2026:MNHC:253-DB

Sl. Nos. 1 & 2

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

W.A. No. 31 of 2026
With
MC (W.A.) No. 79 of 2026

Md. Haffizuddin, aged about 42 years, S/o (L) Md. Safiullah, a resident of Hatta Golapati, PO & PS: Porompat, Imphal East District, Manipur-795005.

... Appellant/applicant

Vs.

1. The State of Manipur represented by the Chief Secretary/ Special Secretary/ Secretary (Home), Government of Manipur, New Secretariat (South Block), Mantripukhri, P.O: Mantripukhri, & P.S. Heingang, Imphal East District, Manipur-795002.
2. The Director General of Police, Manipur, Police Headquarters, Mantripukhri, P.O: Mantripukhri, & P.S. Heingang, Imphal East District, Manipur-795002.
3. The Superintendent of Police, Senapati District, P.O. & P.S. Senapati, Senapati District, Manipur.
4. Mr. ML Kaisungbou, MPS, Additional Superintendent of Police (NH2), Senapati as Enquiry Officer (E.O.)

(4th respondent suo moto impleaded vide instant order)

... Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

For appellant	Mr. Md. Ajmal Hussain, Ms. Basei Roja Shahni and Mr. Md. Mizazur Rahaman, Advocates
For respondents	Mr. RK Umakanta, Senior Advocate and Public Prosecutor, instructed by Mr. Phungyo Zingkhai, Deputy Government Advocate
Date of Judgment & Order	**02.11.2026**

JUDGMENT AND ORDER

(ORAL)

(M. Sundar, CJ)

[1] The following abbreviations/short forms have been used in this order (for the sake of brevity, convenience and clarity):

Sl. No.	Abbreviation/Short Form/other short references	Full Form/Expansion
1.	WP	Writ Petition
2.	WA	Writ Appeal
3.	MC	Miscellaneous Case
4.	FIR	First Information Report
5.	DP	Departmental Proceedings
6.	R1, R2, R3 and R4	1st respondent, 2nd respondent, 3rd respondent and 4th respondent respectively
7.	NDPS Act	Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985)
8.	Impugned order	Order dated 07.10.2026 in MC [W.P. (C)] No. 776 of 2026 in W.P. (C) No. 752 of 2026
9.	Said order	Order dated 28.09.2026 bearing Reference No. C/SP-SPT/4/1/2015(DE)/2268 issued by R3
10.	delinquent	WA appellant/MC applicant

[2] Captioned WA is an intra-Court appeal (presented and filed on 22.10.2026) assailing the impugned order. To be noted, impugned order is an interim order made by a Hon'ble Single Judge of this Court in a MC in a WP filed by writ petitioner.

[3] Mr. Md. Ajmal Hussain, learned counsel on record for WA appellant/MC applicant along with Ms. Basei Roja Shahni, and Mr. Md. Mizazur Rahaman, learned counsel are before this Court.

[4] Short facts are that delinquent joined Manipur Police as a constable on 20.12.2009. Mr. Md. Ajmal Hussain, learned counsel for WA appellant/MC applicant submits that he has put in blemishless services for more than one and half decades and was also decorated with awards *qua* anti-narcotic active drives. However, delinquent was arrested on 11.06.2026 pursuant to an FIR dated 11.06.2026 being FIR No. 13(6)2026, Kangpokpi Police Station for alleged offences under Sections 22(c)/29/60(3) of NDPS Act. Pursuant to the FIR and arrest, R3 placed delinquent under suspension *vide* an order dated 15.06.2026 and DP was initiated. In such circumstances, WA appellant/MC applicant sent a representation dated 30.07.2026 predicating his case inter alia on ***Capt. M. Paul Anthony*** principle. To be noted, ***Capt. M. Paul Anthony*** refers to ratio laid down by Hon'ble Supreme Court in ***Capt. M. Paul Anthony*** *vs.* ***Bharat Gold Mines Ltd. and Another*** reported in **(1999) 3 SCC 679** which lays down the principles to be followed when DP and criminal case are sought to be proved by the same set of witnesses and when both are emanating from the same factual matrix. This Court refrains itself, at this stage, in this order from dilating more on ***Capt. M. Paul Anthony*** principle owing to the limited legal perimeter of the captioned intra Court appeal and the order we propose to make.

