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Item No. 16

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

BAIL APPLN. No. 17 of 2024

Asem Konungjao Singh

... Petitioner

- Versus -

Officer in Charge, Khongjom P.S & Anr

... Respondents

B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

09.09.2024

Heard Mr. K. Achouba, learned counsel appearing for the petitioner; Md. Ajmal Hussain, learned counsel appearing for the private respondent as pro bono and Mr. Samarjit Hawaibam, learned PP appearing for the State respondents.

The present bail application has been filed by the petitioner for releasing him on bail in connection with FIR Case No. 56 (12) 2022 KJM – P.S.

The brief fact of the case is that on receiving the report from Langpoklakpam Aruna Devi (mother) that her 7 yrs old daughter namely Langpoklakpam Jeena @ Ratana Devi was sexually assaulted by the accused/petitioner, the police of the Khongjom P.S registered FIR Case No. 56(12) 2022 KJM-P.S U/S POCSO Act, 2012 and added Sec. 506 IPC on 17.12.2022 and the petitioner was arrested on the same day. Since then the petitioner has been languishing in jail.

The limited submission made by Mr. K. Achouba, learned counsel for the petitioner is that the charge sheet dated 11.02.2023 was filed on 12.09.2023 before the Ld. Special Court, POCSO, Thoubal and cognizance was taken on 27.09.2023 in Spl. T./POCSO/6/2023 but till

date no charge hearing has been done. The learned counsel for the petitioner further submitted that the petitioner filed bail application on default bail being Cril. Misc. (B) case No. 250 of

2023 before the learned Special Judge (POCSO), Thoubal and the learned Special Judge (POCSO), Thoubal rejected the bail application on 26.06.2023. Thereafter, the petitioner again filed bail application being Bail Appln. No. 21 of 2023 before this High Court and the learned Single Judge disposed of the application by observing thus;

"On 4.10.2023, learned counsel for the accused orally made a submission for default bail before this Court on the ground that charge sheet has not been submitted till date. However, as per order dated 27.09.2023 charge sheet was submitted before the Trial Court on 12.09.2023 and hence, the prayer for default bail is no longer available to the accused person.

Mr. Achouba, learned counsel for the petitioner submitted that the petitioner has been in custody for 10 (ten) months without any trial and relevant papers have not been furnished to him and next date is fixed on 23.10.2023 for appearance of the accused and it is submitted that it may take a considerable time for completion of the trial and the accused may be released.

This Court is of the opinion that the present bail application may be disposed of with a direction to the learned Special Court (POCSO), Thoubal to decide the charge hearing as expeditiously as possible keeping in view the provisions of Section 35 of the POCSO Act 2012.

With this observation, the bail application is disposed of. It is made clear that this Court does not express any opinion on the merit of the case except for making an endeavour for early decision and disposal of the charge hearing."

On perusal of record, a copy of the said order was furnished to the learned Special Judge (POCSO), Thoubal on 18.10.2023. In spite of the direction of the Ld. Single Judge, the learned Special Judge (POCSO), Thoubal failed to take further proceeding of the case.

In the facts and circumstances of the case, this Court has taken serious view with regard to the inaction of the learned Special Judge (POCSO), Thoubal for not taking further proceeding of the case.

Md. Ajmal Hussain, learned pro bono for the private respondent submits that in view of the provision of section 35 of POCSO Act, the statutory period of 1(one) year is not yet over from the date of taking cognizance of the case.

In the facts and circumstances of the case, this Court is of the opinion that the present bail application may be disposed of with a direction to the learned Special Judge (POCSO), Thoubal to seriously deal with the matter for disposal of the case as fast as possible and the learned Special Judge (POCSO), Thoubal is also directed to dispose of the present Spl. T./POCSO/6/2023 within a period of 5(five) months from today itself.

Send an extract copy of this order to the Court of learned Special Judge (POCSO), Thoubal during the course of the day.

The learned counsel for the petitioner is given liberty to approach this Court, if the learned Special Judge (POCSO), Thoubal does not comply with the direction to the order of this Court.

In view of the above observation and direction, the present bail application stands disposed of.

JUDGE

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