

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
EL.Pet. No. 25 of 2022**

Lourembam Sanjit Singh

Petitioner

Vs.

Thounaojam Shyamkumar & 3 ors.

Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. SIDDHARTH MRIDUL

ORDER

19.07.2024

Mr. H.S. Paonam, learned senior counsel appears on behalf of the petitioner; and Mr. Abhi, learned counsel, appears on behalf of respondent No. 1.

Having heard learned counsel appearing on behalf of the parties and perused the respective pleadings, the following issues are framed for determination in the present proceedings:-

1. Whether the FIR No. 284(10)04 U/S 121/121-A/ 124-A/120B IPC 5-Exp Sub. Act, 10/13 UA(P) Act is still pending for investigation till date?
2. Whether the Respondent No. 1 has been arrayed as one of the Accused in the FIR No. 284(10)04 U/S 121/121-A/ 124-A/120B IPC 5-Exp Sub. Act, 10/13 UA(P) Act which is still pending for investigation till date?
3. Whether the non disclosure of the FIR No. 284(10)04 U/S 121/121-A/ 124-A/120B IPC 5-Exp Sub. Act, 10/13 UA(P) Act by the Respondent No. 1 (wherein the Respondent No. 1 has been arrayed as one of the Accused) in the Form-26 Affidavit submitted by the Respondent No. 1 filed along with the Nomination Paper in

respect of 7-Andro Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022 would amount to corrupt practice of undue influence?

4. Whether the election of the Respondent No. 1 from 7-Andro Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022 can be declared as void?
5. Whether the Respondent No. 2 namely Lourembam Sanjoy Singh is entitled to be declared as duly elected member from 7-Andro Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022?
6. Whether the Election Petition is maintainable when the Election Petitioner has not furnished any clear and unimpeachable evidence to establish that the name of the Respondent No. 1 was arrayed as an accused in the said alleged pending FIR Case No. 284(10)04 U/S 121/ 121-A/ 124-A/ 120B IPC 5-Exp Sub. Act, 10/13 UA(P) Act.
7. Whether the Election Petition is maintainable when there is no pleading in the Election Petition that the charges have been framed in the said alleged pending FIR Case No. 284(10) 04 U/S 121/121-A/124-A/120B IPC 5-Exp Sub. Act, 10/13 UA(P) Act against the Respondent No. 1?
8. Whether, the Election Petition is maintainable when the Election Petitioner has failed to disclose and plead in clear terms, the date on which the court had taken cognizance of offence said to have been made against the Respondent No. 1 and that certain charges

had been framed based on the said FIR, and that the necessary summons had been served on the Respondent No. 1, through court, before Respondent No. 1 had filed Form 26 affidavit along with the nomination paper?

List for further proceedings on 22.08.2024.

Indrajeet

CHIEF JUSTICE