

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

W.P.(Crl.) No. 13 of 2025

Mr. Pougoulun Kipgen @Pougoulun @Gogou

Petitioner

Vs.

The State of Manipur and 4 Others

Respondents

BEFORE

HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

ORDER

(K. Somashekar, C.J. and A. Bimol Singh, J)

06.08.2025

[1] Heard Mr. T. Pamei, learned counsel appearing for the petitioner; Mr. Th. Vashum, learned GA appearing for respondent Nos. 1, 2, 4 and 5 and Ms. Pamchui, learned counsel appearing for the respondent No. 3.

[2] The present writ petition has been filed challenging the order dated 19.05.2025 and order dated 03.06.2025 issued by the District Magistrate, Kangpokpi District ordering for detention of the petitioner under the provisions of Section 3(2) of the NS Act, 1980. It has been submitted on behalf of the petitioner that as per Section 3 Sub-section 4 of the said NSA Act, it is provided that the order of detention issued by the District Magistrate will be valid for a period of 12 (twelve) days only unless it is approved by the Government in the meantime. In the present case, it has been submitted by the learned GA that he has received instructions from

the State authorities that as the District Magistrate do not submit the relevant documents in connection with the impugned detention orders and as such, the two detention orders passed by the District Magistrate, Kangpokpi District was not approved by the Government.

[3] As the impugned detention orders were not approved by the Government within time prescribed by law, we are of the considered view that by operation of law as provided under Section 3 Sub-section 4 of the NS Act, the two detention orders has become invalid and stand vitiated.

[4] In view of the above, we hereby direct the authorities to release the petitioner from detention forthwith unless his continued detention is necessary in connection with any other cases pending against him.

[5] However, keeping in view the provision of Section 3 (2) of the NS Act, 1980 and wherein the District Magistrate being an authority passing two orders relating to the proceedings which is indicated in the materials available on record and therefore, it is opined that there is no sanctity to the aforesaid two orders rendered by the District Magistrate. It is based upon the materials available on record and also facilitated by the Investigating Agency and more so, within a period of twelve days that orders have not been approved by the approving authorities and all these things are concerned, it is deemed appropriate that there is no sanctity to

the aforesaid detention orders which have been passed by the detaining authority.

[6] However, in a given peculiar facts and circumstances in this matter are concerned, it is deemed appropriate that copy of this order be forwarded to the Chief Secretary, Government of Manipur for information.

[7] With the aforesaid direction, the present writ petition is disposed of.

Sushil

JUDGE

CHIEF JUSTICE