

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

CRIL. PETN. No. 19 of 2024

The Central Bureau of Investigation (CBI), represented
by the Director, CBI, Plot No. 5-B, 6th Floor, CGO
Complex Lodhi Road, New Delhi – 110003.

.... Petitioner

- Versus -

Yambem Ningthem Singh, aged about 69 Yrs., S/o (Late)
Y. Tombi Singh of Uripok Yambem Leikai, P.O & P.S.
Imphal, Imphal West District, Manipur at present residing
at Mantripukhri Lamlongei, P.O. Mantripukhri, P.S.
Heingang, Imphal East District, Manipur.

.... Respondent

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

For the petitioner : Mr. W. Darakeshwar, Senior PCCG
For the respondent : Mr. N. Ibotombi, Senior Advocate
Date of hearing : 02.05.2024 & 16.05.2024
Date of judgment &
order : **18.07.2024**

JUDGMENT & ORDER
(CAV)

[1] Heard Mr. W. Darakeshwar, learned Sr. PCCG appearing for the petitioner and Mr. N. Ibotombi, learned senior counsel assisted by Mr. N. Savitri, learned counsel appearing for the respondent.

[2] The present application has been filed under Section 482 of Code of Criminal Procedure, 1973 for setting aside the impugned order dated 28.02.2024 passed by the Ld. Special Judge (P.C. Act), Imphal West, Manipur in Cril. Misc. (B) Case No. 12 of 2024 (arising out of A.B. No. 28 of 2017).

[3] The present petition has been filed by the CBI, who is investigating the above referred case which was registered in CBI, STB, New Delhi on 20.11.2019 u/s 420, 409, 406, 403, 120-B, 34 of IPC and 13(2) of PC Act, 13(1)(c) of PC Act, 1988 pursuant to the consent accorded vide notification dated 11.09.2019 by the Govt. of India, DoPT to CBI following the Notification No. 12/1(2)/2017- H(CBI)(MDS) dated 06.05.2019 of Govt. of Manipur, Home Department accorded its consent to CBI for carrying out investigation into the two FIRs i.e. FIR No. 3(08)2017-VPS dated 07.08.2017 u/s 420, 403, 409, 120-B, 34 IPC and 13(1)(c) of PC Act against Sh. Y. Ningthem Singh, former Project Director of Manipur Development Society and others, registered at Vigilance Police Station, Manipur, Imphal on the basis of the complaint of Sh. Khuplen Lhouvum, Addl. SP (Vig.), Manipur and FIR No. 244(9)2017 dated

01.09.2017 u/s 420, 406, 120- B, 409, 34 IPC and 13(2) of PC Act, 1988 against Shri. Y. Ningthem Singh, former Project Director of MDS, Shri. D.S. Poonia, IAS, the then Chairman of MDS from 30.06.2009 to 30.06.2013, Shri. O. Ibobi Singh, the then Chairman, MDS from 01.07.2013 to 31.08.2014, Shri. P.C. Lawmkunga, IAS, the then Chairman of MDS from 01.09.2014 to 30.09.2015, Shri. O. Nabakishore Singh, IAS, the then Chairman of MDS from 01.01.2015 to 06.07.2017 and Shri. S. Ranjit Singh, Administrative Officer, MDS, registered by Imphal Police Station, Imphal West on the basis of complaint filed by Dr. Th. Munindro Singh, Joint Secretary, Planning, Govt. of Manipur, which were amalgamated as per orders of the Governor of Manipur issued vide no. 12/1(2)/2017-H(CBI)(MDS) dated 25.04.2018, by the Govt. of Manipur, Home Department.

[4] One, Dr. Th. Munindro Singh, Joint Secretary (Planning), Government of Manipur lodged a complaint before the Officer-in- Charge, Imphal Police Station on 01.9.2017 for registering case against the respondent/accused namely, Y. Ningthem Singh, former Project Director MDS and other co-accused persons alleging cheating, criminal conspiracy and breach of trust, thereby causing loss to the tune of 1,84,42,11,478/- to the public exchequer. Accordingly, CBI has registered a case being No. RC DST/2019/A/0011 Regd. U/s 420, 409,406,403,120-B,34 IPC and 13 (2) of PC Act, 13 (1) (c) of PC Act, 1988.

