

## COMPLAINT CASE NO. 1 OF 2019

10.11.2022

1. Perused the office note dated 09.11.2022, wherein it is stated that Director (Inquiry), Manipur Lokayukta has submitted a letter dated 10.10.2022 requesting for granting sanction under section 20 (7) (a) of the Manipur Lokayukta Act, 2014 for prosecution of the accused persons/public servants u/s 409/420/120-B/34 IPC r/w 13 (1)(a) & 13 (2) of Prevention of Corruption Act, (2018 Amendment). The Director (Inquiry), Manipur Lokayukta in his letter dated 10.10.2022 has also enclosed a letter from Shri S. Hemanta Singh, MPS, Addl. Supdt. of Police, V&AC PS, Manipur (I.O. of the Case) submitting the final investigation report dated 04.10.2022 of the present case.

2. We have also perused the investigation report dated 04.10.2022 of the FIR No. 1(4)2021 CB-PS u/s 409/420/120-B/34 IPC, 13(1)(a)(b) & 13(2) PC Act submitted by the investigating officer. Para no. 12 of the investigation report dated 04.10.2022 read as follows :

**“12. Charge against the accused persons:**

**It has been well established from the investigation of the case that, while submitting the list of equipments to the Director, JNIMS, the accused official namely, Dr. L. Fimate, the then HOD, Department of Forensic Medicine, JNIMS, included HPLC machine in the list of 20 equipments required for 4th renewal MCI inspection in collusion with Dr. G. Angam, the then Assistant Professor, Department of Forensic Medicine, JNIMS, thereby agreed to do the illegal act of procuring the HPLC machine by omission or commission and hence hatched a criminal conspiracy with late Dr. M Shyamo Singh, the then Director of JNIMS. While submitting the list of equipments to be procure, to the Principal Secretary (Health and family Welfare) for cabinet approval, Dr. M Shyamo Singh, the then Director of JNIMS, on persuaded hard by Dr. G. Angam, submitted HPLC machine as a mandatory item for MCI inspection, concealing the facts that HPLC machine was not a mandatory item for MCI inspection and thus, deceived the Cabinet**

fraudulently or dishonestly and procured the HPLC machine thereby while holding office as public servant abused their position and obtained for the company, namely, Indian Instruments Manufacturing Co. Kolkata, pecuniary advantage. Hence, a case is well made out under Section 420/120 B IPC & 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 against the accused persons namely Dr. L. Fimate and Dr. G. Angam and there is sufficient evidence to prove the charges.”

3. We have also perused the application dated 10.10.2022 of the Director (Inquiry), Manipur Lokayukta praying for issuing prosecution sanction against the 2 (two) accused persons/public servants mentioned in the investigation report inasmuch as the 2 (two) accused persons are public servants as defined under section 2 (1) (m) of the Manipur Lokayukta Act, 2014. The said 2 (two) accused persons who are public servants against whom prosecution sanction is to be granted under section 20 (7) (a) of the Manipur Lokayukta Act, 2014 are :

- (1) Dr. L. Fimate, the then HOD, Department of Forensic Medicine, JNIMS, aged about 70 years, S/o Rev. H.L. Nguru of Ebenezer villa near Shija Hospital, P.O. Langol, P.S. Lamphel, Imphal West District, Manipur; and
- (2) Dr. G. Angam, the then Assistant Professor, Department of Forensic Medicine, JNIMS, aged about 52 years, S/o (L) Gangmei Gaipuga of Dimdailong, Sanjenthong, P.O. Imphal, P.S. Porompat, Imphal East District, Manipur.

3.1. For easy reference, section 20 (7) of the Manipur Lokayukta Act, 2014 is reproduced hereunder:

***“20. (7) The Lokayukta shall consider every report received by it under sub-section (6) from the Investigating agency and after obtaining the comments of the competent authority and the public servant may—***

***(a) grant sanction to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant;***

***(b) direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants.”***

4. Section 20 (7) of the Manipur Lokayukta Act, 2014 mandates the obtaining of the comment from the competent authority and public servant(s) for considering as to whether prosecution sanction is to be granted or not to its Prosecution Wing or investigating agency to file charge sheet or direct closure of report before the Special Court against the public servant or direct the competent authority to initiate the departmental proceedings or any other appropriate action against the concerned public servants. The ‘competent authority’ and ‘public servant’ under the Manipur Lokayukta Act, 2014 are clearly defined under Section 2 (1) (c) and Section 2 (1) (m) of the Manipur Lokayukta Act, 2014 respectively. For easy reference Section 2 (1) (c) and Section 2 (1) (m) of the Manipur Lokayukta Act, 2014 are reproduced hereunder:

**“S. 2 (1) (c) :**

**Competent authority”, in relation to —**

- (i) the Chief Minister, means the Manipur Legislative Assembly;**
- (ii) a member of the Council of Ministers, means the Chief Minister;**
- (iii) a member of the Manipur Legislative Assembly other than the minister means the Speaker of the Manipur Legislative Assembly;**
- (iv) an Officer in the Department of the State Government means the Minister in charge of the Department under which such officer is serving;**

- (v) a chairperson or members of anybody, or Board or corporation or authority or company or society or autonomous body (by whatever name called) established or constituted under an Act of the State Legislature or wholly or partly financed by the State Government or controlled by it, means the Minister in charge of such body, or Board or corporation or authority or company or society or autonomous body;
- (vi) an officer of any body or Board or Corporation or authority or company or society or autonomous body (by whatever named called) established or constituted under an Act of the State Legislature or Wholly or partly financed by the State Government or controlled by it, means the head of such body or Board or corporation or authority or company or society or autonomous body;
- (vii) in any other case not falling under sub-clauses (i) to (vi) above, means such department or authority as the State Government may, by notification, specify:

Provided that if any person referred to in sub-clause (v) or sub-clause (vi) is also a Member of the Manipur Legislative Assembly, then the competent authority shall be the Speaker of the Manipur Legislative Assembly;

**S. 2 (1) (m) :**

“public servant” means a person referred to in clauses (a) to (g) of sub-section (1) of section 14 but does not include a public servant in respect of whom the jurisdiction is exercisable by any court or other authority under the Army Act, 1950, the Air Force Act, 1950, the Navy Act, 1957 and the Coast Guard Act, 1978 or the procedure is applicable to such public servant under those Acts;”

5. On perusal of the investigation report, it is clear that investigation report has been submitted against the 2 (two) accused persons namely, (1) Dr. L. Fimate, the then HOD,

Department of Forensic Medicine, JNIMS and (2) Dr. G. Angam, the then Assistant Professor, Department of Forensic Medicine, JNIMS.

6. As clearly mentioned above, in compliance of the requirement mentioned under Section 20 (7) of the Manipur Lokayukta Act, 2014, the comment to the Investigation Report are to be obtained from the competent authority of the 2 (two) accused public servants and also from the 2 (two) accused public servants themselves.

7. Deputy Registrar, Manipur Lokayukta is directed to call comment to the Investigation Report from the competent authority of the said 2 (two) accused public servants and also from the 2 (two) accused public servants themselves in terms of the provision under section 2 (v) and 2 (vi) of the Manipur Lokayukta Act, 2014 for taking a decision as provided under Section 20 (7) of the Manipur Lokayukta Act, 2014.

8. Deputy Registrar, Manipur Lokayukta is further directed to obtain the comment from the competent authority and the 2 (two) accused public servants to the investigation report on or before **30.11.2022.**

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**