

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

WP(C) No. 853 of 2018

Judith Pudaite

.....Petitioner/s

- Versus -

Union of India

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

16.10.2025

[1] Present Mr. Tamlung Ngiime, learned counsel for the petitioner, Mr. W. Darakishwor, learned Sr. PCCG for respondent Nos. 1 & 2 and Mr. S. Niranjana, learned G.A. for respondent Nos. 3 & 4.

[2] The petitioner was convicted by Cambodian Court vide order dated 28.06.2013 for transporting and trafficking of addictive substances and she was directed to undergo 28 years of imprisonment and the petitioner was transferred to Manipur Central Jail, Imphal to undergo the remaining period of sentence in India.

[3] The petitioner submitted a joint representation dated 27.09.2017 to (i) The Secretary, Ministry of Home Affairs, Government of India, (ii) The Secretary, Ministry of External Affairs, Government of India and (iii) The Principal Secretary (Home), Government of Manipur for remission of her term of sentence in consonance with the guidelines of the Government of India and the applicable law.

[4] The prayer in the writ petition is reproduced as:

"(i) *Issue rule nisi calling upon the respondents to show cause as to why a writ in the nature of mandamus shall not be issued for directing them to take appropriate necessary action and fix the period of imprisonment to be undergone by the petitioner;*

- (ii) *Issue rule nisi calling upon the respondents to show cause as to why a writ in the nature of mandamus shall not be issued for directing the respondents to consider and dispose of the application of the petitioner dated 27.09.2017 (at Annexure-A/10) within a fixed period preferably within a period of 3 (three) months;*
- (iii) *Call for records;*
- (iv) *Make the rule absolute;*
- (v) *Pass such further orders/directions as the Hon'ble High Court deems, fit and proper in the facts and circumstances of the case."*

[4] During the course of hearing, Mr. W. Darakishwor, learned Sr. PCCG for the Central Government, produces a copy of a letter dated 19.07.2022 sent by Deputy Secretary (PR & ATC), Ministry of Home Affairs, Government of India to the erstwhile Central Government Counsel in this case.

[5] It is submitted that vide order dated 22.02.2019 issued by the Under Secretary (PR & ATC), Ministry of Home Affairs, Government of India, the term of imprisonment of the petitioner has been fixed as 20 years in terms of Section 22(3) of NDPS Act as the most approximation to the sentence of 28 years imposed by the Cambodian Court. It is submitted that in terms of the order dated 22.02.2019 passed by the Government of India, the first prayer in the petition for fixing appropriate term of imprisonment to be undergone has already been complied.

[6] Mr. W. Darakishwor, learned Sr. PCCG for the Central Government, also submits that in the letter dated 19.07.2022 sent by the Home Ministry, Government of India to the earlier Central Government Counsel, in para 2 & 3 it is stated that the Central Government have already requested the Cambodian authority on 20.08.2019 to consider the request of the petitioner for remission and as no response has been made, the reminder has been sent on 20.09.2019.

[7] It is submitted that the competent authority for remission of the sentence of the petitioner is the Cambodian authority, as the conviction order and sentence is imposed by Cambodian Court and the Indian Authorities are only a custodian of the petitioner for the

remaining period of the imprisonment. It is submitted that the writ petition may be disposed of as the second prayer of the writ petition for consideration of the representation for remission has been acted upon by the Indian Authorities and the same has been forwarded to the Cambodian authority for taking final decision.

[8] Mr. Th. Sukumar, learned G.A., also submits that writ petition may be disposed of in terms of the letter dated 19.07.2022 sent by the Ministry of Home Affairs, Government of India to the earlier Central Government Counsel.

[9] This Court has perused the materials on record and considered the submissions made at the bar.

[10] It is an admitted fact that the conviction of the petitioner for 20 years is passed by the Cambodian Court and subsequently, the petitioner has been repatriated to the Manipur Central Jail to undergo the remaining part of the sentence on humanitarian ground.

[11] This Court is of the view that the competent authority to pass an order of remission is the Cambodian Authority as the conviction is made by the Court in Cambodia and the Indian Authority will not have any jurisdiction for consideration of the remission of the sentence of the petitioner. Indian Government, as per letter dated 19.07.2022, has already acted upon the application dated 27.09.2017 submitted by the petitioner for consideration of remission in her case and the same has been forwarded to the Cambodian Authority by the Indian Government. In the circumstances, nothing is left to be done by the Indian Authority.

[12] In the circumstances, writ petition is disposed of. However, the Central Government may enquire the outcome of the pending application before the Cambodian Court and inform the outcome to the petitioner.

[13] Furnish a copy of this order to the learned counsel appearing for the parties.