LUCY GURUMAYUM

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Item. 1-2

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

Crl. Petn. No. 62 of 2024
With
MC(Crl. Petn.) No. 55 of 2024

W. Manigun Singh

...Petitioner/s

- Versus -

Smt. L. Memcha Devi & 2 Ors

...Respondent/s

B E F O R E
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU

20.09.2024

Heard Mr. S. Biswajit, learned Sr. counsel appearing for the petitioner.

Issue notice.

Learned counsel for the petitioner is directed to take steps upon the respondents by speed post within 1(one) week.

The present petition has been filed by the petitioner u/s 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding section 482 of the CrPC) for violation and infringement of the fundamental rights guaranteed under Article 14 & 21 of the Constitution of India and a prayer for enforcement of the said rights of the petitioner praying for setting aside the entire criminal proceedings initiated under criminal complaint being Cril. Complaint Case No. 13 of 2024 filed u/s 82(1), 335 and 336 of BNS 2023 with the following prayers;

> *"a) to issue rule nisi to the respondents, call for and examine the records of the case,*
> *b) to make the rule absolute in case the respondent No.1 fail to show cause or sufficient cause,*

c) to quash and set aside the summon dated 04.09.2024 issued by the Ld. CJM/Imphal West in Cril. (Complaint) Case No. 13/2024,

d) to quash the entire proceeding of Cril. (Complaint) Case No. 13/2024, now pending before the Ld. CJM/Imphal West and to pass such other order/ orders as the Hon'ble High Court deemed fit and appropriate in the facts and circumstances stated herein above.

e) to issue such other appropriate writs/directions, interim as well as final, as to your Lordships may seem just and equitable, and

f) to award the costs of this Petition in case the respondents contest the legitimate claim of the petitioner without any justification."

Learned counsel for the petitioner also filed a Misc. application being MC(Cril. Petn.) No. 55 of 2024 for staying the summons dated 04.09.2024 issued by the Ld. Chief Judicial Magistrate, Imphal West in connection with Cril. (Complaint) Case No. 13/2024 wherein the Ld. Chief Judicial Magistrate, Imphal West directed the present petitioner/applicant to appear before the Court on 21.09.2024 (i.e tomorrow).

In this kind of situation it is not possible to issue notice to the respondents and heard all of them today itself. In the circumstances, the summons dated 04.09.2024 issued by the Ld. Chief Judicial Magistrate, Imphal West in connection with Cril. (Complaint) Case No. 13/2024 (Ext. A/2) is stayed till the next date of hearing.

List the matter on 07.11.2024.

Accordingly, the Misc. application being MC(Cril. Petn.) No. 55 of 2024 is disposed of.

Send an extract copy of this order to the court of Chief Judicial Magistrate, Imphal West during the course of the day.

JUDGE

Lucy