

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

PIL No. 9 of 2015

Registrar General, High Court of Manipur

..... **Petitioner**

- Versus -

State of Manipur; & Ors.

.... **Respondents**

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

21.07.2020
R.S. C.J

[1] This Court, in its order dated 04.04.2019, 19.09.2019 and 12.11.2019 passed the following order :-

(i) Order dated 04.04.2019 :-

“Para No.7 of the order dated 14.3.2019 reads follows:-

“7. Mr.S.Suresh, learned ASG seeks some time to take some intructions from Dr.S.Siram, Under Secretary (Extradition) for the steps taken by the Ministry of External Affairs. A report be given on the next hearing date.”

[2] Today, when the matter is taken up, Mr.S.Suresh, produced a letter from Dr.B.Sriram, Under Secretary (Extradition), dated 29th March, 2019. Paragraph Nos. 3 and 4 read as follows:-

“3. As of now, we have not received any extradition request from the concerned law enforcement agency. Ministry of External Affairs will take immediate action once the extradition request is received in this Ministry through the Ministry of Home Affairs. You may recall that vide MEA letter dated 25 October, 2018, we had already provided copy of ‘Suggestion for drawing up extradition request’ and ‘format of Affidavit’ which you may like to forward to the concerned investigating agency.

4. The concerned law enforcement agency may obtain details of action taken in respect of the Red Notice from NCB, CBI Interpol, New Delhi 15-B, 6th Floor, CGO Complex, Lodhi Road, New Delhi-110003, Ph: 011-24365419, email: adipol@cbi.gov.in and in respect of the LOC from Bureau of Immigration (SIC Branch) [Ph:26107949, email:boihq@nic.in].”

[3] Learned Advocate General seeks some time to vide order dated verify with the law enforcement agency as to the steps taken in this regard.

[4] The investigating agency, the State Government and Home Secretary are directed to ensure that the formalities of extradition of the convict/fugitive are supplied to the relevant agency, namely, NCB, CBI Interpol, New Delhi, etc. whose address have been given as above.

It is informed before action for extradition is taken, he will apprise the Court on the steps taken for issuing on Red Corner notice through the agency and the result of the steps taken in respect of LOC (Look Out Circular).

[5] In so far as Para No. 8 of the order dated 14.3.2019 which reads as follows:-

“[8] In the same manner, Mr.S.Samarjeet, learned CGC seeks time to get the status report from the Regional Passport office as to whether the photograph and identity of the convict has been sent to all Ports, law enforcement agency and persons concerned so as to enable them to arrest the convict/fugitive if he travels by duplicate or false passport both in India and foreign country. They are directed to inform international law enforcement agency the details of the Convict/fugitive.”

Mr. Samarjeet, learned counsel for the Regional Passport office states that a reply dated 30.3.2019 was given to him which reads as follows:-

“Dated 30.03.2019

To

Salam Samarjeet Singh,
B.A.(Hons) LL.M
Central Government Counsel,
High Court of Manipur.

Sub:- Reply to the information (Ref: CGC/HCM/CC/2019-74 dated 18th March, 2019).

Sir,

With reference to your information being No.CGC/HCM/CC/2019-74 dated 18th March, 2019 (Ref:- PIL NO.9 of 2015 filed Registrar, High Court of Manipur –vs-State of Manipur & ors.) I am to intimate you that Passport being No.K1150556 pertaining to Mr.Timothy Lalhmunmawi Changsan was impounded on 21 August 2018 as per the information sent by APO, PSK, Imphal from RPO, Guwahati vide email dated 26 March, 2019 and the information of the same was uploaded in the PRIDE (Passport Related Information Data Exchange) Database which can be viewed by all ports, mission, etc. both in India and abroad.

This is for your kind information.

Encl: Email dated 26-03-2019

Yours Sincerely
Sd/-

(Ph. Maheshwari Devi)
Assistant Passport Officer,
Passport Seva Kendra, Imphal”

The same is taken on record.

[6] In so far as para No.9 of the judgment and order dated 14.3.2019 is concerned, the learned Advocate General seeks some time to file a detailed affidavit.

[7] On 30.3.2019, the learned Special Judge (POCSO), Imphal West has passed an order in Cril. Misc. Case No.87 of 2018 regarding certain events and fixing the date for examination of one person on 17.4.2019. The above documents and statements are recorded.

[8] List the matter for further enquiry on 8.5.2019.”

(ii) Order dated 19.09.2019 :-

“Mr. A. Bimol, learned senior counsel appears for the petitioner and Mr. P. Tamphamani, learned counsel appears for respondents.

Additional affidavit in compliance with the Court’s order dated 04.04.2019 has been filed by the Women Sub-Inspector, Women Police Station, Churachandpur. Relevant portion of the additional affidavit reads as follows :

“1. That, I am now serving as Women Sub-Inspector, Women Police Station, Churachandpur District, Manipur and also the I.O. of the case. The present affidavit is being filed in compliance with the Hon’ble Court’s order dated 4.4.2019 passed in the present PIL being PIL No. 9 of 2015. As directed by the Hon’ble Court, I am competent to swear this affidavit.