Thereafter, an anticipatory bail was granted to all the accused vide order dated 27.02.2020 by this Hon'ble High Court. Subsequently, the respondent accused filed an application before the Ld. Special Judge (P.C.), Imphal West praying to allow the present respondent to travel abroad (Abu Dhabi), for 20 days for treatment of Pancreatic Cancer and the same was granted by the Ld. Special Judge (P.C) Imphal West, without considering the fact that, inter alia, despite no document indicating that, the accused has been treated with cancer.

[5] The genesis leading to the filling of this Criminal Petition are as follows:

On 02.02.2024, the respondent/accused filed a Criminal Miscellaneous Case No. 12 of 2024 u/s 439 of Cr.P.C before the Ld. Special Judge (PC Act), Imphal West, Manipur praying for granting permission to leave India for 20 days from the date of order for medical treatment at Cleveland Clinic, Abu Dhabi, United Arab Emirates. In that regard, the petitioner (respondent in the Cril. Misc. Case No. 12 of 2024) filed an objection to the Cril. Misc. Application praying to reject the aforesaid application in the interest of justice.

After hearing both the parties, the Ld. Special Judge (PC), Imphal West, Manipur, vide its order dated 07.02.2024, directed the petitioner (CBI) (respondent in the Cril. Misc. Application) to place a report/proposal before it for any possible arrangement in consultation with appropriate authority, if in the event, consideration of the petitioner's prayer, for treatment at Cleveland Clinic, Abu Dhabi, UAE,

becomes a necessity. The petitioner (CBI) was also directed to highlight possible arrangement for securing vigil over the respondent (petitioner in the Cril. Misc. Application), during his stay at Abu Dhabi, UAE. Accordingly, the petitioner (CBI) filed a written report pursuant to the order dated 07.02.2024 praying for dismissing the aforesaid Cril. Misc. Case No. 12 of 2024, after exploring all the possibilities of such arrangement by CBI thereby taking up the matter with the International Police Cooperation Unit i.e. IPCU, New Delhi.

After having perused all the documents placed on record and after hearing the submissions of both the parties at length, vide order dated 28.02.2024, the Ld. Special Judge (PC), Imphal West, Manipur granted the prayer of the respondent (petitioner in the Cril. Misc. Application) and he was allowed to leave India for a period of 20 days from that day, on his furnishing Bond of Rs. 5,00,000/- (Rupees five laksh only), which was to be deposited with the Nazir of Ld. Special Judge (PC), Imphal West Manipur in cash, and to report back on 18.03.2024.

[6] As per the learned counsel for the petitioner, the amount involved in the case, as per the FIR, is Rs. 518.69 Crores approx, and the investigation of this case has so far revealed, that during the relevant period, the respondent\accused is the Project Director of Manipur Development Society (MDS) and Executive Head of MDS.

Further, the learned Sr. PCCG submits that after investigation, the investigating agency has filed its first charge sheet in this case before the Hon'ble Court of Special Judge (P.C.) Imphal West

against the Respondent accused U/s 120-B r/w Section 420, 467, 468, 471 IPC and Section 13 (2) r/w 13(1)(c) & (d) of Prevention of Corruption Act, 1988 and substantive offence punishable U/s 420, 467, 468, 471 IPC and Section 13 (2) r/w 13(1)(c) & (d) of Prevention of Corruption Act, 1988 for having caused an undue wrongful loss of Rs. 19.32 Crores Approx. to the public exchequer and undue wrongful gain to himself in criminal conspiracy with other accused persons in the matter of non-execution of various projects in respect of which funds were released for MDS by Secretariat Planning Department, Government of Manipur/Govt. of India and the same were diverted at the behest of the accused respondent and siphoned off.

[7] The learned senior PCCG further submits that the present application filed by the respondent/accused before the Ld. Special Judge (PC), Imphal West, Manipur for permission to travel to Abu Dhabi for a period of 20 days for his treatment at Cleveland Clinic, Abu Dhabi, UAE stated that he is suspected to be having pancreatic cancer whereas as per the earlier two applications filed by and dismissed by Ld. Trial Court, he was diagnosed with pancreatic cancer. In view of the contradictory stand in the applications of the respondent/accused, the petitioner (CBI) made a prayer to the Ld. Trial Court that a board of doctors of AIIMS, New Delhi may be constituted in order to ascertain whether the respondent/accused is diagnosed with Pancreatic Cancer or not and whether he can be provided appropriate medical treatment for the same in India or not.

