

MISC. CASE NO. 3 OF 2020
REF. : COMPLAINT CASE NO. 2 OF 2019

24.11.2020

1. It is clear from the record that the complainant has been filing applications one after another in the manner desirable to him. Machinery of investigating authority cannot be taken for a ride inasmuch as investigating authority has to follow the procedure prescribed by law. Whosoever is high and exalted cannot be above law. Investigation cannot be at the whims of an authority who may be the complainant or the respondents. The Lokayukta in discharge of our official duty had welcomed anybody who approached us for filing the complaint against anybody. It is encouraging to see that Mr. Corneleus, the complainant had filed the present complaint against the authority and individuals mentioned in his complaint.

2. Lokayukta passed an order dated 28.09.2019 after careful perusal of the documents and also the supporting documents that the Lokayukta was of the considered view that a Preliminary Inquiry against the respondents/opposite parties to ascertain as to whether or not there exists a prima facie case for proceeding the present complaint was required. Accordingly, we directed the Inquiry Wing, Manipur Lokayukta to conduct a Preliminary Inquiry. In the course of the Preliminary Inquiry, the officer conducting the Preliminary Inquiry examined the present complainant and also recorded the statements of others. It is abundantly clear that the complainant was given sufficient chance to submit whatever he wanted to say in relation with the present complaint before the officer conducting the inquiry. The inquiry officer submitted the Preliminary Inquiry report before the Manipur Lokayukta. As required under Section 20(3) of the Manipur Lokayukta Act, 2014, Manipur Lokayukta has given ample opportunity of being heard to the public servant against whom the complaint has been filed and also the complainant to decide as to whether there exist a prima facie case for investigation by any agency or not. The complainant and the respondents had been given sufficient opportunity to file their comment to the Preliminary Inquiry report. Over and above, the complainant and the respondents were heard so that they could submit their respective case and also their comment on the Preliminary Inquiry report.

3. As per the record, it is clear that the complainant was heard on number of occasions so that he could submit whatever he wants to say in respect of the present complaint. Ultimately after hearing the complainant and also the respondents at length, this Lokayukta passed a reasoned order dated 22.07.2020 comprising of 17 pages wherein 3 (three) directions were made. One of the directions reads as under :

“Mr. Sarangthem Hemanta Singh, MPS, Additional SP (Vigilance) is directed to investigate the present case by exercising all the powers conferred under the Manipur Lokayukta Act, 2014. Since the present case is especially entrusted to him, he shall conduct the investigation with full coordination with the Director (Inquiry), Manipur Lokayukta i.e. Mr. Koijam Radhashyam Singh, IPS, IGP (Intelligence & Narcotics & Border Affairs). In the course of investigation of the present case, he will not be under the supervision of his superior officer i.e. SP (Vigilance). It is also made clear that the investigation of the present case is in addition to his normal duty. Director General of Police, Manipur is to be informed accordingly. Further, Mr. Sarangthem Hemanta Singh, MPS, Additional SP (Vigilance) is directed to complete the investigation as expeditiously as possible i.e. within a period of 4 (four) months inasmuch as almost all the necessary materials for investigation had already been collected by the Inquiry Wing, Manipur Lokayukta.”

4. While investigation is going on, Mr. Corneleus, the complainant, filed another application dated 14.10.2020 praying for issuing specific order for inclusion/arraying in the FIR the following individuals:

- i) Shri Rouwaithang (Respondent No. 6) being left out in the F.I.R. without discharge from the case.
- ii) Shri Ch. Bishwachandra, the then Executive Engineer of Chandel/Tengnoupal Division, PWD, Manipur.
- iii) Shri Kh. Temba Singh, Chief Engineer, PWD, Manipur.
- iv) ACE-II and SE-II of PWD, Manipur as on 12th March, 2018 and 23rd March, 2018.

5. Taking into consideration the said application, the Lokayukta again passed an order dated 26.10.2020 directing the Inquiry Wing, Manipur Lokayukta to make a Preliminary Inquiry as to whether there exists a prima facie case for substantiating the allegations against the said 4 (four) persons/individuals made in the application dated 14.10.2020. It has been informed that the Director (Inquiry), Manipur Lokayukta, in pursuance of the order dated 26.10.2020, is submitting his report.

6. Again, the complainant filed the present application dated 10.11.2020, as if he is the authority above the investigating officers to investigate in the manner he desires. It is not more *res integra* that investigating authority should be given free hand in conducting the investigation of a case. Even the High Court and the Supreme Court cannot direct the investigating officer to investigate in a particular manner desired by the Court inasmuch as such direction will amount to interference the free and fair investigation of the case but the Court could only direct the investigating authority to investigate the case by following the procedure prescribed by law.

7. In the peculiar facts and circumstances of present case, at the present stage of investigation, such type of piecemeal application filed by the complainant who had availed numerous opportunity of being heard on several occasions, cannot be entertained by us for it will amount to interference of the free and fair investigation of the case being conducted by the investigating officers.

8. Misc. application is disposed of accordingly.

9. Deputy Registrar, Manipur Lokayukta is directed to furnish a copy of this order to the complainant as well as to the Director (Inquiry), Manipur Lokayukta for necessary information.

Sd/-

MEMBER

Sd/-

CHAIRPERSON