

**MISC. CASE NO. 11 OF 2021**  
**(Ref.: Complaint case no. 2 of 2020)**

**12.01.2022**

[1] Learned senior counsel, Mr. H. Ishawarlal Singh assisted by Mr. A. Jankinath Sharma, Advocate appearing for the respondent nos. 3 and 4. The complainant and his special power of attorney holder are also present today.

[2] By our order dated 07.01.2022, we have already rejected the application for granting leave for filing rejoinder on behalf of the respondent nos. 3 and 4 to the counter affidavit filed by the complainant in the present misc. case. There is now law that in spite of rejection of the earlier application for granting leave to file rejoinder on behalf of the respondent nos. 3 and 4, the respondents can repeatedly file application for seeking the same prayer. It is not acceptable. The respondents have completely lost sight of the principle of *res judicata*.

[3] Mr. H. Ishawarlal Singh, learned senior counsel appearing for the respondent nos. 3 and 4 contended that the present reply is only the denial of facts mentioned in the counter affidavit of the complainant filed in the present misc. case. If that be so, he already had filed their comment in the main complaint denying the allegations and assertion made by the complainant against them. This being the situation, keeping in view of the principle of *res judicata* and also our earlier order dated 07.01.2022 rejecting the application for granting leave to file rejoinder on behalf of the respondent nos. 3 and 4 to the counter affidavit filed by the complainant in the present misc. case, we are not entertaining the present application seeking the same prayer i.e. leave to file rejoinder on behalf of the respondent nos. 3 and 4 to the counter

affidavit filed by the complainant in the present misc. case is not entertained.

[4] Mr. H. Ishawarlal Singh, learned senior counsel further contended that the signatures of the complainant appearing in the present complaint, verification, attestation and sworn affidavit in support of the complaint are forged one inasmuch as the signatures of the complainant appearing in the RTI application dated 15.01.2019 filed before the State Chief Information Officer, Government of Manipur and RTI application dated 17.11.2018 filed before the Information Officer, Manipur State Power Company Limited (MSPCL) are found different from the signatures of the complainant appearing in the complaint, verification, attestation and sworn affidavit in support of the complaint.

[5] Mr. H. Ishawarlal Singh, learned senior counsel further submitted that the signature appearing in the RTI applications are considered only for the purpose of comparison with the signature of the complainant appearing in the present complaint, verification, attestation and sworn affidavit in support of the complaint. The learned senior counsel further contended that on 15.09.2021 his junior counsel had furnished 5 (five) copies of the written comments in respect of the respondent nos. 2 , 4, 7, 9 and 10 filed in connection with the present complaint by informing Shri Th. Niros Kr. Singh through mobile no. 8974002604 which is found in the complaint. The said mobile number mentioned in the complaint happened to be the mobile number of Shri Manihar Sarangthem and also that Shri Manihar Sarangthem put his signature on the margin of the first page of the written comments as “Th. Niros Kr.” by purporting himself to be “Th. Niros Kr. Singh” in presence of

the junior counsel. Learned senior counsel further stated that the signatures of Shri Th. Nirosh Kr. Singh appeared in the RTI applications dated 15.01.2019 and 17.11.2018 when compared with those of the signatures of the complaint, verification, attestation and sworn affidavit in support of the documents filed in the complaint are found to be different. Therefore, it is the clear cut case of the respondent nos. 3 and 4 that the complainant of the present case is to the signatures of the complainant appearing in the complaint, verification, attestation and sworn affidavit in support of the complaint are forged. It is not the case of the respondent nos. 3 and 4 that the signature of the complainant appearing in said RTI applications dated 15.01.2019 and 17.11.2018 are forged but those signatures appearing in the said applications are taken for consideration only for the purpose of comparison with the signature of the complainant appearing in complaint, verification, attestation and sworn affidavit in support of the complaint.

[6] In such circumstances, in the next hearing, we have to decide as to whether in the present clear cut fact and circumstances, the alleged offences comes under section 195 (1) (b) (i) or Section 195 (1) (b) (ii) Cr.P.C. and also the maintainability of the present case.

[7] List this case for hearing on 21.01.2022.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**