

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

El.Pet.No.6 of 2022

Nahakpam Indrajit Singh.

Petitioner

Vs.

Sheikh Noorul Hassan & 3 Ors.

Respondents

***Clubbed With
MC(El.Pet.)No.43 of 2024
With
MC(El.Pet.)No.55 of 2024***

BEFORE

HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR

(O R D E R)

22.07.2025.

[1] The proceeding in MC(El.Pet.)No.55 of 2024 has been initiated by the applicant namely, Mr. Sheikh Noorul Hassan and whereby in this application seeking for consideration of the grounds urged therein and allowing to continue the examination of the respondent No.1.

[2] Heard the Mr. N. Ibotombi, learned senior counsel for the applicant/petitioner and so also Mr. Ajoy Pebam, learned for the respondent but the said senior counsel in this matter submitting that the grounds which have been urged in this application is required to be considered and consequently allowing the examination of the respondent No.1 and other 3(three) witnesses.

[3] The aforesaid Election Petition No.6 of 2022 and connected M.C(Election Petition)No.26 of 2024 and MC(Election Petition) No.3 of 2024 were also initiated and after hearing the parties was passing an order thereby directing the applicant to examine himself on or before 30.09.2024 failing which this Court may close the evidence on their sides and the same has been stated in para 2 of this proceeding in MC(EI.Pet.)No.55 of 2024 but the proceeding in MC(EI.Pet.)No.26 of 2024 was allowed and thereby directing the applicant to examine the 6(six) additional witnesses before 30.09.2024. The aforesaid grounds which have been taken in this MC(EI.Pet.)No.55 of 2024 wherein the applicant's contention has been substantiated by annexing a true copy of the orders dated 16.08.2024 and 16.08.2024 and marked vide annexures M/1 & M/2.

[4] Whereas the remaining 4(four) witnesses including the applicant/petitioner are required to be examined as they are the important witnesses to ascertain the facts relating to the case as initiated by the petitioner in respect of the election issues and as such, examination of the aforesaid witnesses are very much required to ascertain the facts and also for arrival of proper conclusion as there are disputed facts by the election petitioner and these grounds were also urged in para 5 of this proceeding in MC(EI.Pet.)No.55 of 2024 which has been initiated by the applicant. On these premises, learned senior counsel Mr. N. Ibotombi emphatically submitting for allowing the aforesaid Misc. Case proceeding for allowing to continue examination of the witnesses.

[5] On contrary, the learned counsel for the respondents, Mr. Ajoy Pebam is strongly opposing but submitting that the aforesaid Misc. Case may be considered but it requires for imposition of some conditions to expedite the case in a time bound manner and this submission which is made by the learned counsel for the respondents is taken on record and even though it is taken on record but for the present scenario and also the issues in between the applicant/petitioner and the respondents are concerned, even the time bound manner to examine the witnesses in respect of the disputed issues for initiation of this Election petition is concerned, it is deemed appropriate and even keeping in view the strong submissions made by the learned counsel for the respondents but letting an evidence, it is on the part of the parties to the proceeding in accordance with law and also securing the witnesses, it is also very much required to be taken into consideration and therefore, it is deemed appropriate to state and more so the remaining 4(four) witnesses ought to have been examined on the part of the applicant including the applicants also and more so evidence has to be adduced either on the part of the petitioner or on the part of the respondents and there would be some examination-in-chief, cross-examination, re-examination and even re-cross-examination. It is specifically stated in the relevant provision of the Indian Evidence Act, 1872 and the correspondent provision of the Bharatiya Sakshya Adhiniyam, 2023. Therefore, keeping in view the aforesaid relevant provision of the Indian Evidence Act, 1872 but subsequent to the amended provision of the Bharatiya Sakshya Adhiniyam, 2023, 2023, the provision

of section 2 & 3 has to be looked into but section 3 of the Indian Evidence Act, 1872, it reveals as that proved, disproved and not proved but it is based upon the evidence let in by the parties to the proceeding in any rank. Therefore, it is deemed appropriate that putting a rider in the aforesaid election petition does not arise and it is not proper and therefore, keeping in view the aforesaid status of the said provision of laws are concerned, it is deemed appropriate that the proceeding in MC(EI.Pet.) 55 of 2024 is hereby allowed in the interest of justice and consequently permitting the applicant/petitioner to proceed in further and also to continue the examination of the remaining witnesses as sought for in this Misc. Case proceeding.

[6] However, it is Election petition proceeding and therefore, it is deemed appropriate that the concerned Advocate Commissioner who is nominated for recording the evidence of the witnesses be directed to expedite the case for recording the evidence by giving an opportunity to both sides in accordance with law.

[7] Accordingly, the aforesaid proceeding in MC(EI.Pet.)No.55 of 2024 is hereby disposed of.

[8] However, it is deemed appropriate that the proceedings in EI.Pet.No.6 of 2022 and MC(EI.Pet.) No.43 of 2024 be listed on 12.08.2025.

CHIEF JUSTICE

John Kom