

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

CRL. M. APPLN. No. 1 of 2021

1. Extra Judicial Execution Victim Families Association Manipur, Kwakeithel through its Secretary Mrs. Edina Yaikhom aged about 38 years w/o Late Mr. Ningthoujam Anand, Office address – Nynthemkol (Paite Veng), Imphal West, Manipur – 795001.
2. Pheiroijam Rita Leima, aged about 48 years, w/o Late Pheiroijam Sanajit Singh r/o Nongada Awang Leikai, PO & PS Lamlai, Imphal East District, Manipur.

... Applicants

- Versus -

- 1 Union of India, through its Secretary, Ministry of Defence, Government of India, New Delhi.
2. State of Manipur, through its Secretary, Home Department, Government of Manipur, as the respondents.
3. CBI, through Mr. Harish Goel, Inspector of Police, CBI, AC-VI, attached with (SIT Manipur), New Delhi, IO of the case.
4. Girish Nair (A-1), the then Major, 19 Rajput (Bikaner), now retired.
5. Rahul Bal Mishra (A-2), the then captain, 19 Rajput (Bikaner).
6. Ranbeer Singh (A-5), the then Havaldar, 19 Rajput (Bikaner) and
7. Abhay Pratap Singh (A-60, the then Sepoy, 19 Rajput (Bikaner).

... Respondents

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the applicants : Mr. Colin Gonsalves, Senior Advocate (on Video Conferencing) instructed by Mr. Viscount, Advocate (in Physical Court) representing Mr. O. Kiranjit, Advocate.

For the respondents : Mr. Kh. Samarjit, Deputy Solicitor General for India instructed by Mr. N. Nongdamba, Advocate for respondent Nos. 1, 4, 5, 6 and 7.

: Ms. RK. Emily and Mr. W. Niranjit, Deputy Government Advocates for respondent No. 2.

: Mr. W. Darakeshwar, Senior Panel Counsel for Central Government for respondent No. 3.

Date of order : **15.06.2026.**

O R D E R
(ORAL)

[M. Sundar, CJ]

[1] Captioned 'Criminal Miscellaneous Application' ('Crl. M. Appln.' for the sake of convenience and brevity) has been listed today as part of a cluster of six matters.

[2] In captioned Crl. M. Appln., Mr. Colin Gonsalves, learned senior advocate is before this Court on the Video Conferencing (VC) platform and Mr. Viscount, learned counsel representing Mr. O. Kiranjit, learned counsel on record for Crl. M. Appln. applicants is before this Court (Physical Court).

[3] There are seven respondents in all.

[4] 'Respondent No. 1' shall be referred to as 'R-1' and similar abbreviations shall be used *qua* other respondents also. 'Second respondent' shall be referred to as 'R-2', 'third respondent' shall be referred to as 'R-3', so on and so forth.

[5] As regards R-1, Mr. Kh. Samarjit, learned senior advocate and learned DSGI (Deputy Solicitor General for India) instructed by Mr. N. Nongdamba, learned counsel on record is before this Court (Physical Court). As regards R-2, Ms. RK. Emily and Mr. W. Niranjit, learned Deputy Government Advocates are before this Court (Physical Court). As regards R-3, Mr. W. Darakeshwar, learned Sr. PCCG (Senior Panel Counsel for Central Government) is before this Court (Physical Court). As regards R - 4 to 7 also Mr. N. Nongdamba, learned counsel on record led by Mr. Kh. Samarjit, learned DSGI is before this Court (Physical Court).

[6] Considering the limited scope of captioned Crl. M. Appln., short facts which are absolutely essential/imperative for appreciating

instant order will suffice. Short facts (shorn of elaboration and details) are that the genesis of the matter is a writ petition being W.P.(Crl.) No. 129 of 2012 filed in the Hon'ble Supreme Court by 'Extra Judicial Execution Victims Families Association' ('EEVFAM' for the sake of convenience and brevity) and 'Human Rights Alert' ('HRA' for the sake of convenience and brevity) *inter alia* with prayers for direction to set up a 'Special Investigation Team' ('SIT' for the sake of convenience and brevity) of police officers from outside the State of Manipur to investigate alleged instances of extra judicial execution, to conduct disciplinary proceedings *qua* alleged delinquents, seeking compensation to families of victims and also seeking a declaration that sanction under Section 197 Cr.P.C. (Code of Criminal Procedure, 1973), Section 6 of the Armed Forces (Special Powers) Act, 1958 or any other similar provision in any other law is not necessary for cases of alleged fake encounters. This writ petition was registered in Hon'ble Supreme Court on 19.09.2012 and the same is pending. Last listing was on 04.02.2025 and computer generated listing shows that 17.07.2026 is the next tentative date when the case is likely to be listed. Be that as it may, in this case Hon'ble Supreme Court had made/given a series of orders/directions, pursuant to which 'Central Bureau of Investigation' ('CBI' for the sake of brevity) filed a 'Final Report' ('FR' for the sake of convenience and brevity) dated 30.06.2020 in the Court of 'Chief

