

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

11.08.2021

1. Register this application as separate Misc. Case. Director (Inquiry) filed an application dated 10.08.2021 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 rd May, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
2.	6 th May, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
3.	19 th May, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
4.	1 st June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
5.	8 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
6.	15 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
7.	20 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
8.	30 th June, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
9.	4 th July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
10.	10 th July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
11.	13 th July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
12.	23 rd July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
13.	30 th July, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
14.	15 th August, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
15.	25 th August, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
16.	1 st October, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
17.	31 st October, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
18.	27 th November, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
19.	22 nd December, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
20.	30 th December, 2020	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
21.	11 th February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
22.	19 th February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
23.	23 rd February, 2021	NO. 9/6(1)/2020-H(pt) order by Governor of Manipur
24.	9 th 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.

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