

**MISC. CASE NO. 6 OF 2021**  
**REF. CASE NO. 5 OF 2020**

**09.11.2021**

1. Register this application as separate Misc. Case. Director (Inquiry) filed an application dated 08.11.2021 stating that the Preliminary Inquiry of the case could not be completed within the extended time as there were lockdown/curfews from time to time and also restriction of the movement of persons and suspension of activities under different orders of the Government of Manipur. The copies of the said orders of Government of Manipur are annexed with the present application which are as listed below:

| Sl. No. | Order Date                      | File No.   |
|---------|---------------------------------|--|
| 1.      | 3 <sup>rd</sup> May, 2020       | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 2.      | 6 <sup>th</sup> May, 2020       | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 3.      | 19 <sup>th</sup> May, 2020      | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 4.      | 1 <sup>st</sup> June, 2020      | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 5.      | 8 <sup>th</sup> June, 2020      | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 6.      | 15 <sup>th</sup> June, 2020     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 7.      | 20 <sup>th</sup> June, 2020     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 8.      | 30 <sup>th</sup> June, 2020     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 9.      | 4 <sup>th</sup> July, 2020      | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 10.     | 10 <sup>th</sup> July, 2020     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 11.     | 13 <sup>th</sup> July, 2020     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 12.     | 23 <sup>rd</sup> July, 2020     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 13.     | 30 <sup>th</sup> July, 2020     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 14.     | 15 <sup>th</sup> August, 2020   | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 15.     | 25 <sup>th</sup> August, 2020   | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 16.     | 1 <sup>st</sup> October, 2020   | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 17.     | 31 <sup>st</sup> October, 2020  | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 18.     | 27 <sup>th</sup> November, 2020 | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 19.     | 22 <sup>nd</sup> December, 2020 | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 20.     | 30 <sup>th</sup> December, 2020 | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 21.     | 11 <sup>th</sup> February, 2021 | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 22.     | 19 <sup>th</sup> February, 2021 | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 23.     | 23 <sup>rd</sup> February, 2021 | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |
| 24.     | 9 <sup>th</sup> March, 2021     | NO. 9/6(1)/2020-H(pt) order by Governor of Manipur |

2. The stipulated period for completion of the Preliminary Inquiry is provided under Chapter No.VII of the Manipur Lokayukta Act, 2014. Chapter VII of the Act consists of 5 sections viz. Section 20,21,22,23 and 24. Chapter No.VII prescribes the procedures in respect of preliminary inquiry and investigation. The rule of procedures are the handmaid of justice and not it's mistress.

The rules of procedures are made to advance the cause of justice not to defeat it. Even though the stipulated period for completion of the preliminary inquiry is provided under chapter VII of the Act, there shall be exceptional circumstances and situation for extending the stipulated period for completion of preliminary inquiry. The Hon'ble Supreme Court passed different orders (*viz. 23.03.2020, 27.04.2021 SMW(C) No. 3 of 2020 In Re: Cognizance For Extension of Limitation Miscellaneous Application No. 665 of 2021 and SM (C) No. 3 of 2020*) that in computing the period of limitation for any suit, appeal, application or proceeding under the general law of limitation or under any special laws (both Central and /or State), the period from 15.03.2020 till further order shall be excluded.

3. We have earlier passed orders for extension of the period for completion of the preliminary inquiry. However, the areas to be inspected in the course of preliminary inquiry are located at far flung areas of the hills district; for inspecting those areas certain arrangement for conveyance and other things are to be made. The required arrangement for inspection in the far flung areas takes some time. On further proceeding of the preliminary inquiry, it is reported that some more areas located in the interior areas of the hilly villages are required to be inspected with the technical experts. Assembling of the technical expert committee also takes some time. These are some of the exceptional circumstances for not completing the preliminary inquiry within the extended period. The inquiry officer is further cautioned that all the endeavours should be made to complete the preliminary inquiry as expeditiously as possible. The Inquiry officer is further cautioned that the prayer for extension of the preliminary inquiry period will not be entertained as a routine procedure.

4. Keeping in view of the said orders of the Hon'ble Supreme Court and also the exceptional circumstances such as different orders of Government of Manipur for imposing restriction on the movement of persons and suspension of activities in the background of Covid-19 pandemic, we are of the considered view that there are exceptional circumstances for extending the period

for completion of preliminary inquiry for a period of another 90 days w.e.f. the date of passing of this order.

5. Misc. Case is allowed.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**