

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

Tr.P.(CrI.) No.3 of 2025

Pamchuiwon Kashak

Petitioner/s

Vrs.

State of Manipur and Anr.

Respondent/s

BEFORE
**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
(ORDER)**

16.12.2025

Captioned transfer petition has been filed under Section 447 of Bharatiya Nasgarik Suraksha Sanhita 2023(BNSS) with a prayer to transfer Session Trial Case No.1 of 2024 now pending on the file of District & Sessions Judge, Ukhurul. This sessions case shall be referred to as 'said sessions case' and 'Court of District & Sessions Judge, Ukhurul' shall be referred to as 'transferor sessions court' (both for the sake of convenience and clarity).

2. To be noted, prayer in the captioned transfer petition is for transfer of said sessions case from transferor sessions Court to Fast Track Special Court No.1, Manipur.

3. In the hearing today, Mrs. H. Bisheshawri Devi, learned counsel for transfer petitioner, Mr. Athouba Khaidem, learned senior counsel instructed by Mr. Phungyo Zingkhei, learned state counsel on record for respondent No.1 and Mr. L. Sevananda Sharma along with Ms. Koijam Sheema, learned counsel for respondent No.2 are before this Court.

4. The transfer petitioner is the complainant/victim qua said sessions case and R2 is lone accused in the said sessions case. To be noted, 'R2' is an abbreviation/short form denoting 'second respondent' and similar abbreviations/short forms shall be used with regard to the other respondents also.

5. Afore-referred said sessions case is vide FIR No.1(7) 2019 on the file of Women Police Station, Ukhruul for alleged offences under Sections 376/506IPC, 306,506 and 354 A of IPC. The case of the transfer petitioner is that R2 embarked upon an exercise of forcefully abducting transfer petitioner with her spouse along with infant child and compelled them to withdraw the complaint qua said sessions case.

6. In the above backdrop, when the matter is listed before this Court on 10.12.2025 following proceedings was made:

'10.12.2025'

In the hearing today, Mrs. H. Bisheshwari Devi, learned counsel on record for transfer petitioner, Mr. Athouban Khaidem, learned senior counsel instructed by Mr. Phungyo Zingkhei, learned State Counsel for respondent No.1 and Mr. L. Sevananda Sharma, learned counsel are before this Court.

2. *Mr. L. Sevananda Sharma, learned counsel (Enrolment No.D/4227/2010/BCM-09/2019 address for service - Sagolband Salam Leikai who is before this Court submits that he has instructions to file Vakalatnama on behalf of the respondent No.2.*

3. *Learned State Counsel submits that a report has been requisitioned and affidavit qua ground situation will be placed before*

this Court and requests for a sought accommodation. Mr. L. Sevananda Sharma, submits that he will file Vakalatnama for respondent No.2 by close of Court working hour tomorrow.

4. List on 16.12.2025.'

7. Pursuant to afore-referred proceedings, R1 has filed a reply affidavit dated 10.12.2025 and deponent of the affidavit is Joint Secretary (Home), Government of Manipur. Learned senior counsel for R1, on instructions submitted that the reply affidavit captured inter-alia the facts and circumstances of the afore-referred complaint of the revision petitioner. To be noted, from the reply affidavit of R1, it comes to light that pursuant to complaint of revision petitioner vide complaint reports dated 25.09.2025 and 06.10.2025, investigation was commenced and FIR No.07(09)2025 on the file of Ukhrul Police Station for alleged offences under sections 137(2)/135/127(3)/351(2)/3(5) of Bharatiya Nyaya Sanhita(BNS) has been registered qua R2, R2 has been granted bail and an application for cancellation of bail has also been made and the same is pending.

8. As regards R2, learned counsel for R2 submitted that afore-referred complainant inter-alia of abduction is a false complaint.

9. After considering all the facts and circumstances of the case and also taking into fact that a complaint by the revision petitioner i.e., complainant of abduction and compulsion to withdraw the complaint qua said sessions case is pending, this Court deems it appropriate to transfer the said sessions case from transferor Court to a Court in Imphal details of transferee court will be set-out infra.

10. Before doing that, this Court deems it appropriate to make it clear that this transfer order shall not be construed as any opinion or view on the pending said sessions case or complaint inter-alia of abduction which is also being proceeded with in accordance with law. In other words, the Court concerned(transferee court) will decide the said sessions case as well as the complaint of abduction and compulsion to withdraw the complaint(complaint qua said sessions court) on its own merits and in accordance with law untrammelled by instant transfer order. Likewise, it is also made clear that this transfer order shall not be construed as any reflection on the learned Presiding Officer who is presiding the transferor Court. Be that as it may, for the sake of specificity, it is clarified that this transfer order shall not be pressed into service in criminal cases which are underway.

11. This order is being made to ensure fair trial Court to both sides i.e., revision petitioner as well as R2 and State which is prosecuting the matter.

12. Ergo, the sequitur is, the said session case namely Session Trial Case No.1 of 2024 now pending on the file of learned Court of District and Sessions Judge, Ukhrul shall be transferred to 'District & Sessions Court, Imphal West' {' transferee Court' for convenience}.

13. Transferor Court shall send all the records to the transferee court qua said sessions case and transferee court shall proceed with the matter in accordance with law on its merits as alluded to supra.

14. Captioned transfer petition is allowed in the aforesaid manner albeit with aforesaid observations. There shall be no order as to costs.

CHIEF JUSTICE

Ab. Surjit

This Court with consent of all the afore-referred counsel and learned counsel put up main transfer petition and heard out the same.