[5] Learned counsel for WA/MC applicant submits that in the main WP before the Hon'ble Single Bench, the DP itself has been put to challenge and there are other limbs of prayers. However, acting on afore-referred 30.07.2026 representation of writ appellant/MC applicant, R3 had made said order (order dated 28.09.2026 bearing Reference No. C/SP-SPT/4/1/2015(DE)/2268) disposing of 30.07.2026 representation and giving certain directions to the Enquiry Officer and therefore interim stay of this order, i.e., said order was sought but the same was negatived *vide* impugned order by Hon'ble Single Bench *inter alia* holding that the criminal case is for alleged offences under Section 22(c),29,60 (3) of NDPS Act which needs to be proved on the basis of evidence to be produced by prosecution during trial whereas article of charge *qua* DP is imputation of misconduct unbecoming of a member of disciplined force.

[6] Issue Notice.

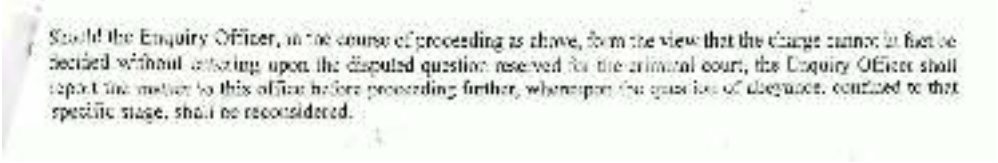
[7] Mr. Phungyo Zingkhai, learned State counsel accepts notice for all respondents and Mr. RK Umakanta, learned senior counsel and Public Prosecutor appears on his behalf.

[8] As already alluded to *supra* elsewhere in instant order, the legal perimeter of the captioned main WA is very limited. In this view of the matter, with the consent of learned counsel on both sides and learned senior counsel, main WA was taken up and heard out in the Admission Board itself, respondents waiving the procedural formality of filing affidavit-in-opposition in the captioned main WA.

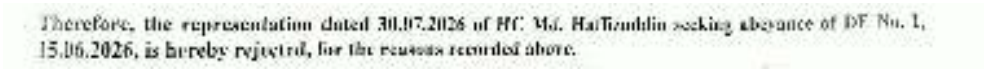
[9] Notwithstanding myriad grounds in the memorandum of WA, the burden of song *qua* learned counsel for WA appellant/MC applicant is observation in paragraph 12 of the impugned order will gravitate DP in a particular direction *qua* ***Capt. M. Paul Anthony*** principle and to be noted this paragraph of the impugned order reads as follows:

> *'[12] On careful examination of the materials available on record more particularly the Article of charge and statement of imputation of misconduct or misbehavior framed against the petitioner, this Court is of the considered view that the only charge framed against the petitioner in connection with the departmental enquiry is limited to the point that the petitioner has committed a gross misconduct by involving in the aforesaid FIR case (resulting in his arrest and judicial custody) and therefore, he has committed a gross misconduct which is unbecoming of a disciplined force like the Manipur Police. Whereas, the allegations made against the petitioner in the said FIR case is that he has committed criminal offences under Sections 22(c),29,60(3) ND&PS Act 1985, which needs to be proved on the basis of evidences produced by the prosecution during the trial of the criminal case. Therefore, this Court is of the considered view that the departmental enquiry and the criminal case initiated against the petitioner are not based on identical and similar set of facts and that allowing the authorities to conduct and to proceed with the departmental enquiry and the criminal case simultaneously will not cause any prejudice to the petitioner while facing the criminal trial'*

[10] Per contra, learned Public Prosecutor submits that as regards said order made by R3, the Enquiry Officer has been directed to report the matter to R3 after taking a view on the question as to whether charge can be decided without entering upon the disputed question reserved for trial in the criminal court and in this regard concluding paragraph of said order made by R3 is relevant and scanned reproduction of the same is as follows:


Should the Enquiry Officer, in the course of proceeding as above, form the view that the charge cannot be fairly be decided without entering upon the disputed question reserved for the criminal court, the Enquiry Officer shall report the matter to this office before proceeding further, whereupon the question of disposal, confined to that specific stage, shall be reconsidered.

