

PIL No.9 of 2015**The Registrar General,**

High Court of Manipur,
Mantripukhri-795002, Imphal, Manipur.

....Petitioner.

-Versus-

State of Manipur, represented by the
Chief Secretary, Government of Manipur & 4 Ors.

....Respondents.

BEFORE
HON'BLE THE CHIEF JUSTICE
HON'BLE MR.JUSTICE N.KOTISWAR SINGH
04.09.2018
R.S. C.J,

[1] Considering the gravity of the offence committed against the children, this PIL focuses on the step to be taken to apprehend the convict, who has escaped the law enforcement agency and is reported to have gone abroad. Conviction and sentence imposed by the Court of competent jurisdiction could not be implemented for the heinous crime. The convict has committed against minor children.

[2] In this PIL, the focus is not only on bringing the convict to face the sentence imposed on him but also to ensure that similar offences, which is regularly happening throughout the country, more particularly, in the State of Manipur should be curbed with all seriousness that is required.

[3] Registry is directed to give copy of the judgment passed by the Special Judge, POCSO, Imphal West in Spl. Trial No. 1 of 2017 in c/w FIR Case No.2(2)2015 WPS/CCP: The State of Manipur Vs Timothy L. Changsang, to Mr. S. Suresh, learned ASG, so that he will get instruction in the matter from the Central Government.

[4] The respondent No.5, represented by Mr.S.Suresh, learned ASG is the competent authority to inform the Court as to the steps taken to address the problem of child abuse and child trafficking.

[5] We note, with great agony, the number of cases that are being reported that children are subjected to inhuman torture and abuse and in the name of adoption many children are taken away out of the country and their whereabouts are also not very clear. We would like to get suitable instruction from the respondent No.5 and the stand of the Union Government as to how this malady which is rampant in different States of the country will be controlled and eradicated.

[6] Today, when the matter is taken up, learned A.G produced a copy of certain proceedings issued by the Under Secretary (Home), Government of Manipur dated 25.8.2018, addressed to (1) the Chief Passport Officer, (2) the Joint Secretary, Ministry of External Affairs, Government of India, New Delhi, (3) the Director General of Police, Manipur and (4) the Joint Secretary (Finance), Government of Manipur, the contents of which are as follows:

“(1) No.20/3(90)/2018-J(LC) Imphal, 25.8.18

To

The Chief Passport Officer,
Passport Seva Kendra, Imphal,
Manipur.

Subject: PIL No.9 of 2015
R.G High Court of Manipur
Vs
The State of Manipur & Ors

Sir,

I am directed to refer to letter No.1/AG/2018/PIL/9-2018(C) dated 10.08.2018 from Junior Government Advocate to Ld.Advocate General, Manipur on the above subject.

The Hon'ble Court after perusing the action taken report and hearing the parties passed an

order dated 07.08.2018 with the following directions, among others.

- i. Investigating Officer shall give the details of the amount available in the Bank Accounts as reflected in the Action taken report.
- ii. The Chief Passport Officer, Passport Seva Kendra, Imphal, Manipur has been directed to submit details as per letter dated 29.06.2018 of the I.O of the Case.
- iii. To inform all the International Indian Embassies across the Globe as well as the Immigration Department to secure the absconding convict.
- iv. The I.O should take all possible steps to secure the absconding convict and the I.O has been directed to move the Special Court for an order of proclamation and other orders which may be necessary, etc.
- v. The Special Court has been directed to take all necessary steps to nab the convict.
- vi. The Managers of the Banks have also been directed to co-operate with the I.O by giving details of the amount standing in the frozen accounts of the convict.
- vii. The I.O shall explore the possibility of issue of red alert warning in the manner prescribed, so as to alert the Immigration authorities.

It is, requested to kindly furnish the action report in respect of (ii) above.”

“(2) No.20/3(90)/2018-H(LC) Imphal, 25.8.18

To

The Joint Secretary,
Ministry of External Affairs,
Government of India, New Delhi.

