

IN THE HIGH COURT OF MANIPUR  
AT IMPHAL

PIL No.9 of 2015

RG, 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

For the petitioner :: Mr. A.Romenkumar, Amicus Curiae  
For the respondents :: Mr.N.Kumarjit, AG  
Date of order :: 14.10.2020

**ORDER (ORAL)**

***RAMALINGAM SUDHAKAR, CJ***

[1] This PIL focuses on securing an absconding convict. The PIL was registered *suo moto* by this Court on the basis of a report that the accused in this instant crime was the Administrator of a children home, namely, North Eastern Children Home located at Bethlehem Veng, Churachandpur and was convicted for the offences under the provisions of Prevention of Children from Sexual Offences Act. The conviction was rendered on 30.04.2018. However, at the time when the conviction order was passed, the accused had already escaped the net and he is now at large. Several detail orders were passed on several dates asking the State police and the Superintendent of Police, Churachandpur to secure the convict.

[2] On 16.01.2019, this Court passed the following order.

“PIL No. 9 of 2015  
B E F O R E  
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR  
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the petitioner :: Shri A. Bimol, Sr. Advocate.  
For the respondents :: Shri N. Kumarjit, AG  
Date of Order :: 16-01-2019

O R D E R

*Kh. Nobin Singh, J.*

[1] Heard Shri A. Bimol, learned Senior Advocate appearing for the petitioner and Shri N. Kumarjit, learned Advocate General, Manipur appearing for the respondents.

[2] The Juvenile Justice (Care & Protection of Children) Act, 2015 was enacted by the Parliament with a view to ensure that all the needs of the children are met and that their basic human rights are fully protected. It is reported that children constitute 40% of the population in the country. Section 4 of the Act provides for constitution of one or more Juvenile Justice Boards for every district in the country. While there are, at present, 16 Revenue Districts in Manipur, there are only 9 Judicial Districts. Juvenile Justice Boards have been constituted in all 9 Judicial Districts in Manipur but even after a lapse of more than three years from the date of passing the said Act, not a single post of Principal Magistrate has been created by the State Government, as a result of which the Judicial Magistrates First Class are to be assigned the additional charge of the Principal Magistrates. Since the Judicial Magistrates First Class are already over-burdened with their judicial works dealing with the pending cases, the functioning of the Juvenile Justice Boards has been greatly affected and hampered. In a decision rendered by the Hon'ble Supreme Court in Sampurna Behrua Vs. Union of India, (2018) 4 SCC 433, it has emphasized the indispensable need of implementing the provisions of the Act for which various directions have already been issued by it. The Hon'ble Supreme Court has observed that the training of the Principal Magistrate is important as provided under Rule 89 of the Model Rules and that depending upon the number of inquiries pending before each JJB, it is the obligation of the JJB to sit on a daily basis. The relevant direction is as under:

“94.4. The State Governments must ensure that all positions in the JJBs and CWCs are filled up expeditiously and in accordance with the Model Rules or the Rules framed by the State Government. Any delay in filling up the positions might adversely impact on children and this should be avoided.”

Therefore, the State Government is duty bound to implement the provisions of the Act and the failure on the part of the State Government to do so, may amount to contempt of Court. If the Principal Magistrates are not appointed on regular basis, the purpose of the Act will not be served at all and ultimately, it is the Society in general which will suffer and in particular, the children in the State. Consequently, the administration of justice to children will remain a far dream. On top of that, in the 4 th Annual Round Table Conference on Juvenile Justice (Care & Protection of Children), Act held on 01-12-2018 in New Delhi, the need of strengthening the functioning of the Juvenile Justice Boards was emphasized with respect to infrastructure and manpower which are not adequately available in the State of Manipur.

[3] Keeping in mind the financial problems being faced by the State of Manipur, this Court does issue the following directions:—

- (i) In the first phase, the State Government shall create four posts of Principal Magistrate, within three months from the date of receipt of a copy of this order, to hold the charge of Juvenile Justice Boards in respect of the four valley districts where the [4] PIL No. 9 of 2015 cases are more in number and the remaining five posts shall be created by the State by the end of this year;
- (ii) In the same manner, the State Government shall establish, at least, four child friendly courts and four child friendly police stations, as required under the Rules, in respect of the four valley districts within three months from the date of receipt of a copy of this order and the remaining shall be established by the end of this year;
- (iii) The State Government shall create separate posts of APP to conduct cases before the Juvenile Justice Boards;
- (iv) Apart from what has been directed above, the State Government shall ensure that all the provisions of the Act and the Rules made thereunder are implemented without any loss of time.

List on 24-04-2019 for reporting compliance. Issue copy to all concerned.

JUDGE

CHIEF JUSTICE

Devananda  
FR / NFR”

[3] On 21.07.2019, this Court passed following order as under:-

“ PIL No. 9 of 2015

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 Lalmunmawi 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 Lalmunmawi 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 Lalmunmawi 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)/SPCCP/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.

(iii) 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”

[4] On 04.9.2018, the Court passed the following order:-

**“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.

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.”

**“(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.

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 cooperate 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.

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 cooperate 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.”

