

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

W.P. (Crl.) No. 15 of 2025

Kakchingtabam Harinaran @ Bobo Sharma

Petitioner

Vs.

State of Manipur; & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA
(ORDER)**

(Order of the Court was made by M. Sundar, CJ)

30.10.2025

[1] Mr. Chongtham Korouhanba Rajesh along with Mr. Chongtham Genius Meitei, learned counsel for petitioner; Mr. Th. Vashum, learned Government Advocate for respondent Nos. 1-5; and Mr. S. Vijayanand Sharma, learned Sr. PCCG (Senior Panel Counsel for Central Government) for respondent No. 6; are before us.

[2] This Court, with the consent of all the afore-referred counsel took up the main writ petition and heard out the same.

[3] Captioned writ petition ('WP' for the sake of brevity) has been filed with a prayer seeking issue of a writ of habeas corpus *inter alia* by assailing 'an order of preventive detention dated 03.06.2025 bearing Reference No. Cril/NSA/No. 7 of 2025 has been made by R2 (the District Magistrate, Kakching District)'. R2 (to be noted, R2 denotes 2nd respondent) shall hereon and

henceforth be referred to as 'detaining authority' for the sake of convenience and clarity.

[4] The afore-referred 'detention order dated 03.06.2025' which is under challenge in the captioned WP shall be referred to as 'impugned detention order' also for the sake of convenience and clarity. The impugned detention order has been made by detaining authority in exercise of powers under Section 3 of 'National Security Act, 1980 (Act No. 65 of 1980)' [hereinafter 'NSA' for the sake of brevity and convenience].

[5] When the captioned matter was listed on 03.10.2025, the following proceedings were made:

[1] *Mr. S. Vijayanand Sharma, learned senior PCCG for respondent No. 6, expresses regret for missing the matter in the previous listing, but he is present today. Mr. Chongtham Korouhanba Rajesh, learned counsel, assisted by Mr. Chongtham Genius Meitei, learned counsel for the petitioner; Mr. Th. Vashum, learned Government Advocate for respondent Nos. 1-5, are before us.*

[2] *Two First Information Reports, one dated 22.04.2025 ('1st FIR' for the sake of convenience) and another dated 04.05.2023 ('2nd FIR' for the sake of convenience) both on the file of Hiyanglam Police Station, Kakching District, constitute the substratum of the impugned detention order that is under challenge.*

[3] *The detention order is dated 03.06.2025. It bears reference No. Cril/NSA/No. 7 of 2025 and it has been made by R2 (the District Magistrate, Kakching District). R2 shall be referred to as 'detaining authority' for the sake of convenience and clarity.*

[4] Mr. Chongtham Korouhanba Rajesh, learned counsel assisted by Chongtham Genius Meitei, learned counsel for the petitioner, raises the following grounds.

- (i) Writ petitioner sent a representation dated 24.06.2025 but the same has not been considered by the Advisory Board. To be noted, the report of the Advisory Board is dated 24.06.2025. It is further to be noted that while the impugned detention order is dated 03.06.2025, the arrest pursuant to the impugned detention order was on 07.06.2025 and three weeks therefrom elapsed on 28.06.2025. Section 10 of NSA and Article 22(4) come into play.
- (ii) Translated copy of the grounds of detention i.e., a copy translated in the language which the detenu is conversant with, has not been furnished to the detenu. To be noted, the point argued is that the detenu is conversant with regional language, Manipuri (Bengali script) but translated copy has not been furnished.
- (iii) One of the documents relied on in the grounds of detention, namely, newspaper report dated 17.10.2015 in Sangai Express (Manipuri Regional Daily) is not legible.
- (iv) As regards 1st FIR, the writ petitioner has moved bail, this has been adverted to in the grounds of detention for arriving at subjective satisfaction but though the detenu has moved bail qua the 2nd FIR also, the same has not been adverted to in the detention order for arriving at subjective satisfaction regarding imminent possibility of being enlarged on bail.

[5] Mr. Th. Vashum, learned State counsel, submitted to the contrary and made the following submissions:

- (i) 1st point is kept aside by Court for the present for consideration later.
- (ii) As regards 2nd point, it is submitted that the detenu has studied in English medium up to Grade 12. He is conversant

with English and therefore, the detention order and grounds being made in English, a translated copy in regional language, Manipuri (Bengali Script) is really not necessary and that does not in any way hamper the right of the detenu to make an effective representation. It is pointed out by learned State Counsel that representation dated 24.06.2025 has been made by the detenu in clear English.