Judicial Magistrate, Imphal West, Manipur' ('said CJM Court' for the sake of convenience and clarity) which *inter alia* made an order dated 22.02.2021 in Cril. Misc. (FR) Case No. 633 of 2020 formulating ten points and referring the same to this Court for laying down law *qua* those points, as according to the learned said CJM Court, the ten points are not blessed with case laws for his guidance. (To be noted, there is one more earlier FR dated 12.10.2018). This 22.02.2021 order of said CJM Court is now before this Court by way of reference being Cril. REF. No. 1 of 2021. To be noted, captioned Cril. M. Appln. has been filed with a prayer to implead EEVFAM through its Secretary, Ms. Edina Yaikhom and Ms. Pheiroijam Rita Leima (a member of EEVFAM and wife of deceased victim) as parties to this Cril. REF. No. 1 of 2021.

[7] As already alluded to supra, owing to limited scope of the captioned Cril. M. Appln., this Court refrains itself from dilating further on facts. Though R-1 has filed written objections dated 02.02.2022, learned DSGI very fairly submitted that it will suffice if all questions are left open for being heard out in Cril. REF. No. 1 of 2021. Learned DSGI also pointed out that prior to afore-referred 22.02.2021 order, said CJM Court made an order dated 20.02.2021 in Cril. Misc. Case No. 149 of 2020 dismissing the application of Union of India challenging the procedure adopted by the Trial Court (said CJM Court) i.e., the procedure of issuing notices to informants, victims and EEVFAM.

[8] Learned DSGI pointed out that afore-referred 20.02.2021 order has been assailed in the jurisdictional Sessions Court {Court of Sessions Judge, Imphal West} vide Cril. Rev. Case No. 3 of 2022. Jurisdictional Sessions Court affirmed vide order dated 04.07.2022 affirmed the order of said CJM dated 20.02.2021, that this 04.07.2022 order is under challenge by the Union of India in Cril. Petn. No. 47 of 2022. To be noted, this 04.07.2022 order is a common order made in Cril. Rev. Case No. 3 of 2022 arising out Cril. Misc. Case No. 149 of 2020 and another Cril. Rev. Case No. 2 of 2022 arising out of Cril. Misc. (FR) Case No. 633 of 2020. Learned DSGI submitted that all the points raised in Cril. Petn. No. 47 of 2022 may also be preserved when the matter is heard out. Though obvious, all the rights and contentions of all the parties viz., EEVFAM through its Secretary, Ms. Edina Yaikhom, Ms. Pheiroijam Rita Leima, Union of India, State of Manipur, CBI, Army Personnel and any other person/s concerned with the matter remain preserved when the main matter/cluster of matters are heard out.

[9] To be noted, captioned implead prayer is neither opposed nor supported by State of Manipur. As regards CBI, learned Sr. PCCG submits that he has no objection to the implead prayer being allowed and in fact, the learned Sr. PCCG appearing for CBI supports the implead prayer.

[10] Be that as it may, it will suffice to write that EEVFAM was heard by the said CJM Court is making afore-referred 22.02.2021 order. To be noted, this 22.02.2021 order of said CJM has categorically recorded that EEVFAM was heard and submissions of EEVFAM have also been recorded. The second applicant, this Court is informed (without any dispute) is a member of EEVFAM and this Court is further informed by learned senior counsel for CrI. M. Appln. that the second applicant is also wife of a victim. Therefore, this Court finds no reason as to why the applicants in captioned CrI. M. Appln. should not be heard in CrI. REF. No. 1 of 2021 which is before this Court pursuant to afore-referred order dated 22.02.2021 made by the said CJM Court.

[11] Captioned CrI. M. Appln. No. 1 of 2021 is allowed/ordered as prayed for with afore-referred preservation of rights and observations. Let necessary subsequent amendment in the case files be carried out on or before 26.06.2026. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

Bipin

FR/NFR