

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

W.P. (Crl.) No. 28 of 2025

Takhelchangbam Thambalsana Devi

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)

09.10.2025

[1] Mr. K. Modhusudon, learned counsel for petitioner is before us.

[2] A preventive detention order dated 29.08.2025, bearing reference No. Cril-4/NSA/DM-BPR-2025, made by third respondent (R3) {District Magistrate, Bishnupur District, Manipur} which has been approved by the State Government on 07.09.2025 *vide* Approval Order No. H-1401/20/2025-HD-HD, and confirmed by the State Government *vide* Order No. H-1401/20/2025-HD-HD dated 26.09.2025 have been assailed.

[3] The 3rd respondent (R3) who made the afore-referred preventive order dated 29.08.2025 shall be referred to as 'detaining authority', the afore-referred detention order, approval by the State

Government followed by confirmation shall be collectively referred to as 'impugned detention proceedings' for the sake of convenience and clarity.

[4] When the captioned matter was listed before this Court on 06.10.2025, the following proceedings were made.

'06.10.2025

[1] In the captioned habeas corpus petition, Mr. K. Modhusudon, learned counsel for petitioner submits that the literacy level of detenu is Class II but the detention order, grounds of detention and supporting materials have not been furnished in Manipuri (Bengali script) to the detenu.

[2] This Court finds that there are not less than 5 (five) FIRs qua the detenu.

[3] This Court also finds that the detenu has sent a detailed representation dated 10.09.2025 in English. This representation runs to 4 (four) pages and consists of 17 (seventeen) paragraphs. In the representation, there is no mention that the detenu's rights to make an effective representation has been impaired owing to translated copies not being furnished.

[4] Learned counsel for petitioner sought time to produce authorities on the point that not furnishing copies of detention order and supporting material in the language the detenu is conversant with is fatal qua the detention order even if it does not impair or affect the rights of the detenu to make representation.

[5] Counsel for the petitioner requests for a short accommodation.

[6] Request acceded to.

[7] List on 09.10.2025.'

[5] Today, advertizing to afore-referred 06.10.2025 proceedings, learned counsel for writ petitioner has placed before us 3 case laws, namely, (i) **Powanammal vs. State of Tamil Nadu & Another**, reported in **(1999) 2 SCC 413** (ii) **Rameshwar Shaw Vs. District Magistrate, Burdwan & Another** reported in **AIR 1964 SC 334** and (iii) **N. Meera Rani Vs. Government of Tamil Nadu and another** reported in **(1989) 4 SCC 418**.

[6] Issue notice.

[7] Mr. Th. Vashum, learned State counsel, accepts notice for respondent Nos. 1, 2 & 3 and Mr. S. Kaminikumar, learned Central Government Standing Counsel (CGSC), accepts notice for respondent No. 4.

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

[9] In addition to the point that translation of impugned detention proceedings not being furnished to the detenu in the language which the detenu is conversant, which was raised in the earlier listing, learned counsel for petitioner, raised 2 other points today and they are as follows:

- (i) The impugned detention order was made by the detaining authority, in paragraph 3, says that the detenu is likely to be released on bail in the near future but the bail petition filed by the detenu has been dismissed.

- (ii) The detenu has signed what is known as 'MoU (cadres for resettlement)' and therefore, the question of detenu should not have been held to be likely to continue activities that oppose national security.

[10] We carefully considered the 3 points in the light of the submissions of State counsel. An adumbration of discussion and dispositive reasoning of this Court on the 3 points is as follows:

- (i) As regards the 1st point, State counsel submitted that the Jail Superintendent had orally translated the impugned detention proceedings to the detenu and that this was done pursuant to request from the detaining authority *vide* a letter dated 02.09.2025.

Be that as it may, we find that the detenu has sent a detailed representation dated 10.09.2025 in English. This representation runs to 4 pages and consists of 17 paragraphs, all the points have been articulated in this representation (to be noted, this representation is Annexure-A/5 before us) and there is nothing to demonstrate that the right of the detenu to make an effective representation *vide* Article 22(5) has been impaired. In this view of the matter, **Powanammal** does not come to the aid of the petitioner as **Powanammal** is one where the Hon'ble Supreme Court held that non-furnishing of preventive detention proceedings in a language in which the

detenu is conversant with, is fatal to the detention order when the safeguard embodied in 22(5) is impaired or subjected to infraction but that is not the case at hand as petitioner has sent a detailed representation in English, not averred in the representation that his right to make the same is impaired and there is no material before this Court to demonstrate Article 22(5) impairment.

As regards **Rameshwar Shaw**, it does not come to the aid of writ petitioner on translation point as it is a Constitution Bench declaration of law and that is an authority *inter alia* for the proposition that conduct which is more than a decade old cannot be taken into account for making a preventive detention order.

Meera Rani also does not come to the aid of the writ petitioner as **Meera Rani** which follows Constitution Bench (**Rameshwar Shaw**) is an authority for the proposition that imminent possibility of detenu being enlarged on bail and subjective satisfaction in this regard should be recorded by the detaining authority when preventive detention order is clamped on a detenu who is already incarcerated. This means that the 1st point does not find favour with us.

(ii) This Court now considers the second point. As regards the second point, it is seen that the petitioner has filed a bail

petition on 06.08.2025 and the same has been rejected by the Trial Court on 30.08.2025. To be noted, copy of the bail petition is before us and the order of rejection dated 30.08.2025 is also before us as Annexure-A/9. However, the impugned detention order has been made by R3 on 29.08.2025 which is one day prior to the rejection of bail petition. This further means that on the date on which the impugned detention order was made by the detaining authority, the bail petition was pending. In this view of the matter, in a habeas corpus legal drill, this Court cannot find fault with the subjective satisfaction recorded by the detaining authority. Therefore, the 2nd point also pales into insignificance. In other words, 2nd point also does not find favour with us.

(iii) This Court now takes up the 3rd point. As regards the 3rd point, we find that the 'MoU (cadres for resettlement)' as placed before us is dated 09.09.2012. As regards the impugned preventive detention proceedings, the grounds refer to as many as 5 'First Information Reports' (FIRs). While one FIR is of the year 1999, two FIRs are of the year 2009, another is of the year 2011, the fifth FIR is of the year 2025. To be noted, the fifth FIR is FIR No. 43(07)2025 MRG-PS dated 31.07.2025 on the file of Moirang Police Station in Bishnupur District. This means that at least one of the five FIRs is after the MoU (cadres

for resettlement) which was in the year 2013 (09.09.2013 to be precise). In this view of the matter, this Court is unable to accept the submission that subjective satisfaction recorded by the detaining authority in coming to the conclusion that there is likelihood of actions prejudicial to security of the State and maintenance of public order is incorrect. The sequitur is, the 3rd point raised by the writ petitioner also fails.

[11] Ergo, the sum sequitur is, all the 3 points on which writ petitioner predicated his campaign against the impugned preventive detention order fail and do not find favour with us and further sequitur is captioned writ petition is dismissed. 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 as it is QR coded