

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

**Tr. P.(Crl.) No.1 of 2023
Ref: Bail. Appln. No.14 of 2023**

Saikhom Sanayaima@ Nongdren

...Petitioner/s

- Versus -

The Officer In Charge, Saikot Police Station.

...Respondent/s

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

06.10.2023

[1] Heard Mr. N.Jotendro, learned senior counsel for the petitioner and Mr. H. Samarjit, learned PP for the state respondent.

[2] Mr.N.Jotendro, learned senior counsel for the petitioner represented that the petitioner has filed the present Tr. P.(Crl.) No.1 of 2023 seeking the transfer Tr.P(Crl.) No.1 of 2023 which reads as follows:

- i) transfer the records of the FIR being FIR No.02(04)2023 SKT-PS U/s 121/121-A IPC & 20 UA(P), Churachandpur to the Ld. Special Court(NIA), Thoubal for the purpose of enabling him to file an appropriate bail application before the Ld. Special Court (NIA), Thoubal as the accused is now in the judicial custody at Central Jail, Sajiwa which is solely due to the prevailing law and order situation arising out of the present communal feud in the State of Manipur.

-AND-

ii) pass such other necessary order or orders as Your Lordship deem fit and proper in the circumstances of the case.

[3] Mr. N. Jotendro, learned senior counsel for the petitioner further represented that FIR No.02(04)2023 SKT-PS U/s 121/121-A IPC & 20 UA(P) was filed by the Sub Divisional Police Officer, Churachandpur, Manipur who is the Investigating Officer of the case.

[4] On filing the FIR No. 02(04)2023 SKT-PS U/s 121/121-A IPC & 20 UA(P), the petitioner was arrested on 16.04.2023 and produced before the learned Court of Sessions Judge, NIA, Churachandpur and remanded into the Judicial Custody.

[5] While pendency of the investigation in the FIR and the arrest of the petitioner on 16.04.2023, he has consulted an Advocate hailing from Churachandpur District for filing a regular bail for the petitioner before the learned Sessions Court (NIA), Churachandpur on 27.04.2023 though due to communal feud, the petitioner has not able to file and other Advocates unable to visit Churachandpur for filing bail application before the learned Sessions Court (NIA), Churachandpur.

[6] He also stated that due to prevailing law and order arising out of the communal feud, the petitioner could not engaged any advocate who could filed bail application and appeared on behalf

of the him and as such, the petitioner has right to file bail application or by appointing an Advocate for appearing for the bail application before the learned Sessions Court(NIA), Churachandpur and as such his right has been kept aside. Therefore, for filing bail application and appearing in this case, the petitioner has filed the present transfer petition being Tr. P.(Crl.) No.1 of 2023 seeking to transfer the case from the file of learned Sessions Court (NIA) , Churachandpur to the learned Sessions Court(NIA) Thoubal for the purpose of the enabling to file an appropriate bail application therefore, he prayed this Court to transfer the case in FIR No.02(04)2023 SKT-PS U/s 121/121-A IPC & 20 UA(P), from the file of learned Sessions Court (NIA) , Churachandpur to the learned Sessions Court(NIA), Thoubal. Whereas Mr. H.Samarjit, learned PP for the respondent strongly opposed the transfer case merely because of the petitioner could not able to appear before the Sessions Court(NIA) , Churachandpur and the FIR can not be transferred to other Courts namely the Sessions Court(NIA), Thoubal.

- [7] Admittedly, the petitioner was filed the bail application No.14 of 2023 before this Court and the same is pending for consideration. Therefore, while pendency of the bail application because of the transferring the FIR from the Sessions Court to another Sessions Court, Thoubal would not arise. Therefore, the case in FIR No.02(04)2023 SKT-PS U/s 121/121-A IPC & 20 UA(P) should not be transferred.

- [8] It is also the case of the prosecution that because of the present law and order situation in Manipur particularly at the District of Churachandpur, if the case is permitted to transfer to another Court , then all the cases filed by the prosecution before the learned Sessions Court (NIA), Churachandpur, claim will be made continuously by other accused persons also. Therefore, Mr. H. Samarjit, learned PP strongly opposed for transferring the case.
- [9] Admittedly in the State of Manipur particularly at Churachandpur District where there is bad law and order situation. But the cases are filing before the learned Sessions Court (NIA), Churachandpur and because of the grounds raised by the petitioner, he is enable to file bail application before the learned Sessions Court (NIA), Churachandpur, the cases should not be transferred to any other Court namely the learned NIA Court, Thoubal or any other Courts. Since other facilities like Video Conferencing is permitted to file and hear the bail application
- [10] Therefore, considering the nature of the argument advanced by both the parties, this Court is decided that it is not a fit case to transfer the case to the learned Sessions Court(NIA), Thoubal or to any other Sessions Court .
- [11] Accordingly, the present Transfer case i.e., Tr. P(Crl.) No.1 of 2023 is dismissed.

Ab.Surjit

ACTING CHIEF JUSTICE

\