

**(2019) 09 MAN CK 0036**  
**In the Manipur High Court**  
**Case No : Writ Petition (c) No. 506 Of 2006**

RK. (O) Sovarani Devi

APPELLANT

Vs

State Of Manipur

RESPONDENT

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**Date of Decision :** 25-09-2019

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 302

**Citation :** (2019) 09 MAN CK 0036

**Hon'ble Judges :** Ramalingam Sudhakar, CJ

**Bench :** Single Bench

**Advocate :** M. Rakesh

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## Judgement

Ramalingam Sudhakar, CJ

[1] Mr. M. Rakesh, learned counsel appears for the petitioner and Mr. RK. Umakanta, learned G.A. appears for the respondent.

[2] Petitioner is wife of the deceased namely, Shri RK. Sanajaoba said to have been shot dead by police personnel of Manipur Police on 20.10.2004 in public place. He is survived by the widow, three children, two daughters aged about 12 and 7 years and one son aged about 4 years at the time of filing of this petition. The deceased was self employed and was engaged in small business running a grocery shop near his residence. In connection with the aforesaid incident of killing of the deceased by police personnel, FIR No. 296(10) 04 Imphal Police Station under Section 302/34 IPC has been filed. Despite long number of years have been passed, there is no progress of the case.

[3] It is stated that the accused namely, Shri N. Ibomcha Singh was granted conditional bail with two sureties. However, the case has not been admitted and charge sheet has not been filed. No proper investigation has been conducted. Despite order of the Court, there is no progress of the case.

[4] It is pleaded by the State that the accused is absconding.

[5] On 27.05.2019 the following order was passed :

"Mr. M. Rakesh, learned counsel for the petitioner.

Mr. R.K. Umakanta, learned Government Advocate produced a copy of report of the Superintendent of Police, Imphal West District, Manipur, dated 12.05.2019 along with enclosure giving details of proclamation order and freeing of Bank Account of the accused persons.

The same is recorded and the police authorities are directed to take fresh steps in this regard and report on the status on the next hearing date.

List the matter on 06.08.2019."

[6] On 06.08.2019 the following order was passed :

"Mr. M. Rakesh, learned counsel appears for the petitioner and Mr. RK Umakanta, learned GA appears for the respondent.

Today compliance to the order dated 27.05.2019 a report has been filed by Mr. N. Lenan Singh, ASI, Imphal Police Station stating that proclamation order has been issued against the accused person several publications has been made in Sangai Express on 13.07.2019 and 14.07.2019 to trace the missing accused.

On the contrary Mr. M. Rakesh, learned counsel states that he has reason to believe to the accused person is presently engaged in driving an Auto Rickshaw. He informs to the Court that he has verified this information from the people of the locality. However, Mr. M. Rakesh, learned counsel has not actually seen the accused or that he is driving the Auto Rickshaw.

Be that as it may, if he has any further information, he is entitled to give it in writing to the Superintendent of Police (SP) concerned and also submit an application to the Court which passed the proclamation order so as to assist it in securing the accused person at the earliest.

Mr. N. Lenan Singh, ASI, Imphal Police Station and the prosecutor are directed to take steps to secure the accused with the help of persons who stood as sureties to the accused when he was granted bail at the first instance. Thereafter, suitable action should be taken by the Court of CJM, Imphal West to secure the accused.

Copy of the order to be issued to CJM, Imphal West, Mr. RK Umakanta, learned GA for the respondent, Mr. N. Lenan Singh, ASI, Imphal Police Station, Mr. K. Meghachandra Singh, MPS, Superintendent of Police (SP), Imphal West District, Mr. M. Rakesh, learned counsel for the petitioner.

List the matter on 25.09.2019 with further report of A.S.I., Imphal Police Station."

[7] Complying the order of this Court, Mr. RK. Umakanta, learned G.A. has been produced a report dated 22.09.2019 along with enclosures and the same is placed on record. The order reads as follows :

"Office of The Officer-In-Charge

Imphal Police Station, Imphal West, Manipur

Memo No. 2272/IPS/19

Date:- 22.9.19

To,

Shri Rajkumar Umakanta Singh

Addl. Public Prosecutor(High Court), Manipur.

