

MC(Review.Pet.) No. 9 of 2023 with
MC(Review.Pet.) No. 10 of 2023

Union of India, Ministry of Defence, Government of India, represented by Captain Divyaraj Singh Sisodiya, Adjutant, 5th Battalion, Sikh Regiment at present stationed at Head Quarter, 57 Mountain Division, Leimakhong-795002, Manipur.

- Versus -

1. Shri Khumanthem Nagor Singh, aged about 76 years, S/o late Kh. Ibomcha Singh, a resident of Karong Mamang Leikai, P.O. Langjing, P.S. Patsoi, Imphal West District, Manipur, Pin-795113.

...Principal Respondent/Writ Petitioner.

2. The State of Manipur, through the Chief Secretary, Government of Manipur, Manipur Secretariat, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin-795001.
3. The Director General of Police, Manipur, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin-795001.
4. The Director, Central Bureau of Investigation (CBI), CGO Complex, Lodhi Road, New Delhi-110001.

.....**Proforma Respondent/s**

HON'BLE THE ACTING CHIEF JUSTICE M.V. MURALIDARAN
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For the applicant :: Mr. Kh. Samarjit, DSGI

For the respondents :: M. Rakesh, Adv., Mr. H. Samarjit, G.A.
and Mr. W. Darakishwar, Sr. PCCG

Date of Order :: 04.10.2023

ORDER (ORAL)

A. Guneshwar Sharma, J.

[1] Heard Mr. Kh. Samarjit, learned DSGI assisted by Mr. Nongdamba, learned counsel for the applicant, Mr. M. Rakesh, learned counsel for respondent No. 1, Mr. H. Samarjit, learned G.A. for respondent Nos. 2 & 3 and Mr. W. Darakishwar, learned Sr. PCCG for respondent No. 4.

[2] The Union of India has filed MC(Rev.Pet.) No. 10 of 2023 praying for granting leave to file Third Party Review Petition against the judgment & order dated 21.07.2022 passed by a Division Bench in WP(C) No. 496 of 2019 and MC(Rev.Pet.) No. 9 of 2023 is an application for condoning delay of 269 days in filing the accompanying Review Petition.

[3] Mr. Kh. Samarjit, learned DSGI, submits that vide order dated 21.07.2022 passed by a Division Bench of this Court in WP(C) No. 496 of 2019 where it was directed the CBI to investigate in connection with FIR No. 9(3)04 Patsoi PS and the said police was directed to hand over all the records to CBI. Learned DSGI has submitted that in the above writ petition, the Union of India was not impleaded as party and the direction for initiating criminal case is directed against the personnel of 19th Rajput Rifles. Since, Union of India was not impleaded as a party in the writ petition, the true fact

of the case could not be placed before this Court and as such, the applicant is aggrieved by the impugned order.

[4] In earlier writ petition being WP(Cril.) No. 31 of 2008 filed by the same writ petitioner/respondent No. 1 herein, (i) the Union of India was impleaded as respondent No. 1, (ii) Home Secretary, Ministry of Home Affairs as respondent No. 2, (iii) G.O.C 57 Mountain Division, C/O 99 APO as respondent no. 3 and (iv) the Commanding Officer, 19 Rajput Rifles as respondent No. 4.

[5] Vide order dated 07.09.2017, a Division Bench of this Court directed the Union of India to pay a sum of Rs. 5,00,000/- (Rupees Five lakh) to the writ petitioner. However, in the second round of litigation i.e. WP(C) No. 496 of 2019, none of the officials of the Union of India has been impleaded as respondents in the present case and as such, the Union of India is aggrieved by the order dated 21.07.2022 passed by a Division Bench of this Court in WP(C) No. 496 of 2019. It is prayed that leave to file third party review petition be allowed otherwise the applicant i.e. Union of India will be prejudiced.

[6] It is also further stated that since the delay of 269 days has been caused in filing the third party review petition and the same has been explained as the applicant has no knowledge about the impugned order and some times have been taken for seeking legal information and drafting

review petition. It is prayed that the delay of 269 days be condoned and the applicant be allowed to file third party review petition.

[7] Learned counsel for the respondents have not disputed the fact as submitted by the DSGI.

[8] We have considered the submissions made at bar as well as materials on record.

[9] Admittedly, the applicant (Union of India) has not been impleaded as one of the respondents in the writ petition being WP(C) No. 496 of 2019. Even though in the earlier writ petition arising out of same order, the Union of India was impleaded as a party. In the circumstances, we deem it fit to allow application for condonation of delay and the Union of India be allowed to file third party review petition.

[10] With this observation, the applications are allowed and disposed of.

[11] Registry is directed to register the connected writ appeals if the same is in order.

JUDGE

JUDGE

FR/NFR

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