

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

CRIL.PETN. No. 27 of 2020

With

MC(Cril.Petn.) No. 12 of 2020

Shri A. Solomon, aged about 55 years, s/o (L) Athikho, a resident of Near Baptist Church, Poumei Colony, Imphal.

....Petitioner

- Versus -

Central Bureau of Investigation (CBI)

...Respondent

BEFORE

HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

01.02.2023

This criminal petition, filed under Section 482 Cr.P.C., arises out of the Order dated 28.04.2020 passed by the learned Chief Judicial Magistrate, Imphal West, in Cril.(P) Case No. 80 of 2019. The said order reads as follows:

'The accused A. Solomon is with Counsel present.

CBI nor Spl. PP present due to Lockdown. The other accused persons are already discharged.

Charge is framed against accused A. Solomon for offence u/s 420 IPC. On explanation of the charge and enquiring, the accused A. Solomon pleaded guilty as charged.

Hence accused A. Solomon is convicted of the offence u/s 420 IPC.

Fix 6/5/2020 for sentence hearing.'

By order dated 13.10.2020, this Court directed that the sentence hearing should not be carried out pursuant to the impugned order. This interim was continued thereafter from time to time and is operative as on date.

Heard Mr. Serto T. Kom, learned counsel for the petitioner; and Mr. W. Darakeshwar, learned Sr. PCCG, appearing for the Central Bureau of Investigation, the respondent.

The impugned order dated 28.04.2020 reflects that the learned Chief Judicial Magistrate, Imphal West, had already discharged the other accused persons, leaving only the petitioner. This discharge was by way of the order dated 15.04.2020 passed by the learned Chief Judicial Magistrate, Imphal West, in Cril. (P) Case No. 80 of 2019.

While so, the Central Bureau of Investigation filed Cril. Revision Case No. 13 of 2022 before the learned Sessions Judge, Imphal West, aggrieved by the aforestated discharge order dated 15.04.2020. This revision was partly allowed by the learned Sessions Judge, Imphal West, *vide* order dated 27.01.2023, whereby the order dated 15.04.2020 was modified to the extent of upholding the charge under Section 420 IPC against Accused No. 1 and directing fresh charges to be framed against Accused Nos. 1, 2 & 3 for the offence under Section 120B IPC and against Accused No. 1 for the offence under Section 471 IPC. Accused No.1 is none other than the present petitioner.

Mr. Serto T. Kom, learned counsel, would contend that in the light of the aforestated revision order, the Trial Court would have to undertake trial of the accused for the named offences. He would point out that there was no admission of the facts by the petitioner, whereby the learned Chief Judicial Magistrate could have recorded a plea of guilt and proceeded to the stage of sentencing. He would place reliance on case law in support of his contention.

Perusal of the proceedings held on 28.04.2020 before the learned Chief Judicial Magistrate, Imphal West, reflects that the charge under Section 420 IPC was recorded against the petitioner herein and the learned Chief Judicial

Magistrate, Imphal West, noted thereunder that the charge was read over and explained to the accused and he was asked the following question:

‘Q. Do you plead guilty of the charge or claim to be tried?’

The answer of the petitioner was recorded as under:

‘Ans:- I plead guilty as charged.’

In the **State of Maharashtra Vs. Sukhdev Singh alias Sukha and others [(1992) 3 SCC 701]**, the Supreme Court observed that a plea of guilt tantamounts to an admission of all the facts constituting the offence and it is therefore essential that, before accepting and acting on the plea, the Judge must feel satisfied that the accused admits facts or ingredients constituting the offence. It was further observed that the plea of the accused must be ‘clear, unambiguous and unqualified’ and the Court must be satisfied that he has understood the nature of the allegation made against him and admits it.

In the case on hand, except for baldly stating that the charge was read over and explained, the learned Chief Judicial Magistrate did not record his satisfaction on the aforestated aspects. Further, as the petitioner would now have to be tried for the offence under Section 471 IPC and for the offence under Section 120B IPC along with the other accused, this Court sees no reason as to why he should not be allowed an opportunity to contest the charge under Section 420 IPC also.

Mr. W. Darakeshwar, learned Sr. PCCG, appearing for the CBI, fairly concedes this point.

In the result, Cril.Petn. No. 27 of 2020 is allowed, setting aside the order dated 28.04.2020 passed by the learned Chief Judicial Magistrate, Imphal

West, in Cril.(P) Case No. 80 of 2019. The petitioner shall face trial on all the charges framed against them.

In the light of this final order, no further order requires to be passed in MC (Cril.Petn.) No. 12 of 2020 filed for suspension of the sentence hearing.

The miscellaneous case is accordingly closed.

CHIEF JUSTICE

Indrajeet