

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

MC(EI.Pet.) No. 51 of 2023

Ref:- El.Pet. No. 6 of 2022

Shri Nahakpam Indrajit Singh

...Applicant

- Versus -

Sheikh Noorul Hassan & 3 Ors.

...Respondents

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

05.09.2023

[1] Heard Mr. Ajoy Pebam, learned counsel for the applicant in MC(EI.Pet.) No. 51 of 2023 and for the election petitioner in El. Pet. No. 6 of 2022.

[2] Mr. Ajoy Pebam, learned counsel for the election petitioner in El. Pet. No. 6 of 2022 represented that he has filed MC(EI.Pet.) No. 51 of 2023 seeking the prayers as follows :

“(i) issue the summons to the Official Witness Nos. 1, 2, 3 and 4 to appear before the Ld. Advocate Commissioner.

(ii) issue the summons to the Official Witness No. 1 i.e. Branch Manager, Axis Bank, Head Office, Thangal Bazar Branch or any other competent officer deputed by the Official Witness No. 1 who could verify the account status and other details of (1) A/C

- No. 920010008072418 of Axis Bank, Porompat Branch, (ii) A/C No. 920010008661144 of Axis Bank, Porompat Branch, (iii) A/C No. 910010004837498 of Axis Bank, Uttam Nagar Branch, New Delhi, IFSC UTIB0000696 and (iv) A/C No. 915020012865061 of Axis Bank, Uttam Nagar Branch, New Delhi and also direct the Official Witness No. 1 to bring the relevant records/documents of the following accounts i.e. (i) A/C No. 920010008072418 of Axis Bank, Porompat Branch, (ii) A/C No. 920010008661144 of Axis Bank, Porompat Branch, (iii) A/C No. 910010004837498 of Axis Bank, Uttam Nagar Branch, New Delhi, IFSC UTIB0000696 and (iv) A/C No. 915020012865061 of Axis Bank, Uttam Nagar Branch, New Delhi and submit the same before the Ld. Advocate Commissioner for reference of the Hon'ble Court during the course of hearing of the said Election Petition.*
- (iii) issue the summons to the Official Witness No. 2 who is the Chief Manager, ICICI Bank, Porompat Branch or any competent subordinate officer deputed by the Official Witness No. 2 who could verify the account status and other details of A/C No. 764301001639 of the ICICI, Porompat Branch and also direct the Official Witness*

No. 2 to bring the relevant records/documents of the A/C No. 264301001639 of the ICICI, Porompat Branch and also submit the same before the Ld. Advocate Commissioner for reference of the Hon'ble Court during the course of hearing of the said Election Petition.

(iv) issue the summons to the Official Witness No. 3 i.e. the Director of Transport, Government of Manipur or any competent subordinate officer deputed by Director of Transport, Government of Manipur who could verify the owner of vehicle Registration No. DL4CNB4776 and also direct the Official Witness No. 3 to bring the relevant records/documents of the vehicle Registration No. DL4CNB4776 and also submit the same before the Ld. Advocate Commissioner for reference of the Hon'ble Court during the course of hearing of the said Election Petition.

(v) issue the summons to the Official Witness No. 4 i.e. the Income Tax Officer, Ward-44(1), Delhi, Room No. 1609, E-2 Block, Civic Center, New Delhi-110002 or any competent official from local Income Tax Office in Imphal deputed by Income Tax Officer, Ward-44(1), Delhi who could give the statement relating with the outstanding demand status of Noorul Hassan Sheikh

having PAN BPXPS9855Q as on 7/02/2022 and also direct the Official Witness No. 4 to bring the relevant records /documents of the outstanding demand status of Noorul Hassan Sheikh having PAN BPXPS9855Q as on 7/02/2022 and also submit the same before the Ld. Advocate Commissioner for reference of the Hon'ble Court during the course of hearing of the said Election Petition.

(vi) pass such further order(s)/direction(s) which the Hon'ble Court may deem fit and proper for the ends of justice."

[3] Mr. Ajoy Pebam, learned counsel for the applicant/election petitioner prays before this Court to issue summons to the official witnesses No. 1, 2, 3 and 4 of the list of witness dated 13.04.2023 which was shown in the list of witness for their appearance alongwith the relevant records and give evidence before this Court.

[4] Ms. N. Savitiri, learned junior counsel to Mr. N. Ibotombi, learned senior counsel who takes notice for the respondent No. 1 has made no objection.

[5] After considering the submissions of both parties, this MC(EI.Pet.) No. 51 of 2023 is allowed.

[6] Registry is directed to issue summons to the official witnesses No. 1, 2, 3 and 4 of the list of witness dated 13.04.2023 by directing the official witnesses to produce the authenticated documents and appear and given evidences before this Court.

[7] Registry is further directed to issue summons to -

- (a) the official witness No. 1 for appearance before the Learned Advocate Commissioner on 11.09.2023 at 10:30 A.M. along with the account status and other details of (1) A/C No. 920010008072418 of Axis Bank, Porompat Branch, (ii) A/C No. 920010008661144 of Axis Bank, Porompat Branch, (iii) A/C No. 910010004837498 of Axis Bank, Uttam Nagar Branch, New Delhi, IFSC UTIB0000696 and (iv) A/C No. 915020012865061 of Axis Bank, Uttam Nagar Branch, New Delhi and give evidence;
- (b) to the official witness No. 2 for appearance before the Learned Advocate Commissioner on 12.09.2023 at 10:30 A.M. along with the account status and other details of A/C No.764301001639 of the ICICI, Porompat Branch and give evidence;
- (c) to the official witness No. 3 for appearance before the Learned Advocate Commissioner on 13.09.2023 at 10:30 A.M. along with the relevant records of the

vehicle Registration No. DL4CNB4776 and give evidence; and

- (d) to the official witness No. 4 for appearance before the Learned Advocate Commissioner on 14.09.2023 at 10:30 A.M. along with the relevant records of the outstanding demand status of Noorul Hassan Sheikh having PAN BPXPS9855Q as on 7/02/2022 and give evidence.

[8] Both the counsels for the petitioner as well as the respondents are hereby directed to examine and cross-examine on the same day without fail which was fixed by this Court.

[9] The Learned Advocate Commissioner is directed to record the examination and cross-examination of the official witnesses No. 1, 2, 3 and 4 on the particular dates on 11.09.2023, 12.09.2023, 13.09.2023 and 14.09.2023 and report this Court on 18.09.2023.

[10] Registry is directed to place the matter before the Learned Advocate Commissioner after issuing the summons to the official witnesses.

[11] Registry is directed to issue summons to the official witnesses today itself.

ACTING CHIEF JUSTICE

Sushil