Another paragraph of relevance in said order is paragraph 11 and that portion of paragraph 11 to the extent relevant reads as follows:


Therefore, the representation dated 30.07.2026 of HC Md. HaiTzuddin seeking absence of DF No. 1, 15.06.2026, is hereby rejected, for the reasons recorded above.

[11] Learned Public Prosecutor fairly submitted that the Enquiry Officer will have to take a view *qua* afore-referred concluding paragraph of said order and report the matter to R3 and on the same being done, a copy of the report of Enquiry Officer will be furnished to the delinquent.

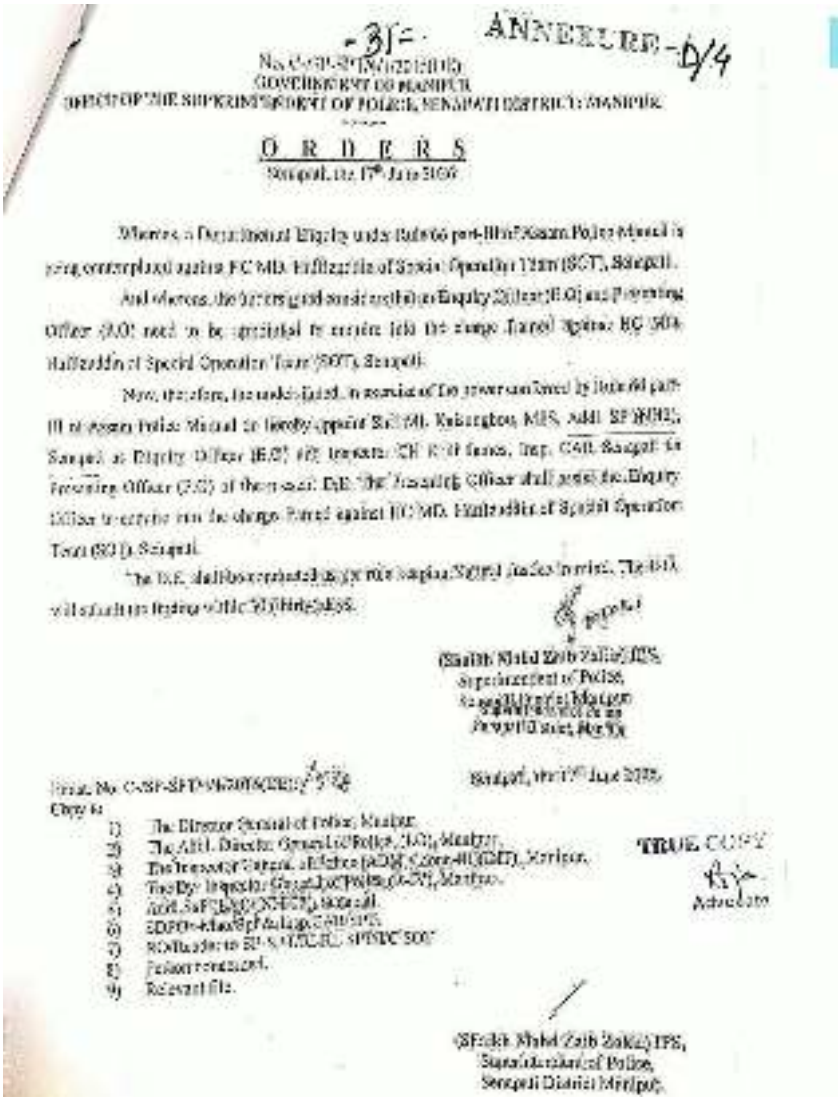
[12] It will suffice if the Enquiry Officer is directed to make this report untrammeled by/uninfluenced by impugned order made by Hon'ble Single Bench and more particularly paragraph 12 thereat extracted and reproduced *supra*. On copy of the report being furnished to the delinquent, it is open to the delinquent to take out another suitable MC in the pending WP or raise the ***Capt. M. Paul Anthony*** principle in the main WP if the delinquent is either aggrieved or not satisfied with the report of the enquiry officer. If such a scenario unfurls, we request Hon'ble Single Bench to consider the MC and/or main WP on its own merits and in accordance with law.

