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISCELLANEOUS PETITION NO. 7930 OF 2010
in
CRIMINAL APPEAL NO. 302 OF 2005

DEPUTY INSPECTOR GENERAL, BSF

APPELLANT

VERSUS

STATE OF WEST BENGAL & ORS.

RESPONDENTS

O R D E R

We find that the judgment of the High Court is perfectly in accordance with law. The respondent-accused was not on active duty when the alleged incident took place and he was, therefore, not triable under Section 80 read with Section 4 of the Border Security Force Act. There is also no record to show the same.

The Appeal stands dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[C.K. PRASAD]

NEW DELHI
AUGUST 09, 2010.