

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

**CRIL.PETN. No. 6 of 2022**

Shri Ningthoujam Roshan Singh, aged about 27 years, s/o Ningthoujam Premchandra Singh, a permanent resident of Heirok Part-II, Mayai Leikai, P.O & P.S. Heirok, Thoubal District, Manipur.

*....Petitioner*

- Versus -

1. Union of India, represented by Secretary of Home Department of the Union of India, Ministry of Home Affairs, North Block, Central Secretariat, New Delhi -110001.
2. Central Bureau of Investigation, represented by its Director, Central Bureau of Investigation, CGO Complex, Lodhi Road, New Delhi- 110001.
3. The State of Manipur, represented by Secretary/Commissioner (Home), Government of Manipur, Secretariat Block, P.O. & P.S. Imphal, Imphal West District, Manipur-795001.
4. The Director General of Police, Government of Manipur, Babupara, P.O. & P.S. Imphal, Manipur 795001.

*...Respondents*

**BEFORE  
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR**

29.07.2022

On 22.12.2021 at about 12:15 A.M., Ningthoujam Rohit Singh, aged about 27 years, met with an untimely demise. Thereupon, F.I.R. No. 34(12) 2021 HRK-PS was registered under Sections 458, 326, 302 & 34 IPC read with Section 25 (1-C) of the Arms Act, 1959. A Special Investigation Team (SIT) was constituted on 24.12.2021 to investigate into the offence. 6(Six) persons were named as the accused in the F.I.R, along with their associates. These six persons were granted bail by the competent Criminal Court in March, 2022. While so, complaining that sufficient progress had not been made in the investigation and that no efforts were made by the Investigating Officer to recover the arms,

sticks etc., which were used in the offence, Ningthoujam Roshan Singh, the elder brother of the deceased, filed this petition under Section 482 Cr.P.C. seeking a direction from this Court that the investigation in the subject F.I.R. case be entrusted to the Central Bureau of Investigation (CBI).

Heard Mr. M. Gunedhor, learned counsel for the petitioner; Mr. W. Darakishwor, learned Sr. PCCG for the CBI, respondent 2; and Mr. Athouba Khaidem, learned PP, appearing for the State authorities, respondents 3 & 4.

The CBI filed an affidavit through its Head of Branch, CBI, Imphal, stating that it would abide by any order passed by this Court.

Affidavit-in-opposition dated 05.07.2022 was filed by respondents 3 & 4 detailing the steps taken during the investigation into the subject F.I.R. case. The Deputy Secretary (Home), Government of Manipur, who deposed to the said affidavit stated that good progress was being made by the SIT in the investigation of the case. However, it may be noted that though extensive searches were stated to have been made at various houses, no incriminating articles, including weapons used in the offence, have been found till date. Further, the Deputy Secretary did not state that there was no necessity, in the light of the progress made, for the CBI to be brought into the picture. On the other hand, he stated that he had no comment to offer with regard to the prayer of the petitioner to entrust the investigation to the CBI.

It may be noted that apart from the 6(six) accused actually named in the F.I.R., there seem to be others whose identity has not been ascertained till now and they have been shown as associates of the named accused in the F.I.R. Further, it appears that one of the named accused is the brother of the present

MLA of Heirok Assembly Constituency in the State of Manipur, who was earlier associated with the police. It is well settled that even if there is a shadow of a doubt being raised as to the impartiality and fairness of an investigation in a criminal case, it would impact the faith of the public in the criminal justice delivery system. In such situations, Courts have always chosen to entrust investigation to an impartial investigating agency. The CBI is the premier investigating agency in the country and an investigation undertaken by it would inspire faith and confidence.

Given the fact that there is every possibility of doubts being raised as to the investigation carried out by the State Police in the case on hand, it would be proper that the CBI be asked to take over the investigation and initiate appropriate action thereon.

The criminal petition is accordingly allowed, directing the CBI to take up the investigation in F.I.R. No. 34(12) 2021 HRK-PS, registered under Sections 458, 326, 302 & 34 IPC read with Section 25(1-C) of the Arms Act, 1959. The State authorities shall entrust all the case records pertaining to the said F.I.R. to the CBI forthwith and extend full cooperation in all respects to the CBI in the course of its investigation.

The CBI shall endeavor to complete the investigation expeditiously and preferably, within 6(six) months from the date of receipt of a copy of this order.

**CHIEF JUSTICE**