

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

WP(Cril.)No.27 of 2025

Gaurav Nath

Petitioner

Vs.

State of Manipur & 3 Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

(ORDER)

(K. SOMASHEKAR, C.J.)

11.09.2025

[1] This writ petition has been filed by the petitioner as under Article 226 of the constitution of India and whereby seeking the relief in the nature of the Habeas corpus by urging various grounds.

[2] The learned counsel, Mr. AP Sahu for the petitioner is present before the court physically and similarly, Mr. RK Umakanta, learned GA is also present.

[3] The petitioner being an accused arrayed in FIR No.51(02)2025 for the offence under section 318(4)/319(2) BNS read with 308(2)/3(5)BNS Imphal PS.

[4] Whereas the petitioner being arrayed as accused in the aforesaid crime number which has been registered by the Investigating Agency and thereafter, he was released on bail 06.05.2025 in terms of the

default bail/statutory bail. Therefore, this writ petition does not lie for seeking intervention even though urging various grounds. However, in a given peculiar facts and circumstances are concerned, the petitioner being arrayed as accused in FIR No. 102/2025 under sections 308(2),308(7), 3(5),319(2) B.N.S, Police Station Bahadraabad, District Haridwar in the limit of Uttarkhand State. However, the aforesaid accused is required in further to proceeding in the aforesaid crime number which has been registered in the limit of the Uttarkhand State.

[5] However, in a given facts and circumstances of this matter are concerned, it is deemed appropriate to refer the section 167 of the code of criminal procedure that the procedure when investigation cannot be completed in twenty-four Hours.- (1) Whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by section 57, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the police station or the police officer making the investigation, if he is not below the rank of sub-Inspector, shall forthwith transmit to the nearest Judicial Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused to such Magistrate.

[6] Whereas in clause 2 of the said provision of law reveals as the Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time, authorize the detention of the accused in such custody as such Magistrate

thinks fit, for a term not exceeding fifteen days in the whole; and if he has no jurisdiction to try the case or commit it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction. The aforesaid provision of section 167 of Code of Criminal Procedure has been in detail reveals as relating to the domain invested with the Investigating Agency in further to proceed in case any case has been registered against the accused outside the limit but in this, the learned counsel for the petitioner has urged various grounds by initiation of this proceeding as under Article 226 of the Constitution of India, it is term of Habeas corpus. However, the accused has already been granted bail under the relevant provisions of BNS, the IO has not been laid with the charge sheet against the accused within a stipulated period as indicates in section 167 (2) and even in clause 2 (a)(ii), it indicates that “where the investigation relates to any other offence, and, on the expiry of the said period of ninety days, or sixty days, as the case may be and the same has been revealed in the very said provision of law”, and therefore, this petition does not have any substances and there is no force for consideration of the grounds which have been urged.

[7] However, the learned GA for the respondents has produced a correspondence letter dated 09.09.2025, indicating as “Most Urgent” addressed to the Director General of Police, Manipur and the Director General (Prisons), Manipur for production of two UTP namely, Mr. Uvesh Ahmad and Mr. Gaurav Nath before the Ld. Magistrate First, Haridwar(U.K), in connection with FIR No. 53(02) of 2025 IPS and FIR No. 51(02) 2025 IPS

and even though this correspondence letter has been made by the concerned authority and the same has been produced herein but the same is to be taken on record but it cannot be taken for consideration whatever the contents is made in this letter correspondence dated 09.09.2025 submitted by the learned GA in this matter. However, when the writ petition does not have any substances for consideration of the grounds which have been urged therein, it does not arise for any consideration of any of the grounds which are being made in this petition. Consequently, this writ petition stands dismissed.

JUDGE

CHIEF JUSTICE

John Kom