[8] Ld. sr. PCCG further submits that one charge sheet has already been filed against the respondent/accused and others in this case and the further investigation of this case involving numerous projects is at a very crucial stage and further looking to the desperation of the respondent/accused to somehow leave the country, it is strongly apprehend that if the respondent/accused is allowed to go abroad, he, being the mastermind of this fraud, will never return to face the trial and the remaining investigation and trail may be hampered.

[9] The learned senior PCCG further submits that as per order dated 07.02.2024 of the Ld. Special Judge (PC), Imphal West, Manipur a report was submitted before the Ld. Special Judge (PC), Imphal West, Manipur stating that vide letter dated 12.02.2024 of the International Police Cooperation Unit (IPCU), New Delhi, intimated in writing that in the absence of any Extradition Request or Provisional Arrest request as per Extradition Treaty between Government of the Republic of India and the United Arab Emirates (UAE), the movements of the subject in UAE would not normally be curtailed or monitored in UAE. Further, no assurance could be provided that UAE Authorities would keep vigil over the subject. Further, the matter may be consulted with MEA and MHA.

In view of the aforementioned communication from National Central Bureau – India, Interpol New Delhi the petitioner (CBI) informed the Ld. Trial Court that it will not be possible for CBI to make arrangement for carrying out the medical treatment of the

Respondent/accused at Abu Dhabi because the said city is outside the territorial jurisdiction of India.

[10] When the matter was taken up on 07.03.2024, the proceeding of the order dated 28.02.2024 passed in Cril. Misc. Case No. 12 of 2024 by the Ld. Special Judge (PC), Imphal West, Manipur was stayed till the next date of hearing.

For easy reference and for convenience, Para No. 18, 19 & 26 of the present Cril. Petn. are extracted herein below:

"18. That, the petitioner begs to submit that, the Respondent accused is relying on the discharge certificate of Care and Cure Hospital which has opined that best treatment can be given by the US hospital which earlier treated him. However, it is an interesting fact that there is no material on record to show that the Respondent accused has earlier been treated by any US Hospital including Cleveland Clinic as the enclosed schedule of the said clinic which dates back to 30.04.2010 mentions the name of department as Urology which does not appear to be the department treating pancreatic disease which in this case should be Gastroenterology.

19. That, the petitioner begs to submit that, even if it is assumed for the sake of argument, that the Respondent accused was diagnosed with Pancreatic Cancer and underwent treatment for the same in aforementioned USA Clinic in 2010, it is not clarified as to what is the medical expertise of the said clinic in treating pancreatic cancer which distinguishes itself from the medical expertise in treating such disease as available in India.

.....
*26. That, the petitioner begs to submit that, as per the application filed before the Ld. Special Judge (PC), Imphal West, the Respondent/accused stated that, he is **suspected** to be having pancreatic cancer whereas as per the earlier two applications filed by him and dismissed by Ld Trial Court, he was **diagnosed** with pancreatic cancer. In view of the contradictory stand in the applications of the accused, prayer was made to Ld. Trial Court that a board of doctors of AIIMS, New Delhi may be constituted in order to ascertain whether the Respondent accused is diagnosed with Pancreatic cancer or not and whether he can be provided appropriate medical treatment for the same in India or not."*

[11] Mr. N. Ibotombi, learned senior counsel submitted counter affidavit on behalf of the respondent stating that till a Court of law has given a finding that the accused is guilty of the charges levelled against him, in the eye of law, it shall be presumed that the accused is still innocent.

Learned senior counsel, further, submits that the deponent filed a Misc. Case before the Ld. Special Judge (PC Act.), Imphal West, Manipur seeking permission to leave the Country for his medical treatment. The said Misc. Application was rejected by the Ld. Special Judge mainly on the ground that the deponent has not pursued the matter diligently. Another Misc. Application being Cril. Misc. Case No. 127 of 2023 was filed by the deponent for granting permission to leave India for medical treatment and the Hon'ble Court, vide order dated 05.10.2023, dismissed the said Misc. Application only the ground that the chronic pancreatitis is generally temporary in nature and the person will often fully recover within a few days.

