

2023 LiveLaw (SC) 729

IN THE SUPREME COURT OF INDIA

DR. D.Y. CHANDRACHUD; CJI., J.B. PARDIWALA; J., MANOJ MISRA; J.

SPECIAL LEAVE PETITION (CIVIL) Diary No.19206/2023; 25-08-2023

DINGANGLUNG GANGMEI versus MUTUM CHURAMANI MEETEI & ORS.

Manipur Violence - Supreme Court transfers CBI cases to Assam for pre-trial steps.

(Arising out of impugned final judgment and order dated 27-03-2023 in WP(C) No.229/2023 passed by the High Court of Manipur at Imphal)

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv., Mr. Satya Mitra, AOR Ms. Hetvi Patel, Adv. Mr. Nayab Gauhar, Adv. Mr. Kamei Kaoliangpou, Adv. Ms. Joicy, Adv. Ms. Eliza Rumthao, Adv. Mr. Nizam Pasha, Adv. Mr. Lzafeer Ahmad B. F., AOR Ms. Cheryl D Souza, Adv. Ms. Suroor Mander, Adv. Mr. Sidharth Kaushik, Adv. Mr. Shivendra Pandey, Adv. Ms. Aayushi Mishra, Adv. Mr. Ranjit Kumar, Sr. Adv. Ms. Tomthinnganbi Kojiam, Adv. Mr. Niraj Bobby Paonam, Adv. Mr. Vishal Prasad, AOR Mr. Jaideep Gupta, Sr. Adv. Mr. Sapam Biswajit Meitei, Sr. Adv. Mr. Ahanthem Henry, Adv. Mr. Ahanthem Rohen Singh, Adv. Mr. David Ahongsangbam, Adv. Mr. Vivek Kumar, Adv. Mr. Mohan Singh, Adv. Ms. Rajkumari Banju, AOR Petitioner-in-person Mr. Javedur Rahman, AOR Ms. Vrinda Grover, Adv. Ms. Devika Tulsiani, Adv. Ms. Mannat Tipnis, Adv. Mr. Soutik Banerjee, Adv. Ms. Akriti Chaubey, AOR Mr. Kunwar Aditya Singh, Adv. Mr. Ranjit Kumar, Sr. Adv. Mr. L.K. Paonam, Adv. Ms. Tomthinnganbi Kojiam, Adv. Mr. Niraj Bobby Paonam, Adv. Ms. Aswathi M.K., AOR Ms. Amrita Sarkar, AOR Mr. Siam Phaipi, Adv.

For Respondent(s) Mr. R. Venkataramani, AG Mr. Tushar Mehta, SG Mr. Kanu Agarwal, Adv. Mr. Shuvodeep Roy, Adv. Mr. Pratyush Shrivastava, Adv. Mr. Anandh Venkataramani, Adv. Mrs. Vijayalakshmi Venkataramani, Adv. Mr. Vinayak Mehrotra, Adv. Ms. Mansi Sood, Adv. Mr. Chitvan Singhal, Adv. Ms. Sonail Jain, Adv. Mr. Abhishek Kumar Pandey, Adv. Mr. Raman Yadav, Adv. Mr. Kartikey Aggarwal, Adv. Mr. Arvind Kumar Sharma, AOR Mr. Sanjay R Hegde, Sr. Adv. Mr. Ahantham Henry, Adv. Mr. Ahantham Rohen Singh, Adv. Mr. David Ahingsangbam, Adv. Mr. Vivek Kumar, Adv. Mr. Mohan Singh, Adv. Mr. Kumar Mihir, AOR Mr. Tushar Mehta, SG Mr. Lenin Singh Hijam, Adv.Gen. Mr. Pukhrambam Ramesh Kumar, AOR Mr. Kanu Agarwal, Adv. Mr. Karun Sharma, Adv. Mr. R. Venkataramani, AG Mr. Tushar Mehta, SG Dr. N. Visakamurthy, AOR Mr. Pratyush Shrivastava, Adv. Mr. Kanu Agrawal, Adv. Mr. Shuvodeep Roy, Adv. Ms. Bansuri Swaraj, Adv. Mr. Siddhesh Shirish Kotwal, AOR Ms. Ana Upadhyay, Adv. Ms. Manya Hasija, Adv. Ms. Mahamaya Chatterjee, Adv. Mr. Tejasvi Gupta, Adv. Mr. Pawan Upadhyay, Adv. Mr. Rahul Sharma, Adv. Mr. Gopal Shankar Narayan, Sr. Adv. Ms. Anindita Mitra, AOR Ms. Indira Jaising, Sr. Adv. Mr. Fuzail Ahmad Ayyubi, AOR Mr. Paras Nath Singh, Adv. Mr. Rohin Bhatt, Adv. Mr. Ibad Mushtaq, Adv. Ms. Akanksha Rai, Adv. Ms. Shobha Gupta, Adv. Mr. Aditya Ranjan, AOR Ms. Tarjana Rai, Adv. Ms. Meenakshi Chauhan, AOR Mr. Junior Ngangom, Adv. Mr. Neeraj Kumar Gupta, AOR Mr. Abhisekh Kumar, Adv. Ms. Pallavi, Adv.