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Subject:-WRIT PETITION NO. 506 OF 2006

RK (O) Sovarani Devi

Vs

The State of Manipur & Ors.

Ref: Letter No. 208/04/2016-GA(HC)/616-T

Imphal the 8th August,2019

Sir,

In compliance of your instruction on the above subject and reference, I have the honour to submit a further report of actions taken, for favour of kind perusal and favorable action:-

1) That, in order to secure the appearance of the accused (absconder), raids were conducted on 09/08/2019 and 06/09/2019 to effect his arrest but he could not be bound present at home, wherein his son Ningombam Ranjit Singh (35) yrs, stated that his father (the accused) left home from 2017 and his wife stated that here husband left home from July,2017 for any unknown place. She also asserted that her husband might have stayed in hill districts of Manipur. The wife of the accused, the younger brother Ningombam Shyamjai Singh (54) yrs, a kidney patient and his son Ningombam Ranjit Singh (an auto driver) were requested to secure appearance of the accused before he court to avoid legal attachment of movable and immovable properties. (SEARCH COPY ENCLOSED AS ANNEXURE-1).

2) That, the sureties of the accused namely (i) Ningombam Dilipkumar Singh of Bashikhong Kongba Irong and (ii) Ningombam Kunjo Singh of Kongba were discharge on 12/06/2006 after forfeiting their surety bonds vide extract order copy of CJM/IW dated 28th August, 2019 . The discharged sureties were requested to help in securing the appearance of the accused but that could not positively respond to his whereabouts.(COPY ENCLOSED AS ANNEXURE-2).

3) That , on 09/09/2019, the SDC/Bashikhong was requested in writing to

furnish lands (homestead and paddy fields) registered in the name of the accused so as to move the concerned court for taking attachment procedure toward the securing of his appearance. The patta under no. 76 (OLD) 251/825 (New) Village 056/Bashikhong Sub-Division Porompat standing in the name of N. Ibomcha Singh was submitted in the Hon'ble Court of CJM -IW for further n/a (COPY ENCLOSED AS ANNEXURE-3).

4) That, Officer-In-Charge of some important Police Stations in Manipur have been requested to secure the appearance of the accused before the Hon'ble Court of CJM/Imphal West with intimation to concerned District SPs through wireless message and a requisition to SP-IW was made for wide publication of the photograph and details of the Proclaim Offender to all districts Manipur. Besides, frequent contacts with members of the accused family and the neighbours would be taken continuously for securing the appearance of the accused. (COPY OF MESSAGE AND PHOTOGRAPH REQUISTION ENCLOSED AS ANNEXURE-4&5) .

Enclosed (as above):-

- 1) House search memo Dated -09/08/2019 and 06/09/2019
- 2) Discharge certificate of Surety Bond.
- 3) Copy of report for submitting patta copy in the Hon'ble Court of CJM-IW
- 4) Hue and Cry message to all OsC in Manipur information to SsP of all Districts in Manipur.
- 5) Letter to SP-IW for wide publication of the photograph of the accused/proclaimed offender.

Submitted by

Sd/-

(Inspector N. Ingocha Singh)

Officer - In-Charge

Imphal Police Station."

[8] The Superintendent of Manipur Police, Imphal West is directed to take up the issue under strict supervision to ensure that the absconding accused is secured and the Superintendent of Police will file a report.

[9] This direction is issued because the Inspector, Officer-in-charge of Imphal Police Station namely, N. Ingocha Singh is unable to make headway the case. Therefore, a senior officer not below the rank of Superintendent may monitor the case.

[9] With the above direction, case stands adjourned to 17.10.2019 so as to enable the Superintendent of Police, Imphal West to take up the case.

[10] A copy of this order be furnished to Mr. RK. Umakanta, learned G.A. and the Superintendent of Police, Imphal West.