[12] Mr. N. Ibotombi, learned senior counsel further submitted that the deponent purchased an Air Ticket and a boarding pass being EK517 dated 05.03.2024 for medical treatment at Cleveland Clinic, Abu Dhabi, United Arab Emirates. He, further, submits that the passport being No. L9610484 dated 17.07.2014 issued at Guwahati in favour of the deponent was seized at the Indian Immigration Control, Indira Gandhi International Airport, New Delhi on 05.03.2024 on the ground that "DRIS status of passport was impounded. Hence, the passport was seized and

sent to concern RPO through FRRO Delhi". Because of the seizure of the passport, the deponent could not leave India for his medical treatment. As the passport of the deponent was impounded, the deponent contacted the Regional Passport Office at Guwahati and after processing the file, a new Passport was issued in favour of the deponent. Because of the seizure of the Passport and also in view of the order dated 07.03.2024 passed in M.C. (Cril. Petn.) No. 17 of 2024, the deponent could not leave India for medical treatment at Cleveland Clinic, Abu Dhabi, United Arab Emirates.

[13] Mr. N. Ibotombi, learned senior counsel further submits that the application filed by the deponent for seeking permission to leave India for medical treatment at Cleveland Clinic was rejected by the Ld. Special Judge (PC Act), Imphal West, Manipur, vide order dated 05.10.2023 in Cril. Misc. Case No. 127 of 2023 only on the ground that acute chronic pancreatitis is generally temporary in nature and the person will often fully recover within a few days. As the ailment of the deponent has been diagnosed as Acute on Chronic Pancreatitis, Hepatic Encephalopathy grade-I-Recovered, Decompensated CLD with Portal Hypertension by the doctor who attended the deponent, it is submitted that Pancreatic Cancer (PC) is one of the most lethal disease with an incidence rate almost equal of the rate of mortality Chronic Pancreatitis (CP) is a common chronic inflammatory.

[14] Mr. N. Ibotombi, learned sr. counsel further submits that it is well settled that the right to travel abroad has been interpreted within the scope of fundamental right to personal liberty under Article 21 of the Constitution of India. In ***Parvez Noordin Lokhandwall -Vs- State of Maharashtra***, the Hon'ble Apex Court held that the right of an accused to travel abroad is a valuable one and integral part of the right to personal liberty. Further, it is well settled that an accused can be granted this liberty on the ground of medical necessity, where they would be required to travel abroad in order to obtain certain medical facilities and treatments. Denial of travel, in such a scenario, cannot be refused as it may be viewed to be prejudicial to the health of the accused.

He, further, submits that CBI did not challenge the order dated 05/12/2023 passed in Cril. Misc. Case No. 213 of 2023 wherein, the Ld. Special Judge (PC Act), Imphal West has given permission to the applicant to leave India for foreign tour at Singapore and Malaysia.

[15] Ld. sr. PCCG submits written argument in support of his case which is reproduced herein below:

"Main Grounds raised in the instant criminal petition are as follows:-

1. Not a single document presented by him before the trial Court to establish that he is diagnosed with pancreatic cancer which he is suspecting based on the medical certificate of an ordinary hospital called Care & Cure Hospital, Imphal.

2. No document is there to establish that he was earlier treated at **Cleveland Clinic USA** for any disease including pancreatic cancer.
3. That, not a single document to show that Cleveland Clinic is having specialization to treat pancreatic cancer.
4. That, even if it is assumed for the sake of arguments that the accused was treated at Cleveland Clinic, USA then what is the guarantee that its Abu Dhabi is equally capable of treating him with same amount of perfection.
5. That, contradictory stands taken by him regarding his disease as in earlier applications, he was mentioning pancreatic cancer and now, in the present case he is mentioning suspected of such pancreatic cancer. His earlier two petitions were dismissed by the Ld. Trial Court on the same grounds.
6. That, despite CBI giving to the Trial Court in writing that CBI cannot maintain vigil over him in foreign land, the Ld. Trial Court has directed CBI in its impugned order to ensure the same.
7. That, his disease which is in the realm of suspense can be diagnosed by both doctors of AIIMS, New Delhi and accordingly, his treatment can be done in India.
8. That, the accused cannot misuse/abused the bail granted to him by the Court.

Referring to the above mentioned grounds, the learned counsel for the petitioner submits that there is no reasonable grounds/basis to leave India when the facilities for treatment of

pancreatic cancer is available in India and moreover, his suspected disease of pancreatic cancer can be ascertain in India.