- (iii) As regards the 3rd point, the local daily dated 17.10.2015 not being clear, learned State counsel fairly accepted that that it is not clear but submitted that though it is adverted to in the grounds of detention, there is nothing in the representation of the petitioner (representation dated 24.06.2025) to the effect that the annexure being illegible has hampered/impaired the rights of the detenu to make an effective representation.*
- (iv) As regards the 4th point, regarding the two bail petitions, it was submitted by State Counsel that only one bail application was pending and the detenu had been enlarged on bail in the other bail applications.*

[6] *In the above scenario, as regards copy being illegible and question as to the same impairing the rights of the detenu to make an effective representation, learned counsel for the petitioner sought time to produce case laws. Request acceded to.*

List on 17.10.2025.'

[6] The afore-referred proceedings made in the listing on 03.10.2025 shall now be read as an integral part and parcel of instant order. This also means that short forms and abbreviations used in the proceedings dated 03.10.2025 shall continue to be used in the instant order.

[7] A careful perusal of the afore-referred 03.10.2025 proceedings, more particularly, paragraph 4 & 5 thereof will bring to light that writ petitioner predicated his campaign against the impugned preventive detention order on four points.

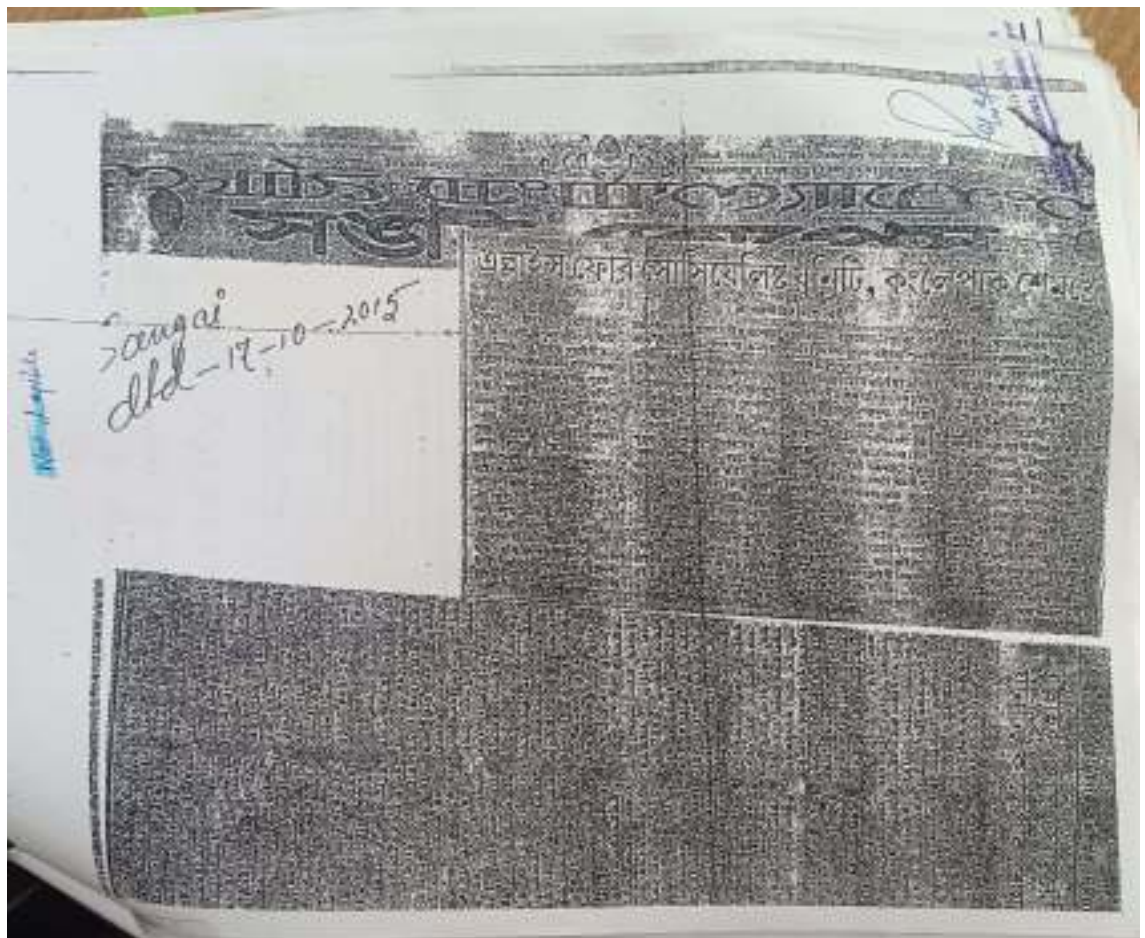
[8] The response of the State counsel for three out of the four points have also been captured in paragraph 5. As regards the first point turning Section 10 of NSA, learned State counsel produced the entire file before us, we had the benefit of perusing the file and we find that there is compliance *qua* Section 10 of NSA as the detention order, grounds and report of the detaining authority have been sent to the Advisory Board well within the statutorily prescribed three weeks timeframe. This leaves this Court with the third ground which turns on one of the documents relied on by the detaining authority, which has been adverted to in the grounds of detention, namely, a newspaper report dated 17.10.2015 in Sangai Express (Manipuri Regional Daily) and copy of the same being provided to detenu being not legible. This point has been raised with specificity by writ petitioner in the grounds *vide* ground XIII in main paragraph 12, which reads as follows:

'XIII. For that, some documents supplied to the detenu contained irrelevant information or struck off which makes them not easily understood. The documents are (i) Order rejecting the representation of the detenu dated 01-07-2025, (ii) Confirmation Order dated 07-07-2025 and copy of Manipuri Local daily "The Sangai Express" dated 17/10/2015. The Order rejecting representation dated 01-07-2025, it is stated that the detenu submitted representation dated 12.05.2025 addressed to the Chief Secretary requesting revocation of the detention order however, this was not the case, the representation was submitted through Superintendent of Manipur Central Jail, Sajiwa on 24-06-2025. It is the duty of the detaining authority to give the aforesaid documents being clear or to be read easily or legible and able to read properly. In the present case at hand, the detenu has been supplied with illegible documents which is illegal and injustice in the eyes of law.'

The above grounds has been met by State in the affidavit-in-opposition in the following manner:

'26. That, with reference to Para No. 12 (XIII) of the Writ Petition, the deponent begs to submit that the detenu was provided legitimate documents which were read out clear to him for which he acknowledged that he understood all the documents and tendered his signature.'

[9] This Court had the benefit of perusing the impugned preventive detention order and the grounds served on the detenu. To be noted, learned counsel for writ petitioner placed the same before us. This Court also had the benefit of perusing the same and there is no dispute that what has been placed before this court is the copy of the detention order and the grounds of detention as served on the detenu. A scanned reproduction of the afore-referred 17.10.2025 Sangai Express (Manipuri Regional Daily) as in the order served on the detenu is as follows.



[10] It is clear as daylight that the above is not clear. In other words, the above newspaper report (which has been relied by the detaining authority in the grounds of detention) as provided to the detenu, is not legible at all. It is completely not readable.

[11] While not disputing that the same is completely illegible and that there is no material before this Court to demonstrate that legible copy (wrongly mentioned as legitimate copy in affidavit-in-opposition) was provided, though not urged in the affidavit-in-opposition, learned State Counsel, adverting to the representation of the detenu dated 24.06.2025 submitted that the detenu has not sought for a copy of the afore-referred said daily dated 17.10.2015 saying that the same is not legible. We carefully considered this point.

[12] Learned counsel for writ petitioner pressed into service **State of Manipur and Others Vs. Buyamum Abdul Hanan** case law reported in **(2022) 19 SCC 509**. To be noted **Buyamum Abdul Hanan's** case arose from the High Court of Manipur. In **Buyamum Abdul Hanan's** case, this very point *i.e.*, point that one of the pages of the copy served on the detenu not being clear and the detenu not having asked for the same in the representation arose for consideration. This Court answered in the affirmative, the habeas corpus plea and State carried to Hon'ble Supreme Court. Hon'ble Supreme Court in **Buyamum Abdul Hanan's** case after clarifying that Article 22(5) confers two rights on the detenu *i.e.*, one is right to be informed of the grounds on which the order of detention has been made and second is a right to be afforded earliest

opportunity to make a representation against the order of detention. To be noted, 'representation' is necessarily effective representation. Reverting to the point that the detenu has not sought for a clear copy of the document which is admittedly/undisputedly illegible, Hon'ble Supreme Court dealt with this aspect in **Buyamum Abdul Hanan's** case and it was held that this point not being raised before detaining authority will not take away the fundamental right conferred by law on the detenu. This is articulated in paragraph 16 of **Buyamum Abdul Hanan's** case and the same reads as follows:

'16. The learned Amicus Curiae appearing on behalf of Respondent 1 supported the order of the High Court and submitted that once it is settled that the supply of legible copies of documents relied upon by the detaining authority is a sine qua non for making an effective representation to be a part of his fundamental right under Article 22(5) of the Constitution and once this specific allegation was made by Respondent 1 in the writ petition with facts and particulars and also the pages which, according to him, were illegible and blurred and that has deprived Respondent 1 in making an effective representation, denial thereof was indeed in violation of Article 22(5) of the Constitution and once the fundamental right has been infringed, even if it was not raised before the detaining authority, that will not take away the fundamental right conferred by law to Respondent 1 in assailing order of detention as permissible to him under the law and once this fact remains uncontroverted, no error has been committed by the High Court in setting aside the order of detention.

(Underlining made by this Court for ease of reference)

[13] In addition to case in **Buyamum Abdul Hanan**, learned counsel for writ petitioner pressed into service a Division Bench judgment of this Court in

Buyamum Thoibi Begum Vs. Special Secretary (Home), Government of Manipur, case being **W.P. (Crl.) No. 15 of 2021** *vide* order dated 16.09.2021. **Thoibi Begum's** case is one where in a habeas corpus plea, this court placing reliance on **Manjit Singh Grewal @ Gogi Vs. Union of India and others** reported in **1990 (Supp.) SCC 59** dealt with a question of the copies of the documents supplied being illegible and the issue of the same having been considered by detaining authority. It may not be necessary to go into **Thoibi Begum's** case as in the case on hand, the detaining authority, in the grounds of detention has specifically adverted to Sangai Express daily dated 17.10.2025. This is evident from sub paragraph (h) of paragraph 3 of the grounds of detention. Therefore, a copy of the document which is not legible at all and which is completely/wholly not readable is one which has been specifically adverted to in the grounds of detention by the detaining authority. Therefore, without even referring to **Thoibi Begum's** case, this Court has no difficulty in coming to the conclusion that there is infraction of sanctus constitutional right which is vested in the detenu *vide* Articles 22(4) and 22(5) of the Constitution. The right to representation enshrined in Articles 22(4) and 22(5) have been repeatedly held to be a very sanctus right *qua* a detenu who is detained pursuant to a preventive detention order.

[14] In the case on hand a document which is not clear/completely not readable has been adverted to with specificity by the detaining authority in the grounds of detention annexed to the impugned preventive detention order and that by itself leads us to the conclusion that there is infraction of Articles 22(4)

and 22(5) warranting interference and on this ground, we dislodge the impugned preventive detention order.

[15] Before concluding, this Court deems it appropriate to write that in the absence of material to demonstrate that legible copy was given to detenu (as contended in affidavit-in-opposition) it is obvious that the copy given to detenu could not have been read over and explained to him as the same is wholly/completely not readable as alluded to *supra*.

[16] Ergo, sequitur is, captioned writ petition is allowed. Impugned preventive detention order dated 03.06.2025 bearing Reference No. Cril/NSA/No. 7 of 2025 which has been made by R2 (the District Magistrate, Kakching District), approval of the same by State Government on 10.06.2025 and confirmation of the same by the State Government on 07.07.2205 are set aside and the detenu, Kakchingtabam Harinaran @ Bobo Sharma, aged about 38 years, S/o Kakchingtabam Lalhari Sharma of Wabagai Makha Leikai, is directed to be set at liberty forthwith, if not required in connection with any other case/cases. There shall be no order as to costs.

JUDGE

Sandeep

CHIEF JUSTICE

P.S. I : Upload forthwith

P.S. II : All concerned will remain bound by this order as uploaded in the official website of High Court