2. That, the Hon’ble Court was pleased to pass the order dated 4.4.2019 in the present PIL thereby directing :

- (i) the investigating agency, the State Government and Home Secretary to ensure that the formalities of extradition of the convict/fugitive are supplied to the relevant agency, namely NCB, CBI Interpol, New Delhi;
- (ii) to appraise the Court on the steps taken for issuing on Red Corner notice through the agency and the result of the steps taken in respect of LOC (Look Out Circular).

3. That, in compliance with the Hon’ble Court’s order dated 4.4.2019 the State Government has taken up various necessary steps and measures and the answering deponent begs to place the steps taken in the following manner :

- a) **Regarding Extradition :** As per the information received from the Superintendent of Police/CID(SB), Manipur vide letter No. 4/4/2010-AB(Misc)(Pt-I)/554 dated 27.3.3019, it is intimated by the Asst. Director, Bureau of Immigration via e-mail that there is no arrival or departure record of Mr. Timothy Lalhmunmawi Changsan using Passport No. K1150556. Therefore, it can be ascertained that the absconding convicted person had not travelled outside the country. Hence, Extradition is not possible at this stage.

True and correct copy of the letter dated 27.03.2019 is annexed herewith and marked as ANNEXURE – R/14.

b) Regarding Red-Corner Notice : The main purpose for request of issuing Red-Corner Notice is to bring back the fugitive from foreign country under Extradition. And as of now there is no record of the absconding convicted person Mr. Timothy Lahmunmawi Changsan travelling abroad/outside the country. Therefore, Red-Corner Notice is also not applicable at this stage.

c) Regarding LOC (Look Out Circular) : A request to open/issue Look-Out Circular in the name of the absconding convicted person Mr. Timothy Lahmunmawi Changsan was written on 5th March 2019 to the Dy. Director, Bureau of Investigation (BOI), East Block – VIII, RK Puram, New Delhi – 66 vide letters No. C-9/1(POCSO)/SP-CCP/2019/726 (Annexure R/7 to the Additional Affidavit) and No. C-9/1(POCSO)/SP-CCP/2019/1429 dated 27.4.2019 and the response from the Bureau of Investigation (BOI) is still awaited.

True and correct copy of the letter dated 27.04.2019 is annexed herewith and marked as ANNEXURE R/15.”

For further report on progress of the case, list the matter on 07.11.2019.

(ii) Order dated 12.11.2019 :-

[1] Today when the matter was taken up, Mr. K.Paka, Deputy Superintendent of Police, CID (CB), Manipur, Ms. Koshoni Phimu, Under Secretary (SW), Government of Manipur and Ms. Sandhyarani M., State Programme Officer, ICPS, Social Welfare Department, Government of Manipur are present.

[2] Learned Advocate General, Manipur seeks some time to file a detailed affidavit by combining all the reports of the Superintendent of Police, Churachandpur District and the Superintendent of Police, CID (CB), Manipur on the various steps taken pursuant to the direction of this Court dated 14.03.2019.

[3] Social Welfare Department, Government of Manipur represented by Ms. Koshoni Phimu, Under Secretary (SW), Government of Manipur informed this Court that at present, there are no inmates in the home run by the convict and many of the inmates in the home have become major and some are given to their respective parents and those remaining children who have no homes, have been accommodated in other homes and presently, the home run by the convict has been closed.

[4] A detail affidavit of these aspects should be filed on the next hearing date. In addition to that, the various directions issued in the earlier orders of this Court to be verified and compliance report be filed.

[5] The Special Judge (POCSO), Imphal West is directed to give service details as to the steps taken to attachment of the properties of the convict.

[6] List the matter for further hearing on 21.01.2020.

[7] The presence of the officers is recorded and their personal appearance is dispensed with.”

[2] Mr. N. Kumarjit, learned Advocate General appears for the State respondents. Mr. S. Suresh, learned ASG appearing for respondent No. 5 states that the Union Government has given a format for issuance of Red Corner Notice. A copy of the same has been given to the learned Advocate General. The Superintendent of Police, Churachandpur is directed to take steps to issue Red Corner Notice against the convict / proclaimed absconder and report without fail on the next hearing date.

[3] Mr. A. Romenkumar, learned advocate is appointed as Amicus Curiae to assist the Court in this matter for securing the convict / proclaimed absconder. A copy of the Court proceeding to be handed over to Mr. A. Romenkumar, learned Amicus Curiae so as to enable him to assist the Court.

[4] A copy of this order be issued to Mr. N. Kumarjit, learned AG and Mr. S. Suresh, learned ASG and also to Superintendent of Police, Churachandpur for reporting compliance.

List the matter again on 04.08.2020.

JUDGE

CHIEF JUSTICE

Sandeep