

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

MC(El. Petn.) No.16 of 2025

Ref: El. Petn. No.34 of 2022

Kimneo Haokip Hangshing

Petitioner/s

Vs.

Kenn Raikhan and 6 Ors.

Respondent/s

BEFORE

HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

(ORDER)

22.08.2025.

Learned counsel for the applicant, Mr. Anjan Prasad Sahu is present through Video Conferencing. Similarly, Mr. Ajoy Pebam, learned counsel for the respondent is also present before the Court physically.

The present applicant being a respondent No.1 in the proceeding of El. Petn. No. 34 of 2022, the aforesaid applicant has initiated the proceeding keeping in view of the relevant provision of the Representation of the People Act, 1951 as a member of 12th Manipur Legislative Assembly Election, 2022 from 46- Saikhul (S/T) Assembly Constituency.

On perusal of the order dated 28.03.2025, in the said order, it is hereby closed taking the evidence on the part of respondent against the non production of the witnesses in the scheduled time.

Due to some various reasons stated specifically in Para No.4 and the witnesses were materials to the defence set up on the part of the respondents and the respondent could not safely be travelled to appear before the Court in the proceeding which is pending for consideration. It is further stated that the proposal witnesses or observatory material witnesses in respect of defense has been set up on the part of the applicant in the aforesaid El. Petn. and their non-examination of witnesses have been facilitated, it would cause bridge prejudice and miscarriage of justice but it cannot address the issue in between the petitioner and respondent respectively. On this premises, the learned counsel for the applicant/petitioner seeking for consideration of the grounds which is sought in his application for recalling the order dated 28.03.2025 and whereby closing the evidence on the part of the respondent. It is further seeking for permitting the applicant/respondent to continue with the examination on their part for the remaining witnesses for proper adjudication of the issues in the between the parties in this election proceeding and therefore, seeking only for allowing the aforesaid application in the interest of justice.

On contrary, the learned counsel Mr. Ajoy Pebam for the respondent is present and wherein the said counsel in these matters submitting that the opportunity has been given to facilitate the evidence but the evidence on the part of the respondent has been closed due to non production of the witnesses but against the present El. Petn., this application has been filed

for seeking the intervention for setting aside the order dated 28.03.2025 and therefore, the learned counsel in this matter fairly submitted that though the application has been considered but the time is required to be fixed for recording the evidence in further of the respondent/applicant. This fair submission which is made by the respondent in this matter is taken on record.

However, keeping in view of the contentions has been taken by the applicant/respondent in this matter and also the election proceeding has been initiated by giving the various grounds. Therefore, it is stated that without expressing any opinion on the merit of this matter, it is deemed appropriate to state that the reasons stated in this application are found to be justifiable and also acceptable.

Consequently, the proceeding in MC(EI. Petn.) No.16 of 2025 is hereby considered in the interest of justice.

Consequent upon the consideration of the set up application, it is deemed appropriate that applicant/respondent shall proceed in further to continue with the examination for the remaining witnesses in the present EI. Petn. and the evidence shall be facilitated expeditiously by giving an opportunity to both the parties to the proceeding and it is required to state that recording of the evidence may be completed within a period of 4 months from the date of the receipt of this order.

Accordingly, the aforesaid proceeding is hereby disposed of.

In the given peculiar facts and circumstances in these matters are concerned, it is deemed appropriate that the learned counsel for the parties in the proceeding be directed to extend co-operation for disposal of the said matter in accordance with law by giving an opportunity to both the parties.

CHIEF JUSTICE

Ab. Surjit