

**MISC. CASE NO. 12 OF 2024**  
*Ref. : Complaint Case No. 4 of 2020*

**05.01.2024**

1. Perused the letter of Director (Inquiry), Manipur Lokayukta being No. 4/ML/DIR(INQ)/2020/02 dated 04.01.2024 requesting for requisition for Technical Appraisal Team. The said letter of the Director (Inquiry), Manipur Lokayukta is enclosed with a letter of Mr. Kaisungbou, MPS (JAG) Addl. Sp NH 2 Senapati, who is the Investigating Officer of FIR No. 4(09)2023 CB-PS u/s 7(b)/13 PC Act & 120-B/34 IPC.

2. Register this as Misc. Case.

3. It is unfortunate that there is a considerable delay in the completion of investigation of the present FIR No. 4(09)2023 CB-PS u/s 7(b)/13 PC Act & 120-B/34 IPC inasmuch as the Manipur Lokayukta vide its order dated 18.09.2023 had passed an order for registration of and FIR and investigation of the case. Accordingly, FIR No. 4(09)2023 CB-PS u/s 7(b)/13 PC Act & 120-B/34 IPC was registered but for certain reason(s) there was change of investigating officer of the present FIR and this is also one of the grounds for the delay in completion of the investigation. The Manipur Lokayukta Act, 2014 provides for completion of the investigation within a certain limited period.

4. During the stage of preliminary inquiry of the present complaint, vide our order dated 06.02.2021 passed in Misc. Case No. 1 of 2021 (Ref.: Complaint Case No. 4 of 2020), we have already constituted a Technical Appraisal Team. After submission of Preliminary Inquiry Report, it is learnt that the present case and nature of allegation is/are almost similar with Complaint Case No. 5 of 2020. In Complaint Case No. 5 of 2020, we have already passed an order dated 05.12.2023 in its Misc. Case No. 10 of 2023 for constitution of a Technical Appraisal Team for assisting the investigation. The operative portion of the said order dated 05.12.2023 passed in Misc. Case No. 10 of 2023 (Ref.: Complaint Case no. 5 of 2020) is quoted hereunder:

**“3. During the stage of Preliminary Inquiry of the present Complaint, we have already constituted a Technical Appraisal Team vide our order dated 06.02.2021 comprising of (i) Mr. Telheiba Konsam, EE/Thoubal Division (from PWD, Manipur) and (ii) Mr. Longjam Rojendro Singh, Executive Engineer, DRDA (from the RD&PR Department, Govt. of Manipur).**

**4. After considering the fact that the previous Technical Appraisal Team was constituted during the course of Preliminary Inquiry and the prevailing law and order situation of Manipur, we are of the considered view that a new Technical Appraisal Team is required to be constituted.**

5. In the circumstances stated above, a new Technical Appraisal Team comprising of (i) Mr. R. Ningthoujao, EE/DBD-I, Water Resources Department, Manipur and (ii) Md. Tafsir Alam, EE/KCD-II, Water Resources Department, Manipur to assist the Investigating Officer of the present FIR i.e. FIR No. 5(09)2023 CB-PS u/s 7(b)/13PC Act & 120-B/34 IPC by invoking our jurisdiction under Section 28 of the Manipur Lokayukta Act, 2014. For easy reference Section 28 of the Manipur Lokayukta Act, 2014 is reproduced hereunder:

*“28. (1) The Lokayukta may, for the purpose of conducting any preliminary inquiry or investigation, utilize the services of any officer or organization or investigation agency of the State Government.*

*(2) For the purpose of preliminary inquiry or investigating 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.*

*(3) The officer or organization or agency whose services are utilized under sub-section (2) shall inquire or, as the case may be, investigation into any matter pertaining to the preliminary inquiry or investigation and submit a report thereon to the Lokayukta within such period as may be specified by it in this behalf.”*

5. In the above factual matrix, we are of the view that the same Technical Appraisal Team, comprising of (i) Mr. R. Ningthoujao, EE/DBD-I, Water Resources Department, Manipur and (ii) Md. Tafsir Alam, EE/KCD-II, Water Resources Department, Manipur, which was constituted in Complaint Case No. 5 of 2020 shall also be the Technical Appraisal Team of the present case. Accordingly, a Technical Appraisal Team consisting of **(i) Mr. R. Ningthoujao, EE/DBD-I, Water Resources Department, Manipur and (ii) Md. Tafsir Alam, EE/KCD-II, Water Resources Department, Manipur** is constituted for assisting the investigating office of the present FIR No. 4(09)2023 CB-PS u/s 7(b)/13 PC Act & 120-B/34 IPC.

6. In the given case, we are to observe that the investigating officer has to think whether all the work sites, which have already been visited by the inquiry officer along with the Technical Appraisal Team during the course of preliminary inquiry, are required to be visited again or not. It is up to the investigating officer to take his own decision so as to avoid further long delay in the completion of the investigation of the present FIR No. 4(09)2023 CB-PS u/s 7(b)/13 PC Act & 120-B/34 IPC. We are simply making observation that visiting or re-visiting of the work sites may not be required inasmuch as all the records, opinion of the

Technical Appraisal Team who had visited the work sites earlier had already been submitted and the said reports are available in the record of the present case.

7. It may be pertinent to make an observation here that the work of the 2 (two) Engineers namely, (i) Mr. R. Ningthoujao, EE/DBD-I, Water Resources Department, Manipur and (ii) Md. Tafsir Alam, EE/KCD-II, Water Resources Department, Manipur for assisting the Investigating Officer in the technical matter mentioned above will not be heavy and also will not be a long engagement. The date(s) of meeting with the Inquiry Officer will be intimated later on by the Director (Inquiry), Manipur Lokayukta.

7. Deputy Registrar, Manipur Lokayukta is directed to inform (i) the Director (Inquiry), Manipur Lokayukta; (ii) the Chief Engineer, Water Resources Department, Manipur; (iii) Mr. Kaisungbou, MPS (JAG) Addl. Sp NH 2 Senapati (Investigating Officer), (iv) Mr. R. Ningthoujao, EE/DBD-I, Water Resources Department, Manipur and (v) Md. Tafsir Alam, EE/KCD-II, Water Resources Department, Manipur for necessary action.

Sd/-  
**MEMBER**

Sd/-  
**CHAIRPERSON**