

COMPLAINT CASE NO. 2 OF 2020

22.07.2022

1. In the present complaint, hearing of the Misc. Case No. 11 of 2021 is going on for deciding the issue formulated under our order dated 12.01.2022 as under:

“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.”

2. While hearing of the Misc. Case No. 11 of 2021 is going on, the learned counsel appearing for the parties referred to the main case i.e. Complaint Case No. 2 of 2020 and therefore, the Complaint Case No. 2 of 2020 is placed before us whenever the Misc. Case No. 11 of 2021 is listed for hearing.

3. The Misc. Case No. 11 of 2021 was registered on an application filed by the Respondent No. 3 (Shri Thokchom Kaminimohon Singh) and Respondent No. 4 (Shri (Manoharmayum Budhachandra Sharma) for filing a complaint of the Hon'ble Court against the complainant/ Opposite party for punishing under Section 211, 417, 419, 463, 464, 465, 468, 469, 471 & 34 IPC f r/w Section 46(1) of the Manipur Lokayukta Act, 2014. In the main complaint whatever the orders passed by the Hon'ble High Court in the Writ Petitions filed by the respondents before the Hon'ble High Court of Manipur are placed in the record. On 08.07.2022, a reasoned order of the Hon'ble Single Bench of the Hon'ble High Court of Manipur dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022 was placed before us. In our order dated 08.07.2022, we simply quoted what the Hon'ble High Court of Manipur made observation and findings in the said reasoned judgment and order dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022. With due respect, what the Hon'ble High Court of Manipur expected from the Manipur Lokayukta, in its judgment and order dated 04.07.2022, we keep our words. In nowhere of our order dated 08.07.2022, we passed any direction or instruction to the State Government to furnish the reason for delay in taking decision regarding the recommendation of the Manipur Lokayukta as mandated under Section 32 (2) of the Manipur Lokayukta Act, 2014. In the light of the expectation of the High Court of Manipur from the Manipur Lokayukta in the said judgment and order dated 04.07.2022 passed in W.P. (C) No.

161 of 2022 and the batch, we made an observation vide para 7 of our order dated 08.07.2022 that

“7. Manipur Lokayukta is duty bound to follow the procedure contemplated under Section 48 of the Manipur Lokayukta Act, 2014. In compliance of the judgment and order dated 04.07.2022 of the Hon’ble High Court of Manipur passed in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022 in true spirit and terms, we are not making observation as to the delay in taking decision by the Government regarding our recommendation. However, the Government being a law abiding authority under the Constitution of India has to take a decision on the recommendation of the Manipur Lokayukta as held by the Hon’ble High Court of Manipur in its judgment and order dated 04.07.2022 passed in in W.P. (C) No. 161 of 2022 with W. P. (C) No. 168 of 2022, W.P. (C) No. 171 of 2022 and W.P. (C) No. 225 of 2022 as early as possible.”

4. Therefore, we did not pass any order, we simply observed that the Government has to take the decision on the recommendation of the Manipur Lokayukta as held by the Hon’ble High Court of Manipur in its judgment and order dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 and the batch. It goes without saying that the direction of the Hon’ble High Court in its judgment and order dated 04.07.2022 should be complied with by the State Government as early as possible.

5. It is settled law that “Judges interpret statutes, they do not interpret judgments. They interpret words of statutes, their words are not to be interpreted as statutes.” See para 9 of the SCC in **Bharat Petroleum Corporation Ltd. & Anr. vs. N.R. Vairamani & Anr. (2004) 8 SCC 579.**

Para 9 of the SCC in Bharat Petroleum’s case (supra) read as follows:

“9. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid’s theorems nor as provisions of a statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not

to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. In London Graving Dock Co. Ltd. v. Horton² (AC at p.761) Lord MacDermott observed: (All ER p. 14 C-D)”

6. The ratio laid down in Bharat Petroleum’s case (supra) is followed by Hon’ble Supreme Court in **U.P. State Electricity Board vs. Pooran Chandra Pandey and Ors. (2007) 11 SCC 92**. Para 15 of the SCC in U.P. State Electricity Board’s case (supra) read as follows:

“15. As held in Bharat Petroleum Corpn. Ltd. v. N.R, Vairamani a decision cannot be relied on without disclosing the factual situation. In the same judgment this Court also observed: (SCC pp. 584-85, paras 9-12)

“9. Court should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of courts are neither to be read as Euclid’s theorems nor as provisions of a statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. In London Graving Dock Co. Ltd. v. Horton (AC at p.761) Lord MacDermott observed: (All ER p.14 C-D)”

7. It is to mention here that the Respondents of the complaint case misunderstood our order dated 08.07.2022 and state that we have passed our order in violation of the said reasoned order of the Hon’ble High Court of Manipur dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 and the batch. In compliance of the judgment and order dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 and the batch, in true spirit and terms, we fully complied, what are expected from us by the Hon’ble High Court in its order dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 and the batch. We simply discharge our statutory duties keeping in view of the observations and finding made by the Hon’ble High Court in its reasoned order dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 and the batch and restraining the sui-jurist quasi-judicial authority from exercising their power and jurisdiction prescribed under Manipur Lokayukta Act, 2014 is unknown. It is also unknown in the judicial setup/practice and procedure

that a legal notice can be issued to a sui-jurist quasi-judicial authority through its Deputy Registrar in a matter relating with pending judicial proceeding. If such practice is adopted, it is not far that one day, legal notice may be issued to the High Court through its Registrar in the matter relating with pending judicial proceedings. Hon'ble High Court in its high degree reasoned order dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 and the batch already made a clear view findings that no civil consequences against the petitioners will follow from such action of the Manipur Lokayukta i.e. recommendation for conducting investigation strictly in terms and the relevant provision of the Manipur Lokayukta Act and Rules and also that Manipur Lokayukta has the power and jurisdiction to make such recommendation. Hon'ble High Court did not find material or ground to interfere with such recommendation at this stage of the proceeding of the present writ petition. The reasoned order dated 04.07.2022 passed in W.P. (C) No. 161 of 2022 and the batch passed by the Hon'ble High Court of Manipur is also binding to the parties of the present case. Interim order prayed for and rejected earlier in W.P. (C) No. 161 of 2022 and batch cannot repeatedly ask for in the later stage by taking undue advantage of skilful drafting of the same interim prayer in same proceedings of W.P. (C) No. 161 of 2022 and batch.

8. Put up this case on the day fixed for hearing of the Misc. Case No. 11 of 2011 (Reference Complaint Case No. 2 of 2020) i.e. on 29.07.2022.

Sd/-
MEMBER

Sd/-
CHAIRPERSON