ORDER

1 The details of the cases which have been transferred to the Central Bureau of Investigation (CBI) at the present point of time, are tabulated below:

Sl. No.	Number of Cases	Particular of the cases
1	20 cases	Molestation, rape and/or murder of women
2	03 cases	Loot of weapons
3	02 cases	Murder of males
4	01 case	Rioting
5	01 case	Conspiracy
	Total 27 cases	

2 At the present stage, bearing in mind the overall environment in Manipur and the need for ensuring a fair process of criminal justice administration, we issue the following directions:

- (i) We request the Chief Justice of the High Court of Gauhati to nominate one or more officers of the rank of Chief Judicial Magistrate and Sessions Judge in Gauhati, Assam;
- (ii) The Chief Justice of the Gauhati High Court is requested to preferably select the Judges who are conversant in one or more languages of the State of Manipur to facilitate the proceedings;
- (iii) All applications for the production of the accused who are in remand and judicial custody, extension of custody and all other proceedings in connection with the investigation are allowed to be conducted on the online mode bearing in mind both distance and security issues at the courts which will be so designated under (i) above;
- (iv) The judicial custody of the accused if and when granted shall be permitted in Manipur in order to obviate transit;
- (v) The statements of witnesses under Section 164 CrPC are permitted to be recorded in the presence of a local Magistrate in Manipur or as the case may be, the place where the witnesses reside outside Manipur;
- (vi) The acting Chief Justice of the High Court of Manipur shall designate one or more Magistrates as the need may arise for the purpose of recording the statements under Section 164 CrPC;
- (vii) The Test Identification Parades (TIPs) are permitted to take place in the presence of a Manipur based Magistrate, among the Magistrates who are designated by the acting Chief Justice in pursuance of above clause (vi) of the above directions; and
- (viii) Applications such as seeking search and arrest warrants are permitted to be made by the investigating officers through the online mode.

3 The Solicitor General has assured that the Government of Manipur shall take all necessary steps to ensure that proper internet connectivity is made available from the State of Manipur to facilitate compliance with the above directions.

4 The above directions shall not operate to preclude any person or witness who desires to appear in-person to do so before the assigned court in Guwahati.

5 In addition to above, we issue the following procedural directions:

- (i) The Ministry of Home Affairs of the Union Government shall designate a Nodal Officer, not below the rank of Joint Secretary for coordinating the implementation of the directions of this Court and providing all logistical and other necessary support to the Committee chaired by Justice Gita Mittal for discharging the mandate of order dated 07.08.2023 of this Court.
- (ii) The Chief Secretary of the Government of Manipur shall designate a Nodal Officer not below the rank of Commissioner/Secretary for coordinating the implementation of the directions of this Court and providing all logistical and other necessary support to the Committee for discharging the mandate of order dated 07.08.2023 of this Court.
- (iii) The Ministry of Home Affairs, Government of India shall be responsible for bearing all the expenses of the Committee including administrative, transport, conveyance and accommodation. The Committee shall communicate the expenses incurred by it to the Nodal Officer. The Ministry shall ensure that the expenses are forthwith reimbursed to the Committee.

(iv) It shall be the responsibility of the Government of India and Government of Manipur to ensure appropriate accommodation and facilities to the Committee and staff during their visit(s) to Manipur and ensure adequate and appropriate security to them.

(v) The Government of Manipur and the High Court of Manipur shall ensure availability of adequate secretarial facilities to the Committee while in Manipur as may be necessary to discharge the mandate of the Order dated 07.08.2023.

(vi) The above directions to the Union of India and State of Manipur shall also apply to the work entrusted to Shri Dattatray Padsalgikar in terms of the previous order. All assistance required by Shri Padsalgikar shall be extended to him.

(vii) The Ministry of Electronics and Information Technology (MEITY) shall assist the Committee and ensure expeditious creation of a website/platform to enable the public to place relevant material and information for the consideration of the Committee.

(viii) The contact details of the Nodal Officers should be communicated to the Committee within a week of the passing of this order.

6 In paragraph 20(b)(i) of the judgment dated 7 August 2023, the date 4th May 2023 be read as 3rd May 2023. Serial number 5 of the table of offences mentioning the words “124A – Sedition” in paragraph 27(f) of the judgment dated 7 August 2023 stands deleted.

7 List the matter on 1 September 2023.

© All Rights Reserved @LiveLaw Media Pvt. Ltd.

*Disclaimer: Always check with the original copy of judgment from the Court website. Access it [here](#)