

COMPLAINT CASE NO. 2 OF 2020

15.07.2022

1. A copy of the common Order dated 08.06.2022 of the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) passed in (i) Cril. Misc. (AB) Case No. 5 of 2022 Ref. FIR No. 4(2)2022 CB P.S/U/s 120-B34 IPC & S. 7(B)/13 P.C. Act and (ii) Cril. Misc. (AB) Case No. 17 of 2022 Ref : - FIR No. 4(2)2022 CB P.S U/s 120-B34 IPC & S. 7(B)/13 P.C. Act for granting Anticipatory Bail to the petitioners/accused of the said bail applications i.e. Cril Misc. (AB) Case No. 17 of 2022 and Cril. Misc. Case (AB) Case No. 5 of 2022 by making the interim order dated 14.02.2022 passed in Cril. Misc. Case (AB) Case No. 5 of 2022 and interim order dated 11.04.2022 passed in Cril Misc. (AB) Case No. 17 of 2022 absolute is placed before us.

2. On perusal of the common order dated 08.06.2022, it is really surprising that the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) passed the order acquitting the applicants/accused of the said bail cases by entering into the merit of the case even before completion of the investigation of the FIR case No. 4(2)2022 CB P.S/U/s 120-B34 IPC & S. 7(B)/13 P.C. Act and also even before the trial is started. This type of common order granting bail by acquitting the applicants/accused by entering into the merit even before completion of the investigation is perverse. This type of common order is unknown in the criminal jurisprudence. Operating portion of the interim order dated 14.02.2022 passed in Cril. Misc. (AB) Case No. 5 of 2022 Ref.: FIR No. 4(2)2022 CB P.S/U/s 120-B34 IPC & S. 7(B)/13 P.C. Act between N. Sarat Singh & 2 Ors. vs. Sp, Kakching District, Crime Branch Police Station, Imphal reads as follows:

“Considering all aspects, interim anticipatory bail is granted to the petitioners till the next date. Thus, in the event of their arrest, the I.O. is directed to release the petitioners on interimbail on their furnishing P.R. Bond of Rs. 1,00,000/- (one lakh) each with one surety (Government Employee) each of the like amount and on the conditions that:-

1. **The petitioners shall appear before the I.O. between 8.00 a.m. to 10.00 a.m. on every day starting from 15.02.2022 till the next date or as and when directed by the I.O.;**
2. **The petitioners shall not influence any prosecution witness(es);**
3. **The petitioners shall co-operate with the investigation of the case and**
4. **The petitioners shall not leave the State without prior permission of this Court.”**

3. It is clear that the petitioners/accused, Shri N. Sarat Singh of Cril. Misc. (AB) Case No. 5 of 2022 had not only violated the condition of the interim order dated 14.02.2022 but jumped the interim bail order. One paradigm of violating the condition imposed in the interim bail order dated 14.02.2022 passed in Cril. Misc. (AB) Case No. 5 of 2022 by the petitioner/accused Shri N. Sarat Singh is that Shri N. Sarat Singh had left the State of Manipur for Bangalore without the prior permission of the Court on 30.03.2022 through Indigo Flight No. 6E525 with PNR Travel No. YHPD2L with booking date as 27.03.2022. The call data record shows that the accused person No. 1, Shri N. Sarat Singh was in Agartala Airport at 16:34 hours on 30.03.2022 as the said flight travelled from Imphal to Bangalore via Agartala. Such violation of the condition of the interim bail order had been brought to the notice of the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) by filing an application dated 12.04.2022 for cancellation of interim Anticipatory bail order dated 14.02.2022 passed in Cril. Misc. (AB) Case No. 5 of 2022 in favour of Shri N. Sarat Singh. Surprisingly, on careful perusal of the common order dated 08.06.2022 passed in Cril. Misc. (AB) Case No. 5 of 2022 and Cril. Misc. (AB) Case No. 17 of 2022 there is not a whisper regarding the violation of the condition of interim bail order by the Accused person No. 1, Shri N. Sarat Singh and also for jumping the bail. The common order dated 08.06.2022 is perverse and also happens to discuss irrelevant materials and had accepted whatever the defence plea taken by the petitioners/accused.

By adopting a procedure unknown to criminal jurisprudence, the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) passed the said common order for acquitting the accused persons even before completion of the investigation and even before starting the trial. The very Judge i.e. the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) who passed the said common order dated 08.06.2022 is the Judge, who has to take up the trial after submission of the charges, if any filed by the Investigating Officer in the FIR No. 4(2)2022 CB P.S/U/s 120-B34 IPC & S. 7(B)/13 P.C. Act. Such being the situation, the perverse common order dated 08.06.2022 passed in Cril. Misc. (AB) Case No. 5 of 2022 and Cril. Misc. (AB) Case No. 17 of 2022 shall certainly be in the way of fair trial of the criminal case if the charge sheet is submitted in the FIR No. 4(2)2022 CB P.S/U/s 120-B34 IPC & S. 7(B)/13 P.C. Act.

4. The peculiar fact and circumstances are revealed in the FIR No. 4(2)2022 CB P.S/U/s 120-B34 IPC & S. 7(B)/13 P.C. Act for requirement of the custodial interrogation for proper and effective investigation. Such circumstances and materials were brought to the notice of the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) by filing several bail objection applications by the investigating officer but they were not at all taken into consideration by the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) in her common order dated 08.06.2022 but she abruptly without any reasons and discussion come to the conclusion that custodial interrogation of the accused persons are not required. It is also clear from the record that the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur), after passing the interim bail order dated 14.02.2022, adjourned the hearing of the bail application on several occasions without any reasons thereby allowing the petitioners/accused to take undue advantage of the interim bail order for a long period and the petitioners/accused continue to enjoy the

interim bail order even to the extent of flouting the condition of the interim bail order. Regarding this matter, we are constrained to make observation that the proceeding of the interim bail application is not fair.

5. In the above stated circumstances, we deem it appropriate that a Criminal Revision is required to be filed before the Hon'ble High Court of Manipur against the common order dated 08.06.2022 passed in Cril. Misc. (AB) Case No. 5 of 2022 and Cril. Misc. (AB) Case No. 17 of 2022 of the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) for cancellation of the bail. Accordingly, the Investigating Officer, Shri Shrey Vats, IPS (SP, Kakching) is directed to file a Criminal Revision against the common order dated 08.06.2022 passed in Cril. Misc. (AB) Case No. 5 of 2022 and Cril. Misc. (AB) Case No. 17 of 2022 for cancellation of the bail and also for challenging perverse observation made by the learned Sessions Judge, Imphal East (Special Court, Manipur Lokayukta, Manipur) in common order dated 08.06.2022 for acquitting the petitioners/accused by considering on merit even before completion of the investigation and even before trial is started. Investigating Officer, Shri Shrey Vats, IPS shall co-ordinate with Shri Rarry Mangsatabam, Conducting Counsel of Manipur Lokayukta.

5. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order, forthwith, to:

1. Investigating Officer of the present case i.e. Complaint Case No. 2 of 2020, Shri Shrey Vats, IPS (SP, Kakching); and
2. Shri Rarry Mangsatabam, Conducting Counsel of Manipur Lokayukta.

Sd/-
MEMBER

Sd/-
CHAIRPERSON