[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

Priyoji”

[5] On 01.6.2018, this Court passed the following order:-

**“PIL No.9 of 2015**

BEFORE

**HON’BLE THE CHIEF JUSTICE  
HON’BLE MR.JUSTICE KH.NOBIN SINGH**

**01.06.2018**

*R.S. C.J,*

On oral direction from this Court, the learned Public Prosecutor, Mr.R.S.Reisang, has obtained an informal report from the Superintendent of Police, Churachandpur, which reads as follows:

“ The convict namely, Timothy L Changsan left Imphal for Guahati on 28.04.2018 by Air Asia. This has been revealed/discovered after checking the CCTV camera in the Airport and enquiry through staff by changing his name as Lambun Moya Changsan. Accordingly, message had also been sent to all the OCs in the State of Manipur on 3<sup>rd</sup> May, 2018 for arrest of the convict. The IO concerned also sent a message to DGP Assam on 21<sup>st</sup> May, 2018 for lookout/arrest of the convict. However, his phone is switch off till now and his proper address of Assam is not yet ascertained.

Rigorous effort has been made by the Police Department to arrest the convict.”

We direct the Superintendent of Police, Churachandpur to take prompt action for securing the convict by the next hearing date.

**Post on 13.6.2018.**

The Special Judge, POCSO, Imphal West has given the following report:

“ On 18.5.2018, a copy of an order dated 16.5.2018 of the Hon’ble High Court passed in PIL No.9/2015 was received thereby directing

this Court to submit a report as to the steps taken for apprehension of the convict within a period of two weeks. Accordingly, this Court registered the same as CrilMisc Case No.46 of 2018 and directed the DGP Manipur, SP Churachandpur and OC, WPC Churachandpur to submit a report regarding the steps taken for the arrest of the convict namely Timothy L Changsang by communicating with their respective counter parts of other States since, the convict Timothy Changsang has already left Manipur.

Consequently, the Director General of Police Manipur and Inspector General of Police (Adm) Manipur forwarded copies of their letters addressed to the SP Churachandpur for taking up necessary steps. The SP Churachandpur has submitted his report stating that the convict accused Timothy L Changsang could not be arrested in spite of conducting house searches on 30.4.2018 and 2.5.2018 respectively, hue and cry messages had been sent to all police stations in Manipur to cause his arrest and further a message No.C-6/3/SP-CCP/2018/1801 dated 21.5.2018 has been sent to the Director General of Police, Assam to cause arrest of the convict accused Timothy L Changsang who is likely to stay at the relative's house at Halflong, Muolhoi, NC Hill, Assam and that the District police Churachandpur is taking all possible steps to arrest the absconding convict offender namely Timothy Changsang. The OC WPS Churachandpur has also submitted her report in the same manner with the SP CCpur.”

Learned P.P. further states that steps also will be taken to enforce the surety granted at the time of grant of bail and also steps will be taken by the Police to secure the convict by taking helps from the sureties submitted at the time of taking bail and every proper steps as required by law will be taken by giving wide publicity of the absconding convict.

Copy of this order be issued to Mr.A.Bimol, learned senior counsel and the learned P.P, Mr.R.S.Reisang.

**JUDGE**

**CHIEF JUSTICE**

***Priyojit***

[6] On the last occasion i.e. on 07.10.2020, Mr.A.Romenkumar, learned Amicus Curiae was asked to assist the Court. It is extracted as below:-

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

**ORDER (ORAL)**

**07.10.2020**

*CJ*

[1] Heard the learned Amicus Curiae Mr.A.Romenkumar and learned Advocate General, Mr. N.Kumarjit for the State.

[2] Learned Advocate General, Manipur is directed to produce the latest look out notice issued by the competent authority. In the meanwhile, Mr. A.Romenkumar, learned Amicus Curiae seeks time to give his suggestion as to how to secure the absconding convict after perusing the entire file.

[3] As suggested, the State and Central Intelligence Departments are requested to give their valuable assistance to the Superintendent of Police, Churachandpur to secure the absconding convict.

[4] A copy of this order be issued to Mr.S.Suresh, learned ASG and Mr.N.Kumarjit, learned Advocate General and also to Mr.A.Romenkumar, learned Amicus Curiae.

[5] At the request of learned AG, post the matter on 14.10.2020.

JUDGE

CHIEF JUSTICE

*Opendro(rt)"*

[7] Mr. N.Kumarjit, learned Advocate General now reports that the Home Department has written to the Bureau of Immigration (BOI), Headquarters, for extending the Look Out Circular.

[8] Be that as it may, Mr. A.Romenkumar, learned Amicus Curiae suggested that the conviction order was passed on 30.4.2018 and the convict is still at large and absconding from due process of law and in order to ensure further progress in the case, a Special Team should be formed which will be monitored and guided by the Intelligence Department which will ensure better co-ordination for securing the absconding convict.

[9] We have heard Mr. N.Kumarjit, learned Advocate General on this issue and we have considered the plea. Mr.S.Suresh, learned ASG appears for the Union of India. The Union respondents will pursue the matter in so far as the look out notice is concerned and render all assistance to the State Police. Taking note of the suggestion given by the learned Amicus Curiae, we are inclined to direct the Inspector

General of Police (Intelligence), Govt. of Manipur to monitor the issue on the steps taken by the SP, Churachandpur in securing the absconding convict.. While ordering so, we direct the SP, Churachandpur to form a Special Dedicated Team to secure the absconding convict and that team will be guided by the Inspector General of Police (Intelligence) on weekly basis. A report on the development will be filed by the Superintendent of Police, Churachandpur on the next hearing date i.e. 8.12.2020.

[10] List again on 08.12.2020.

**JUDGE**

**CHIEF JUSTICE**

***FR/NFR***

*Opendro(rt)*