Involvement of accused in the present case in short :-

The amount involved in the case, as per the FIR is Rs. 518.69 crores approx. and the respondent accused was the project Director and executive Head of MDS who, as the mastermind of this scam, played a pivotal role in misappropriation and siphoning of crores of Rupees of public money which had been paid to MDS by various line Depts. For execution of a number of projects, which were not executed/partially executed. He also issued false utilization certificate and false physical and financial progress reports in respect of utilization of funds so received from line Depts. For execution of the concerned projects.

The respondent/accused is the charge sheeted accused No.1 in the first charge sheet filed in this case by CBI for having caused an undue wrongful loss of Rs. 19.32 crores approx. to the public exchequer and undue wrongful gain to himself in criminal conspiracy with other accused persons in the matter of non execution of various project in respect of which funds were released for MDS by Secretariat planning Depts., Govt of Manipur/Govt. of India and same were diverted at the behest of the accused respondent through various accounts operated by him and siphoned off."

[16] In **Manoj Kumar Babulal Punamiya Vs. State of Jharkhand Tr. Dir of Enforcement** – [CRLMP. 5764/2014 in Petition(s) for Special Leave to Appeal (Crl.) No(s). 4516/2012], the Hon'ble Supreme Court observed that -

"Upon hearing the counsel the Court made the following order.

Learned counsel for the petitioner/applicant would submit that the petitioner-herein is suffering from a serious disease. According to him, the same can be treated only by the Stem Cell Therapy. He further submits that such a therapy is not available in our country. In aid of his assertion, he has produced several documents issued by the doctors/hospitals wherein they categorically state that the Stem Cell therapy for the said disease that the petitioner/applicant is suffering, is not available in our country.

We had given more and sufficient time to Shri R.S. Suri, learned senior counsel for the respondent-agency to verify and to inform us whether the aforesaid therapy is available in our country or not. After verification, he submits that the Stem Cell therapy can only be, as of now, used to treat the cancer patients and not the disease that the petitioner/applicant is suffering from.

The petitioner/applicant is facing trial under the Money Laundering Act and the trial is in progress. Since the petitioner/applicant is suffering from a serious ailment and the Stem Cell Therapy to treat the aforesaid disease is not available in our country, we permit the petitioner/applicant to go to Singapore where the said Stem Cell Therapy is available with the following conditions:

- 1. The petitioner/applicant shall be accompanied by a Sub-Inspector of Police and two constables named by the respondent-agency.*
- 2. The names of the officers/officials accompanying the petitioner/applicant will be informed by the respondent-agency to the petitioner/ applicant within a weeks' time from today.*
- 3. The petitioner/applicant shall bear the travel expenses of the aforesaid officers/officials to and fro Singapore.*
- 4. The petitioner/applicant shall also take the responsibility of boarding and lodging of the accompanying officers/officials.*

5. *The petitioner/applicant shall purchase the return tickets for himself and also for the accompanying officers/officials before leaving this country.*
6. *After the immigration check, the petitioner/applicant shall handover his passport to the Sub-Inspector of Police who accompanies him.*
7. *The petitioner/applicant and accompanying officers/officials shall leave India on 07.10.2014 and shall return back to India on 16.10.2014."*

[17] In the instant case, the respondent/petitioner as well as the medical documents filed therein failed to mention that the petitioner's alleged medical condition i.e. **Acute on Chronic Pancreatitis** cannot be treated inside the country. Further, failed to mention that as the disease cannot be treated inside the country. The patient needs to go outside the country where it can be treated.

[18] In **(2020) 10 SCC 77 – [Parvez Noordin Lokhandwalla V. State of Maharashtra & Anr]** (Para Nos. 19 & 26), the Hon'ble Supreme Court observed that –

*"19. In **Barun Chandra Thakur V. Ryan Augustine Pinto**, this Court restored a condition mandating that the respondent seek prior permission from a competent Court for travel abroad. The condition, which was originally imposed by the High Court while granting anticipatory bail was subsequently deleted by it. This Court made the following observations with respect to imposing restrictions on the accused's right to travel: (SCC OnLine SC para 9)*

"9 There could be no gainsaying to that the right to travel abroad is a valuable one and an integral part of the right to personal liberty. Equally, however, the pre-condition of securing prior permission before travelling abroad is a crucial ingredient which undoubtedly was engrafted as a condition for the grant of anticipatory bail in this case.... At best, the condition for seeking permission before travelling abroad could have been regulated, not deleted altogether."

