

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(EI.Pet.) No. 65 of 2023

Md. Nasiruddin Khan

...*Applicant/s*

Vs.

Lourembam Rameshwor Meetei & 4 ors.

...*Respondent/s*

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

22-11-2023

Heard Mr. S. Gunabanta, learned counsel appearing for the petitioner/applicant and Mr. N. Kumarjit, learned senior counsel assisted by Mr. N. Zequeson, learned counsel appearing for the respondent No. 1. None appeared for the other parties.

The present application has been filed with a prayer for issuing summon to the official/ court witness No. 1, namely, Mrs. Karam Uma Devi, Returning Officer, 6- Keirao Assembly Constituency for the 12th Manipur Legislative Assembly Election, 2022 and the official/ court witness No. 2 viz. Banta Sharma, the Branch Manager, ICICI, Keishampat Branch, Imphal to appear along with authenticated/certified copies of the Final Electoral Roll list, 2022 and authenticated/certified copies of the account statement and the status of the Account No. **246301000740 of Lourembam Anita Devi** and to appear before the appointed Commissioner to give their statements and evidences in connection with the Election Petition. It has been submitted by the learned counsel appearing for the petitioner that production of the required documents is only for the purpose of reference of the witnesses in giving their statements and not for the purpose of exhibiting as a piece

of evidence or to be used as a piece of evidence in connection with the said Election Petition.

Mr. N. Kumarjit, learned senior counsel appearing for respondent No. 1 submitted that the details of the documents to be produced by the official/court witnesses were not specifically mentioned in the present application and that the production of such documents more specifically the bank details of Lourembam Anita Devi is barred by Rule 25 of the DBR-Master Circular on Customer Service in Banks Rules, 2015 wherein it is provided that the scope of the secrecy law in India has generally followed the common law principles based on implied contract and that the bankers' obligation to maintain secrecy arises out of the contractual relationship between the banker and customer, and as such no information should be divulged to third parties except under circumstances which are well defined.

Responding to the objection raised by the learned counsel appearing for respondent No. 1, it has been submitted by the learned counsel appearing for the petitioner that in the aforesaid Rule 25 itself of the said DBR-Master Circular on Customer Service in Banks Rules, 2015, it is provided that where disclosure is under compulsion of law and where there is duty to the public to disclose, the confidentiality clause shall not apply. In the present case, under form 26 under Rule 4-A of the conduct of Election Rules, 1961, it is mandated that any intending candidate in an election is compulsorily required to disclose the bank

account details of the spouse of the candidate and as such, the said confidentiality clause under Rule 25 is not applicable.

Having heard the submissions advanced by the learned counsel appearing for the parties, this Court is of the considered view that there is no force or valid ground in the objection raised by the respondent No. 1 and as such the present application is allowed with the following directions :

The registry is directed to issue summons to the aforesaid official/court witnesses No. 1 & 2 with a request to appear before the appointed Election Commissioner along with the aforementioned documents on a convenient date for the purpose of their examination as witnesses in connection with the main Election Petition. It is however made clear that any such documents produced by the said official/court witnesses is only for the purpose of reference of the witnesses in giving their statements and not for the purpose of exhibiting as a piece of evidence.

With the aforesaid directions, the present application is disposed of.

JUDGE

Dhakshori

LAISHRAM
DHAKESH
ORI DEVI

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by LAISHRAM
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