LUCY GURU MAYU M
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Item. 3-4

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

Crl. Petn. No. 63 of 2024
With
MC(Crl. Petn.) No. 56 of 2024

Smt. Tamphasana Devi

...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;

> *"i) take cognizance of the offences under section 81(1), 335 and 336 BNS, 2023 against the accused persons;*
>
> *ii) pass an order for offences punishable under section 81(1), 335 and 336 BNS, 2023 against the accused person No. 1 & 2;*

iii) pass an order for offences punishable under section 335 and 336 BNS, 2023 against the accused persons

iv) try and punish the accused persons in accordance to law; and

v) pass any other directions or orders as the Hon'ble Court deem fit and proper in the present case."

Learned counsel for the petitioner also filed a Misc. application being MC(Cril. Petn.) No. 56 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. 56 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