

IN THE HIGH COURT OF MANIPUR
AT IMPHAL
W.P. (C) No.477 of 2023

MutumYoiremba

...Petitioner/s

- Versus -

State of Manipur and Ors.

...Respondent/s

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V.MURALIDARAN
ORDER

04.07.2023

[1] Heard Mr. M. Ibohal, learned counsel for the petitioner and Mr. Shyam Sharma, learned Government Advocate for the State respondents.

[2] Mr. M. Ibohal, learned counsel for the petitioner submitted that he has filed the present writ petition seeking the prayer which reads as follows:

"It is prayed that the Hon'ble High Court be graciously pleased to issue a writ of mandamus or a direction/order of similar nature to respondents to conduct a fair and proper investigation into the case of death of petitioner's elder brother namely Mutum Roshan Mangang and issue/ pass any other appropriate order/ direction for the ends of the justice.

In the interim, Hon'ble High Court be graciously pleased to direct respondents to handover the dead body of Mutum

Roshan Mangang to petitioner for the performance of his cremation.”

[3] Mr. M.Ibohal, learned counsel for the petitioner represented that on 09.05.2023, the petitioner along with his family members were evacuated from his hometown, Churachandpur because of ethnic clash in Manipur and they took shelter at their relatives .

[4] The petitioner and all his family members were staying in their relatives house. On 08.06.2023, the petitioner's deceased brother namely Mutum Roshan Mangang went outside. Thereafter, he was not returned home till the evening of the same day. Thereafter, the petitioner along with family member were tried to contact and searched petitioner's deceased brother whereabouts. They were informed by the locality people that the petitioner's deceased brother was last seen with his childhood schoolmate friend namely Mr. Huiem Mangilal Singh who is now serving as Assistant Sub-Inspector at Moirang Police Station and therefore, they were immediately rushed to Moirang Police Station.

[5] On the next day i.e., 09.06.2023 at 7.00 AM, the petitioner and his family members went to family quarters of ASI Huiem Mangilal Singh situated near at Moirang Police Station. And they knocked at the door of his family quarter. After some time, the door was opened and the said ASI Mr. Huiem Mangilal Singh informed the petitioner and his family members that Mr. Mutum Roshan Singh has died. Immediately the petitioner and his family members rushed to the quarter of Mr.

Mangilal Singh, ASI where they found that the petitioner's deceased elder brother's dead body was covered with bed-sheet under the bed.

[6] After knowing this, immediately they have given complaint to the Moirang Police Station to take appropriate legal action against Mr. Huiem Mangilal Singh, ASI or against the true culprits but no proper reply has been received.

[7] Therefore, the petitioner has given another complaint to the S. P, Bishnupur on 15.06.2023 by requesting him to give necessary directions to Officer-in-Charge, Moirang Police Station to inquire about the dead body of petitioner's elder brother but no fruitful reply was received and therefore, he has submitted another representation to the DGP, Manipur on 19.06.2023 seeking for necessary action and the complaint given to the Officer-in-Charge, the Superintendant of Police, Bishnupur, Manipur, Director General of Police, Manipur and enclosed in the writ petition as A/4, A/5 and A/6.

[8] The petitioner further stated that on 20.06.2023, the Head of Department, Forensic Medicine & Toxicology Department, RIMS, Imphal furnished the copy of petitioner's deceased elder brother's Postmortem report. Thereafter, on 21.06.2023, the Officer-in-Charge, Moirang Police Station furnished the Copy of FIR to the petitioner.

[9] Since 08.06.2023 onwards, thought the petitioner elder brother was died, but no FIR was registered till 20.06.2023 even after the several complaints to the police and its higher officials but only on

21.06.2023 the FIR was registered by Moirang Police Station and the copy of the FIR was also furnished to the petitioner thereafter only.

[10] Even after the FIR is registered, the respondent police has not taken any speedy action either to arrest the ASI, Mr. Huirem Mangilal Singh or any other accused involved in the case of death of the petitioner's elder brother. Till date, no fruitful speedy action was taken by the respondent Police.

[11] Apart from this, the dead body of the petitioner's the deceased brother was kept in RIMS, Lamphel which is under custody of Moirang Police Station and the same was not handed over to the petitioner and his family members. Till then, in this regards, the petitioner and his family members have made all effective steps but all are kept in pending without giving any possible reply to the petitioner or without taking any speedy action by the respondent Police.

[12] In the above circumstances, the petitioner has approached this Court and filed the present writ petition seeking with above the prayers in the writ petition along with the interim prayer to direct the respondents to handover the dead body of Mutum Roshan Singh to the petitioner for performing the cremation.

[13] When the matter is taken up on 27.06.2023, this Court directed Mr. Shyam Sharma, learned Government Advocate who takes notice for the State respondents to get appropriate instruction from the respondent Police and report this Court and the matter was directed to post today.

[14] When the matter is taken up today, Mr. Shyam Sharma, learned Government Advocate for the State respondents represented that based on the complaint given by the petitioner, the FIR was registered by Moirang Police Station in complaint case No. 1188(6) 2023 MRG-PS U/S 302 IPC and the respondent Police have taken speedy action and the police are investigating the case.

[15] Mr. M. Ibohal, learned counsel for the petitioner further submitted that though the deceased was died on 08.06.2023 and postmortem done on request made by the respondent Police on 20.06.2023. Till date. the petitioner and his family member has not received the deceased body and the same is kept at RIMS, Lamphel and care and custody of respondent Police and therefore, the respondent police is taking effective steps for proper investigation and arrest the accused person and the respondent police have no objection to handover the dead body to the petitioner and his family member and therefore, they prayed this Court to dismiss the present writ petition.

[16] Admittedly, the petitioner's brother was died on 08.06.2023 in the house of Mr. Huiem Mangilal Singh, ASI who attached to the Moirang Police Station, the petitioner was given complaint on 13.06.2023 to the Moirang Police Station, on 15.06.2023 to the Superintendent Police, Bishnupur and on 19.06.2023 to the DGP, Manipur, but the respondent police has not shown any interest either to give reply or taking appropriate speedy action and investigate the case. Admittedly the dead body was kept under the custody of the respondent police and the same is kept at RIMS, Lamphel till date. Since the petitioner is

ready to take the dead body for performing funeral function. This Court is inclined to pass the following order:

- a).** The present writ petition is disposed of.
- b).** The respondent police are directed to take speedy action and investigate the case in the FIR Case No.1188(6) 2023 MRG-PS U/S 302 IPC filed by the Moirang Police Station and arrest the culprit and file charge sheet before the concerned Court within a period of 3(three) months.
- c).** The respondent police are also directed to handover the dead body to the custody of petitioner and his family members within a period of 3(three) days from the date of receipt of this copy order and the petitioner and his family members are also directed to receive the same and permitted to perform the deceased last funeral function.
- d).** With the above observation, this writ petition is disposed of.

Ab.Surjit

ACTING CHIEF JUSTICE