

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

W.P. (Crl.) No. 19 of 2025

Smt. Leishangthem Dhanishwori Devi

Petitioner

Vs.

State of Manipur; & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH
(ORDER)**

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

16.10.2025

[1] Captioned 'writ petition' ('WP' for the sake of brevity) has been filed with a prayer seeking issue of a writ of habeas corpus.

[2] In the hearing today, Mr. L. Okendro Singh, learned counsel for writ petitioner and Mr. Th. Vashum, learned State counsel for all the three respondents are before us.

[3] This Court took up the main writ petition and heard out the same with the consent of learned counsel on both sides.

[4] Factual matrix in a nutshell is that the writ petitioner is spouse of one 'Shri Leiphprakpam Sanatomba Meitei @ Puremba, S/o L. Ibomcha Singh' (hereinafter referred to as 'detenu' for the sake of convenience and clarity) who was arrested on 24.04.2025 pursuant to FIR No. 28(4)2025 WGI-PS dated 24.04.2025 for alleged offences under Sections 308(2)(3)/351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 17/20 of Unlawful Activities (Prevention) Act, 1967 on the file of Wangoi Police Station in Imphal West; that while the detenu remained incarcerated, a preventive detention order dated 20.05.2025 made by 2nd respondent (District Magistrate, Imphal West District) was clamped

on the detenu by resorting to Section 3(2) of 'National Security Act, 1980 (Act No. 65 of 1980)' [hereinafter 'NSA' for the sake of convenience and clarity]; that, this 'preventive detention order' is referred to as 'impugned preventive detention order' and the '2nd respondent' who made the impugned preventive detention order shall be referred to as 'detaining authority' (both for the sake of convenience and clarity); that, the detenu was arrested (formal arrest as he was already incarcerated) on 20.05.2025 at 4.00 pm pursuant to the impugned preventive detention order; that, the detneu thereafter sent two representations both dated 27.05.2025, one to the State Government and another to the detaining authority; that, the representation sent to the State Government appears to have been disposed of on 05.06.2025 but this was never communicated to the detenu; that, the representation sent to the detaining authority was not disposed of by the detaining authority, the detaining authority sent it to the State Government and the State Government has disposed of the same on 14.06.2025 and the same has been communicated to the detenu on 17.06.2025; that, in the interregnum, impugned preventive detention order appears to have been approved by the State Government on 31.05.2025; that, the impugned preventive detention order was confirmed by the State Government on 02.07.2025; and that, the captioned habeas corpus petition is before us.

[5] The proceedings made in the listing on 06.10.2025 and 13.10.2025 read as follows:

'06.10.2025

[1] Mr. L. Okendro Singh, learned counsel for petitioner drew our attention to ground No. 4 which reads as follows :

“(iv) **Delay in communication of grounds:** For that, the grounds of detention were communicated only on 21/05/2025, a day after the detention order, with no explanation for the delay. This violates Section 8(1) of the NSA and the constitutional safeguard under Article 22(5), which requires prompt communication. (A.K. Roy v. Union of India, (1982) 1 SCC 271).

A true copy of the grounds of detention u/s 8(1) NSA, 1980 is annexed as **Annexure A/5.**”

[2] *Section 8(1) of NSA Act, 1980 reads as follows :*

“8. Grounds of order of detention to be disclosed to persons affected by the order.—

- (1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than fifteen days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.”

[3] *On being pointed out that Section 8(1) itself makes it clear that it shall ordinarily not be later than 5 (five) days, learned counsel realized that the above ground is a non-starter.*

[4] *The next ground urged is regarding delay in considering representation. Learned counsel submits that representation was sent on 27.05.2025, the same was disposed of on 14.06.2025. It was also submitted that the Advisory Board convened its sitting on 15.06.2025 and the confirmation by the Government was on 02.07.2025. This confirmation was communicated to the detenu on 04.07.2025, is learned counsel say.*

[5] *The above point on delay has not been articulated in the petition and therefore, explanation (if any for the delay) has not been set out in the affidavit-in-opposition.*

[6] *Owing to the above, Mr. Th. Vashum, learned State counsel requests for time to get instructions on the delay point and revert to this court.*

[7] *Request acceded to.*

[8] *List on 10.10.2025.'*

'13.10.2025

[1] *Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 06.10.2025.*

[2] *Notwithstanding 06.10.2025 proceedings, today Mr. L. Okendro, learned counsel for writ petitioner, wanted to raise three more grounds and they are as follows:*

- (i) *Grounds of detention are not supported by documents as they are based solely on Section 161 statements.*
- (ii) *Live and proximate link between arrest and grounds of detention had snapped. [To be noted, this is **Banik** principle [**Sushanta Kumar Banik Vs. State of Tripura & others** reported in **2022 LiveLaw (SC) 813 : 2022 SCC OnLine SC 1333**]. In this regard it is to be noted, the date of arrest pursuant to ground cases is 24.04.2025 and the impugned detention order has been made by the detaining authority on 20.05.2025.*
- (iii) *There is violation of Section 10 of 'National Security Act, 1980' ('NSA' for the sake of brevity) as the appropriate Government (State Government in this case) has not placed before the Advisory Board (Advisory Board constituted under Section 9 of NSA) the grounds of detention and the representation (representation dated 27.05.2025 of the petitioner) within three weeks from the date of detention of the detenu under the detention order.*

[3] *Mr. Th. Vashum, learned State counsel, has placed before us the relevant files.*

[4] *From the relevant files, it comes to light that the appropriate Government has placed before the Advisory Board the grounds of detention on 31.05.2025 but the representation dated 27.05.2025 has been placed before the Advisory Board only on 14.06.2025.*

[5] *In this context, the date of detention of the detenu under the impugned preventive detention order becomes relevant as Section 10 talks about 'three weeks from the date of detention under the order.'*

[6] *As regards delay in disposing of the representation by the detaining authority, as the point has not been raised in the petition, Mr. Th. Vashum, learned State counsel, sought further time to get details and revert to this Court. To be noted, 27.05.2025 representation of the detenu was disposed of by the detaining authority on 14.06.2025. This period should be explained by the State counsel.*

[7] *List on 16.10.2025.'*

[6] After adverting to the afore-referred proceedings, though multiple points have been raised, in the hearing today, writ petitioner's campaign against the impugned preventive detention order was predicated on two points and the two points are as follows:

- (i) There is non compliance *qua* Section 10 of NSA.
- (ii) There is unexplained delay in considering the detenu's afore-referred representations dated 27.05.2025 by the detaining authority.

