

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

**W.P(C) No.622 of 2018 with
PIL No.9 of 2015**

North Eastern Children's Home Petitioner
- Versus -
State Bank of India & ors. *Respondents*

BEFORE
**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KH.NOBIN SINGH**

21.02.2019

R.S., CJ.

[1] Registrar (Judl.) has submitted orders passed by the Special Judge (POCSO), Imphal West on various dates, namely, 7.8.2018, 15.9.2018, 22.10.2018, 21.12.2018 and 31.01.2019. From the proceedings of the Special Judge (POCSO), Imphal West, it is evident that the Office-in-Charge has issued the proclamation order which shows that it has been signed by him. It should be in the name of the Special Judge (POCSO), Imphal West. A copy of such proclamation order issued by the Special Court was produced before this Court by Shri A.Bimol Singh, learned senior counsel.

Since the date of appearance of the convict had lapsed on 15th September, 2018 as per the proclamation order dated 7th August, 2018, the Special Judge (POCSO), Imphal West is directed to issue a fresh proclamation in terms of Section 82 of the Code of Criminal Procedure.

[2] As undertaken by the learned Advocate General, the concerned Officer-in-Charge, Women's Police Station, Churachandpur,

Manipur is directed to appear before the Special Judge (POCSO), Imphal West forthwith and take a copy of the proclamation order and publish it in the newspaper and thereafter, proceed further in accordance with law if the proclamation order is not obeyed by the convict.

[3] A copy of this order be issued to learned Advocate General, Manipur, Shri A.Bimol Singh, learned senior counsel and through the Registrar General, High Court of Manipur to the Special Judge (POCSO), Imphal West for immediate compliance.

[4] Mr. S.Samarjit, learned CGC appearing for the Passport Authorities of India states that the Passport of the convict, Mr. Timothy L. Changsan has been impounded by order dated 21.8.2018, which reads as follows:-

**"GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE, GUWAHATI**

Tel No: 03612220606,03612264841 REGIONAL PASSPORT OFFICE, GUWAHATI
Fax No: 03612260101 GUWAHATI, RANI BAGAN,BASISTHA
E-mail: rpo.guwahati@mea.gov.in ROAD, 3RD BYELANE, GUWAHATI-
Website: www.passportindia.gov.in 781028, TEL: 0361 -2228547,2264841.
File No: GU1070638007812 FAX: 0361 -2260101

Letter Ref. No: IMP/312061040/18

To,

Dated: Aug 21,2018

TIMOTHY LALHMUNMAWI CHANGSAN
S/O THANGZAKHAM CHANGSAN, APOLLO
LANE, POST BOX NO. 62, PO
CHURACHANDPUR, CHURACHANDPUR-
795128, MANIPUR, INDIA

Subject: Intimation of Impounding of the passport bearing Passport No. K1150556

Dear Sir/Madam,

It has been decided to impound the passport bearing Passport No. K1150556, issued on date 31/10/2012 to Shri/Smt./Kumari TIMOTHY LALHMUNMAWI CHANGSAN S/o, D/o, W/o, C/o THANGZAKHAM CHANGSAN under Section 10 (3) (d), "Passport holder convicted by a court to imprisonment for not less than two year" of the Passports Act, 1967.

You are, therefore, requested to submit the Passport to this passport office with immediate effect, if not already done.

Yours Sincerely,

For Regional Passport Office, Guwahati”

[5] Further, Shri Suresh, learned ASG produces a copy of the letter of Shri Dr.B.Sriram the Under Secretary (Extradition), Ministry of External Affairs addressed to the Asst. Solicitor General of India and the letter dated 25.10.2018 reads as follows:-

“MINISTRY OF EXTERNAL AFFAIRS
CPV DIVISION, EXTRADITION SECTION
TILAK MARG, PATIALA HOUSE ANNEXE,
NEW DELHI; TELE:23387931 Fax: 23073380

T-4410/28/2-18

25 October, 2018

Subject: PIL No.9 of 2018-order dated 04-09-2018
passed therein

Dear Sir,

This has a reference to your letter No. Asst.SG /HCM /PILNO.9/2015/PC dated 4th October, 2018 forwarding a copy of Order passed by the Hon'ble High Court of Manipur dated 4 September 2018, requesting for necessary information pertaining to issues indicated in Paragraph (4) and (5) of the said order.

2. As far as apprehension of the convict who has escaped the law enforcement agency and is reported to have gone abroad is concerned, the following may be considered.

I. ***The investigating authorities may request NCB, CBI Interpol, New Delhi, for issue of a Red Corner Notice (RCN) for locating the fugitive convict (FC). For this purpose, details of the case, information regarding the FC including his personal particulars/identification, immigration records and footage of CCTV in Imphal Airport (as mentioned in para 1 of the Order of Sentence) may be shared with NCB CBI Interpol, New Delhi for facilitation and processing the issue of Interpol-RCN against the fugitive.***

II. ***The investigating authorities may also request Bureau of Immigration to issue a Look Out Circular (LoC) to apprehend the convict.***

(emphasis supplied)

III. Once the FC is located in a foreign country, the investigating authorities may consider submitting a formal extradition request to Ministry of External Affairs through Ministry of Home Affairs (Joint Secretary, Ministry of Home Affairs, Internal Security-II Division/Legal Cell, 2nd Floor, Major Dhyan Chand National Stadium, India Gate, New Delhi-110 001). A copy of 'Suggestions

for drawing up extradition request' and format of Affidavit is enclosed for guidance.
Please let us know if you require more information on any specific issue.

Yours Sincerely,
Sd/-
(Dr.B.Sriram)
Under Secretary (Extradition)"

[6] What is relevant is para No. (2) I and (2) II. In view of the above, the Officer-in-Charge, Women Police Station, Churachandpur is directed to inform the NCB, CBI-Interpol, New Delhi for issuance of a Red Corner Notice (RCN) for locating the fugitive convict along with details of the case and identity of the fugitive convict to the authority for immediate action. The Under Secretary (Extradition), Ministry of External Affairs CPV Division, Extradition Section, Tilak Marg, Patiala House Annexe, New Delhi to take follow up action and report through ASG.

Compliance of this order by the Officer-in-Charge, Women Police Station, Churachandpur to be submitted to this Court on 14.03.2019 without fail. The Superintendent of Police, Churachandpur to monitor the progress of action taken. The Director General of Police shall arrange to publish all the details of the fugitive convict in all the sister states, namely, **Assam, Nagaland, Meghalaya, Arunachal Pradesh, Mizoram, Tripura, Manipur and Sikkim.**

[7] In the meanwhile, the learned Advocate General, Manipur is directed to verify if the case of the children now at the home can be taken care by the Social Welfare Department, Govt. of Manipur.

A response in this matter is required to be submitted by the Secretary, Social Welfare Department, Govt. of Manipur through the learned Advocate General, Manipur on the same day on 14.03.2019.

JUDGE

CHIEF JUSTICE

FR/NFR

Opendro(rt)