

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

MC(WA) No. 2 of 2025

The State of Manipur represented by the
Secretary(Home), Government of Manipur.

Applicant

Vs.

Shri Lalbiakhluna, aged about 49 years, S/o Lahnema,
resident of Kolasib, P.O. Kolasib, District Kolasib,
Mizoram **& 3 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 Mr. M. Sundar, CJ)

20.02.2026

[1] Captioned miscellaneous case (MC) has been filed with a
Condonation of Delay (CoD) prayer qua 148 days delay in filing a State
appeal against an order dated 23.07.2024 made WP(C)No.390 of 2007 by
a Hon'ble Single Bench of this Court (impugned order).

[2] In and vide the impugned order, Hon'ble Single Bench has
directed State to take steps to withdraw prosecution of the writ petitioners
in a criminal case pending before the Chief Judicial Magistrate,
Churachandpur or to close the said criminal case in so far as the writ

petitioners are concerned. Hon'ble Single Bench has also fixed a time frame for State to complete this exercise and the time frame is 3(three) months. State is on appeal and intra-court appeal of State has been filed on 18.01.2025 albeit with a delay of 148 days. This has necessitated the captioned MC.

[3] In the captioned MC, Mr. Shyam Sharma, learned State counsel for appellant, Ms. Jusrene Risom, learned counsel for respondent No.2 {on the Video Conferencing(VC)} platform, Mr. Serto T Kom, learned counsel for respondent No.3 and Mr. N. Nongdamba, learned counsel for respondent No.4 are before this Court. To be noted , learned State counsel for MC applicant and learned counsel for R3 & R4 are before the physical Court.

[4] As regards the captioned MC, it is seen from the MC petition that the delay in filing intra-court appeal is owing to various tiers through which the matter had to pass for taking a decision regarding filing appeal. To be noted, in paragraph 19 of MC application a tabulation giving a break-up of various tiers qua 148 days delay has been set out.

[5] The burden of the song of State is that the delay is neither willful nor wanton.

[6] As regards R1 (Shri Lalbiakhluna, aged 49 years, S/o Lalhema, resident of Kolasib, PO Kolasib, District Kolasib, Mizoram), this Court is

informed that R1 has been duly served. To be noted, name of R1 is duly shown in the cause list. This Court is informed that R1 has not chosen to enter appearance through any counsel. R1 is not before this Court today either in physical Court or on the VC platform. This means that R1 has not come forward to oppose captioned CoD MC.

[7] As regards R2 to R4, advertent to the MC application, it is submitted that State should have been diligent and that it appears from paragraph 3 that the State woke up in the matter only after receipt of a communication calling upon the State to comply with the impugned order. It is also submitted on behalf of the respondents that if State had been a little more diligent, the delay could have been avoided.

[8] This Court carefully considered the rival submissions.

[9] Though the State could have been diligent, considering the nature of the matter, facts and circumstances of the case and the issue that arise for consideration in the intra-court appeal, this Court is of the considered view that this is a case where a liberal view can be taken and delay can be condoned so that the matter is heard out on merits. To put it differently, from the facts and circumstances of the case, it appears that it would be desirable to have the matter tested on merits as the issue pertains to closure of a criminal case/withdrawal of prosecution. Therefore, making an exception, this Court deems it appropriate to accede to the CoD prayer.

[10] Registry to process the appeal and if objections have been removed and if appeal is otherwise in order, Registry to assign number to the appeal and list it before Court.

[11] Ergo, the sequitur is, delay is condoned. Captioned MC is allowed/ordered as prayed for.

John Kom

JUDGE

CHIEF JUSTICE