[7] As regards the 1st point set out supra, learned State counsel drew our attention to paragraph 6 of the affidavit-in-opposition of 1st respondent, which reads as follows:

'6. That, with reference to Para No. 7(v) of the Writ Petition, the deponent begs to submit that the State Govt. had already sent the detention order dated 20-05-2025 to NSA board on 31-05-2025 and representation dated 27-05-2025 of the petitioner to NSA board on 14-06-2025 for information and necessary action respectively.'

[8] The files placed before us also buttress the aforementioned position.

[9] A careful perusal of the trajectory the matter has taken leaves us with the view that there is infraction of Section 10 of NSA. The reason is Section 10 of NSA makes it clear that the appropriate Government shall, within three weeks from the date of detention of a person under the Act, place before the Advisory Board (a) the grounds on which the order has been made, (b) representation, if any, made by the person affected and (c) when the order is made by an officer under Sub-section (3) of Section 3 a report from the officer under Sub-section (4) of Section 3.

[10] A careful perusal of paragraph 6 of the affidavit-in-opposition of respondent No. 1 (extracted and reproduced *supra*) as well as the files placed before us bring to light that the detention order alone has been placed before the Advisory Board on 31.05.2025 and the representation dated 27.05.2025 has not been placed before the Advisory Board though the same was available with the State Government on 31.05.2025. To be noted, the date of detention of the detenu pursuant to the impugned detention order is 20.05.2025 and the time is 04:00 pm as (already alluded to *supra*) and three weeks therefrom elapsed on 10.06.2025. The representation dated 27.05.2025 has been placed before the Advisory board only on 14.06.2025. In the case on hand, it may be possible to lean in favour of compliance as the Advisory Board sat only on 15.06.2025 and

it had the benefit of perusing the representation dated 27.05.2025 but there is no explanation for not placing the report from the detaining authority before the Advisory Board.

[11] A careful perusal of the files brings to light that there is no report from the detaining authority and it is admitted that no such report was placed before the Advisory Board. This means that the 3rd requirement *qua* Section 10 has not been complied with. This Court notices that there is no report from the detaining authority at all. Therefore, in the facts and circumstance of the case on hand, we find that there is no complete compliance *qua* Section 10 of NSA. This would enure to the benefit of writ petitioner and therefore, we hold the 1st point in favour of writ petitioner.

[12] Though the 1st point is held in favour of writ petitioner, we deem it appropriate to deal with 2nd point also as the same was heard out in the hearing.

[13] The 2nd point, as would be evident from the narrative thus far, turns on delay in considering detenu's representation. As already alluded to *supra*, the detenu has sent two representations both dated 27.05.2025, one to State Government and another to the detaining authority. Though, it is contended that the State Government disposed of the representation on 05.06.2025 and though a short order in this regard is available in the file, there is nothing to demonstrate that the same has been served on the detenu and what was served on the detenu is only disposal of the representation on 14.06.2025 and this was served on the detenu on 17.06.2025. In this, again, we find that the representation addressed to the detaining authority has not been decided by the detaining authority but the same has been forwarded to the State Government by the detaining authority

and the State Government has made an order. Be that as it may, learned State counsel, adverting to 13.10.2025 proceedings (extracted and reproduced *supra*) submits that he has since taken instructions and there is no explanation for delay in considering the representation. In this regard, this Court deems it appropriate to respectfully refer to **Rajammal Vs. State of T.N. and another** reported in **1999 (1) SCC 417**. In this **Rajammal** case, Hon'ble Supreme Court held that if any delay is caused in disposal of the representation, owing to indifference or lapse in considering the same, it will adversely affect further detention of the prisoner. It was also held that length of delay is less important and what is of significance is or in other words, the test is not the duration or length of delay but as to how the same is explained by the authority concerned. In the case on hand, we find that 21 days have been consumed from the date of representation to the date of service of the disposal of the representation on the detenu. Though *vide* our 13.10.2025 proceedings, time was granted for getting instructions to explain the delay, no explanation is forthcoming and it is submitted that no explanation is available. Therefore, this is a case where we are left with the lone option of taking the view that there is unexplained delay in considering the representation of the detenu and the same is fatal to the impugned preventive detention order. This means that the 2nd point also enures to the benefit of writ petitioner.

[14] The narrative, discussion and dispositive reasoning thus far, leave this Court with the considered view that the impugned preventive detention order deserves to be dislodged in this habeas corpus legal drill at hand.

[15] Ergo, sequitur is, captioned writ petition is allowed. impugned preventive detention order dated 20.05.2025 made by 2nd respondent (District

Magistrate, Imphal West District), approval of the same by State Government on 31.05.2025 and confirmation of the same by the State Government on 02.07.2205 are set aside and the detenu, Shri Leiphrakpam Sanatomba Meitei @ Puremba, aged about 34 years, S/o L. Ibomcha Singh of Langthabal Lep Makha Leikai, PS-Singjamei, Imphal West Distrct, 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.

Sandeep

JUDGE

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