

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

W.P. (Crl.) No. 19 of 2024

Salung Modar Maring @ Aungmin

Petitioner

Vs.

State of Manipur; & Ors.

Respondents

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

28.01.2025

D. Krishnakumar, C.J. :

Mr. Osbert Khaling, learned counsel, appears for the petitioner and Mr. RK Umakanta, learned senior counsel, assisted by Mr. W. Niranjit, learned Deputy Government Advocate, appears for the respondents.

According to the prosecution, the brief facts of the case is that on 02.01.2024 at 07:00 pm, JC No. 4152242 NB/Sub Sunil of Assam Rifles reported with the OC/TPL-PS alleging that on 30.01.2024 at round 07:00 pm, a Mobile Check Post was established between COB Sita and COB RBC. During the search, the suspected individuals traveling in white Maruti Gypsy were stopped and apprehended. Upon questioning, it was revealed that Mr. Khullak Korungthang, resident of Khurkathil Village and Mr. Aungmin, resident of Tamu, Myanmar, were working as over ground worker for PLA (People Liberation Army) for the last three years and have carried out reconnaissance of Assam Rifle post for banned terrorist organization PLA on several occasion. It is further revealed by Mr. Khullak Korungthang during the interrogation that the fake Aadhar in the

name of Mr. Salung Modar Maring (who is now deceased) possessed by Mr. Aungmin s/o Baimon, a resident of Tamu, Myanmar, was provided by father of Mr. Khullak Korungthang. Both the individuals were involved in several occasions in helping banned terrorist organization PLA in carrying out subversive activities against the Indian Army. They were given extortion money around Rs. 3.5 lakh by SS Maj. Krishna of PLA to purchase stores for PLA of which he had already spent Rs. 60,000 and was holding Rs. 2.9 Lakh cash to be handed over to his PLA handler at N. Satang Village.

The accused persons were produced in the court of Chief Judicial Magistrate, Chandel into police custody for a period of ten days and was later remanded to 15 days judicial custody till 26.02.2024.

The petitioner has filed an application for bail in the Court of Special Judge (NIA) Imphal West wherein the counsel of the petitioner prayed for releasing the accused on bail stating that the petitioner was falsely implicated and also the jail authorities submitted the medical status report of the accused. The Special Judge (NIA) Imphal West, granted bail to the accused on 14.03.2024.

According to the petitioner, he is a citizen of India and he has all relevant documents to prove, such as Birth Certificate issued by the Registrar Birth & Death, Domicile Certificate issued at SDO Machi, Tengnoupal District, and Tribe Certificate issued by SDO, Tengnoupal District.

Further, it is stated that the family members of the petitioner submitted the release order to respondent No. 4, but the petitioner was not released due to reason being a Section of the Foreigners Act was registered in the FIR due to which his nationality came to be in question. Later the petitioner's family was given information IN LIEU OF MSG FORM dated 22.03.2024 by the Superintendent Manipur Central Jail, Sajiwa that no family members of the petitioner came forward to take him from Jail and further he was shifted to Foreigners Detention Centre, Sajiwa.

Mr. RK Umakanta, learned senior counsel appearing for the State respondents, relying on the affidavit-in-opposition filed on behalf of respondent No. 4, states that when a prisoner is to be released, office of the Superintendent, Manipur Central jail, Sajiwa, need to check all the necessary documents and the nationality of the accused mentioned in the Release Form and Intermediate Custody Warrant is Myanmar and the addressee of the accused is Sayakson Village, PS Tamu, Myanmar. Due to the nationality issue, the accused could not be released from jail.

Mr. RK Umakanta, learned senior counsel, further submitted that the petitioner cannot be released on bail on the ground that they have not produced relevant documents.

In such circumstance, Mr. Osbert Khaling, learned counsel for the petitioner seeks permission to submit the relevant documents which has been issued by the competent authority before the authority concerned and will satisfy the authority that the petitioner belongs to Indian origin.

In view of the above submission made by the parties, liberty is granted to the petitioner to make fresh application to the Secretary (Home), Government of Manipur, along with the relevant documents to prove his nationality within a period of two weeks from the date of receipt of this order and if any such application is submitted, the Secretary (Home) Government of Manipur, shall consider and take appropriate action within a period of four weeks thereafter.

With the above observation, the present petition is disposed of.

Sandeep

JUDGE

CHIEF JUSTICE