

**BEFORE**  
**MANIPUR LOKAYUKTA**

*3<sup>rd</sup> Floor, Directorate Complex, 2<sup>nd</sup> MR, North AOC, Imphal*

**COMPLAINT CASE NO. 1 OF 2019**

Mr. Bashan Singh Waikhom

.... COMPLAINANT

-Vs-

1. Dr. M. Shyamo Singh, Ex-Director, JNIMS, Porompat
2. Dr. Angam, Professor, Dept. of Forensic Medicine, JNIMS, Porompat, Imphal East

... RESPONDENTS

**BEFORE**

**Mr. Justice T. Nandakumar Singh, Hon'ble Chairperson**  
**Mr. Ameising Luikham, Hon'ble Member**

**Date of Order :**     22.11.2019

**ORDER**

[1] Perused the application dated 21.11.2019 filed by the Director (Inquiry), Manipur Lokayukta for deputing the inquiry officers namely (i) Shri S. Nandabapu Sharma, Dy. SP of Manipur Lokayukta and (ii) Sahidur Rahaman, Head Constable, Manipur Lokayukta to Delhi for examining Dr. Mutum Shyamo Singh, aged about 64 years, S/o (L) M. Amutombi Singh of Lalambung Makhong Takhellambam Leikai, Imphal West against whom the present complaint has been filed. It is stated in the said application that Dr. Mutum Shyamo Singh is now lodged at Tihar Jail in connection with Case No. RC-05/2017/NIA/DLI of NIA.

[2] By an order of this Lokayukta dated 02.09.2019, Lokayukta invoking the power and jurisdiction under Section 20 (1) (a) of the Manipur Lokayukta Act, 2014, the Director (Inquiry) Manipur Lokayukta has been directed to conduct a Preliminary inquiry as to whether there exists prima facie case for proceeding the present complaint. Section 20 (2) of Manipur Lokayukta Act, 2014 provided that during the preliminary inquiry referred to in sub-section (1), the Inquiry Wing on the basis of material can seek/collect the comments on the allegations made in the complaint from the public servant i.e. Dr. Mutum Shyamo Singh. For easy reference Section 20 (1) and (2) of the Manipur Lokayukta Act, 2014 is quoted hereunder :

**“20. (1) The Lokayukta on receipt of a complaint, if it decides to proceed further, may order-**

- (a) preliminary inquiry against any public servant by its Inquiry Wing or any agency to ascertain whether there exists a prima facie case for proceeding in the matter; or**
- (b) investigation by any agency where there exists a prima facie case:**

**Provided that before ordering an investigation under clause (b), the Lokayukta shall call for an explanation of the public servant so as to determine whether there exists a prima facie case for investigation :**

**Provided further that the seeking of explanation from the public servant before an investigation shall not interfere with the search and seizure, if any, required to be undertaken by any agency under this Act.**

- (2) During the preliminary inquiry referred to in sub-section (1), the Inquiry Wing or any agency shall conduct a preliminary inquiry and on the basis of material, information and documents collected seek the comments on the allegations made in the complaint from the public servant and competent authority and after obtaining the comments of the concerned public servant and competent authority, submit, within sixty days from the date of receipt of the reference, a report to the Lokayukta.”**

[3] Under Section 27 of the Manipur Lokayukta Act, 2014, the Inquiry Wing of the Lokayukta shall have all the powers of a civil court, under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely :-

- (i) summoning and enforcing the attendance of any person and examining him on oath;

[3.1] Further, under Section 28 (2) of the Manipur Lokayukta Act, 2014, the Inquiry wing for the purpose of Preliminary Inquiry, subject to direction and control of the Lokayukta, has the following powers :-

- (a) summon and enforce the attendance of any person and examine him;
- (b) require the discovery and production of any document; and
- (c) requisition any public record or copy thereof from any office.

For better understanding, Section 27 and Section 28 (2) are reproduced hereunder :

**“27 (1) Subject to the provisions of this section, for the purpose of any preliminary inquiry, the Inquiry Wing of the Lokayukta shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:-**

- (i) summoning and enforcing the attendance of any person and examining him on oath;**
- (ii) requiring the discovery and production of any document;**
- (iii) receiving evidence on affidavits;**
- (iv) requisitioning any public record or copy thereof from any court or office;**
- (v) issuing commissions for the examination of witnesses or documents:**

**Provided that such commission, in case of a witness, shall be issued only where the witness in the opinion of the Lokayukta, is not in a position to attend the proceeding before the Lokayukta; and**

- (vi) such other matters as may be prescribed.**

**(2) Any proceeding before the Lokayukta shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.**

**28. (2) For the purpose of preliminary inquiry or investigation into any matter pertaining to such inquiry or investigation, any officer or organization or agency whose services are utilized under sub-section (1) may, subject to the direction and control of the Lokayukta, -**

- (a) summon and enforce the attendance of any person and examine him;**
- (b) require the discovery and production of any document; and**
- (c) requisition any public record or copy thereof from any office.”**

[4] On the materials available on the record as well as on perusal of the said application dated 21.11.2019, it appears that the Inquiry officers of the Inquiry Wing of the Manipur Lokayukta require the examination of Dr. Mutum Shyamo Singh, against whom the present complaint has been filed as provided under the relevant provisions of Manipur Lokayukta Act, 2014 quoted above. Such being the situation, the Lokayukta has no alternative except to depute the said two inquiry officers i.e. (i) Shri S. Nandabapu Sharma, Dy. SP of Manipur Lokayukta and (ii) Sahidur Rahaman, Head Constable, Manipur Lokayukta to Delhi for examination of Dr. Mutum Shyamo Singh in the interest of justice and also for proper inquiry of the allegations alleged in the present complaint against Dr. Mutum Shyamo Singh. Further, it is clear from the

present application that Dr. Mutum Shyamo Singh is now in the custody of Tihar Jail in connection with Case No. RC-05/2017/NIA/DLI of NIA. This being the situation, the said two inquiry officers who are now being deputed to Delhi for examination of Dr. Mutum Shyamo Singh lodged in Tihar Jail in connection with Case No. RC-05/2017/NIA/DLI of NIA, if necessary, may obtain the orders from the concerned Special Judge of the said case i.e. Case No. RC-05/2017/NIA/DLI of NIA. The concerned Police Officer/Officer of NIA conducting the said case i.e. Case No. RC-05/2017/NIA/DLI of NIA shall give full cooperation to the said two inquiry officers of Manipur Lokayukta while examining and recording statements of Dr. Mutum Shyamo Singh now lodged in Tihar Jail in connection with Case No. RC-05/2017/NIA/DLI of NIA.

[5] The Registry is directed to furnish a copy of this order to the concerned officer of NIA and the concerned Special Judge of the NIA case i.e. Case No. RC-05/2017/NIA/DLI of NIA at New Delhi.

[6] The Secretary, Manipur Lokayukta has to take necessary steps required for deputing the said two inquiry officers namely (i) Shri S. Nandabapu Sharma, Dy. SP of Manipur Lokayukta and (ii) Sahidur Rahaman, Head Constable, Manipur Lokayukta to Delhi i.e. conveyance and accommodation of the said two inquiry officers at Delhi.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**