26. We accordingly permit the appellant to do so, subject to his furnishing in undertaking to this Court before the date of travel that he will return to India after the expiry of a period of eight weeks and that he shall be available on all dates of hearing before the court of criminal jurisdiction, unless specifically exempted from personal appearance. The undertaking shall be filed in this Court before the appellant undertakes travel. On the return of the appellant after eight weeks and if it becomes necessary for him to travel to the US, the appellant shall apply to the court concerned for permission to travel and any such application shall be considered on its own merits by the competent Court. The appellant shall travel only upon the grant of permission and subject to the terms imposed. The passport of the appellant shall be handed over to the appellant to facilitate his travel, subject to the condition that he shall deposit it with the investigating officer immediately on his return."

But, the respondent accused needs to take permission from the Court before travelling abroad. It is the duty of the Court to see whether permission sought for is reasonable/genuine or not.

[19] Heard the learned counsels for the parties and also perused the pleadings with the citations relied upon by the parties and the documents filed therewith.

[20] It is settled principle of law that the right of the accused to travel abroad is valuable one and integral part of the right to personal liberty and this liberty can be granted on the ground of medical necessity where they would be required to travel abroad in order to obtain certain medical facilities and treatment. Denial of travel in such a scenario cannot be refused as it may be viewed to be prejudicial to the health of accused as observed by the Hon'ble Supreme Court in ***Pervez Noordin Lokhandwall –vs- State of Maharashtra***.

[21] Here, the emphasis is given to “**medical necessity which would be required to travel abroad in order to obtain certain medical facilities and treatment**”.

[22] This Court for this matter perused the medical documents filed by the respondent and while doing so, this Court came across the following medical documents:

(i) *Scanned copy of appointment for treatment to Cleveland Clinic, USA dated 30.04.2010.*

Here, a perusal of this document finds that this is just an appointment for treatment, nothing else.

(ii) *Scanned copy of discharge copy with medication advice of Max Health Care Hospital.*

In that, it is found that in the case history portion, it was written as “**Acute on Chronic Pancreatitis**”. But, there is no mention of either Cancer or advising the accused to go abroad for medical treatment on the ground that in the concerned hospital or in the country, there is no facility to treat the disease.

(iii) *Scanned copy of discharge summary and certificate issued by Raj Medicity, Imphal.*

In that, it was mentioned “**Acute on Chronic Pancreatitis**” without mentioning Cancer with medication advice. But, it does not mention that the hospital has got no facility to treat the patient and not advised for further treatment abroad.

(iv) *Scanned copy of discharge certificate issued by Care and Cure Hospital with medication advice and it is also mentioned that –*

- (a) *Condition and prognosis have been explained to patient party and further referred to higher centre where Gastroenterologist facility available.*
- (b) *As, patient Pancreas health condition is in critical stage (Cancer Suspected).*
- (c) *The best treatment can be understood by the U.S. Hospital that treated him earlier.*

Here, there is only mention of Cancer suspected and from further perusal of the document, it is seen that there is no mention of the respondent/accused requiring to go abroad as there is no facility available in the hospital, but just an advice to treat at Cleveland Clinic, U.S. where he was treated earlier.

Furthermore, a perusal of the documents mentioned above filed by the respondent/accused, there is not even a single document showing that the respondent/accused was actually treated in the Cleveland Clinic, U.S.

- (v) *Scanned copy of an appointment slip for treatment at Cleveland Clinic, Abu Dhabi.*

[23] On perusal of the above mentioned medical documents submitted by the respondent/accused, it is observed that the documents failed to show that the medical necessity to travel abroad in order to obtain certain medical facilities and treatment let alone from the U.S. Further, the documents failed to show that the disease (Acute on Chronic Pancreatitis) of the respondent/accused cannot be treated in the country.

[24] In the facts and circumstances and observations made above, the plea of the respondent/accused for allowing him to go to Cleveland Clinic, Abu Dhabi for medical treatment is not made out. Accordingly, the order of the Ld. Trial Court dated 28.02.2024 passed by the Ld. Special Judge (PC ACT), Imphal West is set aside and the present Cril. Petition filed by the petitioner is allowed. However, liberty is granted to the respondent/accused to approach either this Court or Trial Court, if there is new development regarding the medical issue of the respondent/accused.

[25] Accordingly, the present Cril. Petition is allowed and disposed of without costs.

JUDGE

FR/NFR

Lucy/Bipin