[13] On afore-referred report of Enquiry Officer being furnished to delinquent, the DP shall be paused for a fortnight from the date of furnishing of report to the delinquent to enable the delinquent to do the needful if he is either not satisfied or aggrieved by the report. If the report is in favour of the delinquent, that is the end of the road as regards the issue that is subject matter of legal drill at hand is concerned. Though obvious, for the sake of specificity, it is made clear that it is open to delinquent to raise ***Capt. M. Paul Anthony*** principle even if the view

taken by the Enquiry Officer is in his favour. If the enquiry report is either adverse to the delinquent or if the delinquent is not satisfied with the report and if the scenario set out *supra* unfurls, the delinquent will obviously have two weeks window to do the needful.

[14] In the course of the exercise that is to ensue, though obvious, we make it clear that all rights and contentions of both sides remain preserved.

[15] The order of R3 dated 17.06.2026 bearing Reference No. C/SP-SPT/4/1/2015(DE) appointing Enquiry Officer is of relevance and scanned reproduction of the same is as follows:



-35- ANNEXURE-D/4

GOVERNMENT OF MANIPUR

OFFICE OF THE SUPERINTENDENT OF POLICE, SENAPATI DISTRICT: MANIPUR

O R D E R S

Senapati, the 17th June 2026

Whereas a Departmental Enquiry under Rule 6(a) part-III of Assam Police Manual is being contemplated against HC MD. Hafizuddin of Special Operation Team (SOT), Senapati.

And whereas the undersigned considers that an Enquiry Officer (E.O) and Presenting Officer (P.O) need to be appointed to enquire into the charge framed against HC MD. Hafizuddin of Special Operation Team (SOT), Senapati.

Now, therefore, the undersigned, in exercise of the power conferred by Rule 6(a) part-III of Assam Police Manual, do hereby appoint Sri I.M. Kshirajkor, MPS, Addl. SP (HQ), Senapati as Enquiry Officer (E.O) and Inspector CH. Kiran Kumar, Inp. Cell, Senapati as Presenting Officer (P.O) of the said DE. The Presenting Officer shall assist the Enquiry Officer to enquire into the charge framed against HC MD. Hafizuddin of Special Operation Team (SOT), Senapati.

The D.E. shall be conducted as per the Assam Police Rules in force. The E.O will submit his finding within 30 (thirty) days.

(Sheikh Khaled Zaib Zakir) IPS,
Superintendent of Police,
Senapati District Manipur

Endst. No. C/SP-SPT/4/1/2015(DE)/ 5726 Senapati, the 17th June 2026

Copy to:

1) The Director General of Police, Manipur.
2) The Addl. Director General of Police (AOW), Manipur.
3) The Inspector General, Police (AOW), Zone-II (DEE), Kohima.
4) The Dy. Inspector General of Police (A-IV), Manipur.
5) [illegible]
6) [illegible]
7) [illegible]
8) Person concerned.
9) Relevant file.

TRUE COPY

Advocate

(Sheikh Khaled Zaib Zakir) IPS,
Superintendent of Police,
Senapati District Manipur

In the light of the order that is being made, we deem it appropriate to *suo moto* add Mr. ML Kaisungbou, MPS, Additional Superintendent of Police (NH2 Senapati) as R4.

Mr. Phungyo Zingkhai, learned State counsel accepts notice for R4 also. It is made clear that we have added R4 in captioned WA and captioned MC thereat alone to facilitate effective and easy implementation of instant order and therefore such an impleading does not follow as a consequence in the WP before the Hon'ble Single Bench, though if the issue arises, it is the autonomy and discretion of the Hon'ble Single Bench to either add or not add R4 to WP and MC (if any) thereat.

[16] Captioned WA disposed of as closed albeit with the afore-mentioned observations, directions and preservation of rights. Consequently, captioned MC thereat becomes otiose and the same is also disposed of as closed There shall be no order as to costs.

JUDGE **CHIEF JUSTICE**

FR/NFR

Sandeep

P.S. I : Upload forthwith

P.S. II : All concerned will stand bound by web copy uploaded in High Court website inter alia as the same is QR coded.

KABORAMBAM SANDEEP SINGH
Digitally signed by KABORAMBAM SANDEEP SINGH
Date: 2026.11.03 18:55:28 +05'30'