Subject: PIL No.9 of 2015
R.G. High Court of Manipur
Vs.
The State of Manipur &Ors

Sir,

I am directed to refer to letter No.1/AG/2018/PIL/9-2018(C) dated 10.08.2018 from Junior Government Advocate to Ld.Advocate General, Manipur on the above subject.

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- iii. To inform all the International Indian Embassies across the Globe as well as the Immigration Department to secure the absconding convict.
- iv. The I.O should take all possible steps to secure the absconding convict and the I.O has been directed to move the Special Court for an order of proclamation and other orders which may be necessary, etc.
- v. The Special Court has been directed to take all necessary steps to nab the convict.
- vi. The Managers of the Banks have also been directed to co-operate with the I.O by giving details of the amount standing in the frozen accounts of the convict.
- vii. The I.O shall explore the possibility of issue of red alert warning in the manner

prescribed, so as to alert the Immigration authorities.

It is, requested to kindly furnish the action report in respect of (ii) above.”

“(3) No.20/3(90)/2018-H(LC) Imphal, 25.8.18

To

The Director General of Police,
Manipur.

Subject: PIL No.9 of 2015
R.G. High Court of Manipur
Vs.
The State of Manipur &Ors

Sir,

I am directed to refer to letter No.1/AG/2018/PIL/9-2018(C) dated 10.08.2018 from Junior Government Advocate to Ld.Advocate General, Manipur on the above subject.

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- iii. To inform all the International Indian Embassies across the Globe as well as the Immigration Department to secure the absconding convict.
- iv. The I.O should take all possible steps to secure the absconding convict and the I.O has been directed to move the Special Court for an order of proclamation and other orders which may be necessary, etc.

- v. The Special Court has been directed to take all necessary steps to nab the convict.
- vi. The Managers of the Banks have also been directed to co-operate with the I.O by giving details of the amount standing in the frozen accounts of the convict.
- vii. The I.O shall explore the possibility of issue of red alert warning in the manner prescribed, so as to alert the Immigration authorities.

It is, requested to kindly furnish the action report in respect of (ii) above.”

“(4) No.20/3(90)/2018-H(LC) Imphal, 25.8.18

To

The Joint Secretary (Finance),
Government of Manipur.

Subject: PIL No.9 of 2015
R.G. High Court of Manipur
Vs.
The State of Manipur &Ors

Sir,

I am directed to refer to letter No.1/AG/2018/PIL/9-2018(C) dated 10.08.2018 from Junior Government Advocate to Ld.Advocate General, Manipur on the above subject.

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- vii. The I.O shall explore the possibility of issue of red alert warning in the manner prescribed, so as to alert the Immigration authorities.

It is, requested to kindly furnish the action report in respect of (ii) above.”

[7] We would like the individual authorities to respond by a report as to the steps taken by them pursuant to the direction of this Court.

[8] S.I., HauGinlianTonsing, the Investigating Officer of the case is directed to give a report after conducting proper investigation on the following aspects:

- (i) The officer shall go through all the Bank Accounts and trace the source of funding that has come to the Bank account of the council and his associates so as to identify the person who has transferred the amount to the

account of the convict, Timothy L. Changsang his associates or to society's accounts.

A detailed investigation should be made to trace the source of funding, the manner in which the amount that has been withdrawn and used for the illegal activity for which the accused person has been convicted by the Court of competent jurisdiction.

- (ii) The Investigating Officer, will also submit a special report to this Court at the earliest on or before 30.10.2018 before the date of subsequent hearing.
- (iii) The Investigating Officer will co-ordinate with officers of other States to identify the nexus between the gang and the other.

[9] **List the matter on 12.11.2018** for filing further report on steps taken.

[10] Copy of this order be furnished to the learned Advocate General and to Shri Suresh, ASG.

JUDGE

CHIEF JUSTICE

Priyojit

