

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

W.P. (Crl.) No. 6 of 2025

Okram Amarjit Singh

Petitioner

Vs.

District Magistrate Kakching; & Ors.

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH
(ORDER)**

(K. SOMASHEKAR, C.J. & A. BIMOL SINGH, JUDGE)

20.06.2025

[1] Heard Mr. L. Shashibhushan, learned senior counsel assisted by Ms. Kh. Medha, learned counsel appearing for the petitioner, Mr. Phungyo Zingkhai, learned Dy. Government Advocate appearing for respondent Nos. 1, 2 & 4 and Mr. BR Sharma, learned CGSC appearing for respondent No. 3.

[2] The present writ petition has been filed assailing the detention order dated 17.01.2025 passed by the District Magistrate, Kakching detaining the petitioner under the provision of National Security Act, 1980, the order dated 28.01.2025 issued by the Joint Secretary (Home) Government of Manipur, approving the detention order passed by the District Magistrate, Kakching as well as order dated 13.02.2025, issued by the Commissioner (Home), Government of Manipur, confirming the order of detention and ordering for his detention for a period of 12 (twelve) months from the date of detention.

[3] In assailing the said impugned orders, the learned senior counsel appearing for the petitioner raised only one ground. It has been submitted that

under Section 8 of the National Security Act, 1980, it is inter alia, provided that the ground of detention shall be furnished as soon as possible but not later than 5 (five) days and in exceptional circumstances and for reasons to be recorded in writing, not later than 10 (ten) days from the date of detention. It has been submitted by the learned senior counsel for the petitioner that in the present case, the order of detention was passed on 17.01.2025 while the petitioner was still in custody and ground of detention was furnished to the detenu only on 27.01.2025. It has been submitted that in fact, the ground of detention is dated 27.01.2025. The learned senior counsel accordingly submitted that impugned detention orders are not sustainable in the eyes of law for the reasons that the authorities have failed to furnish the ground of detention within the time prescribed under the National Security Act, 1980 and such act of the authorities have rendered the continued detention of the petitioner illegal.

[4] As directed earlier by this Court, the learned Dy. Government Advocate has placed before this Court the relevant Government File before us and also fairly submitted that on perusal of the record, no specific reasons has been recorded by the authority for furnishing the ground of detention beyond the period of 5 (five) days as prescribed under the National Security Act, 1980.

[5] We have heard the rival submissions advanced by the learned counsel appearing for the parties at length and also carefully examined the materials available on record.

[6] On perusal of the record, it is crystal clear that the authorities have furnished the ground of detention after 10 (ten) days from the date of passing

the detention order and that there is no reason recorded in writing in the relevant record explaining the delay in furnishing the said ground of detention.

[7] Taking into consideration such undisputed facts, we have come to the conclusion that the authorities have violated the mandatory provisions under Section 8 of the National Security Act, 1980 and as such we have no hesitation to hold that the continued detention of the petitioner as illegal and the impugned orders of detention are not sustainable in the eyes of law.

Accordingly, the impugned detention order dated 17.01.2025 passed by the District Magistrate Kakching, the approval order dated 28.01.2025 passed by the Joint Secretary (Home), Government of Manipur as well as the confirmation order dated 13.02.2025 passed by the Commissioner (Home) Government of Manipur are hereby quashed and set aside. Consequently, the authorities are directed to release the petitioner forthwith unless his continued detention is validly required in connection with any other case.

[8] Whereas keeping in view the submission made by the learned senior counsel for the petitioner inclusive of the learned Dy. Government Advocate, and wherein under this writ petition challenging the detention order keeping in view of the activities of the petitioner/detenu/accused. However, Section 8 of the National Security Act, 1980 indicates that the ground of detention rendered by the authority shall be furnished to the concerned accused within a span of 5 (five) days or 10 (ten) days. This is the mandatory provision of Section 8 of the National Security Act, 1980. But in this matter, the ground which is urged by the learned senior counsel for the petitioner to be taken into consideration and consequently rendered an order by the detaining authority is hereby

quashed, setting at liberty the detenu/accused forthwith if he is not required in any other case.

[9] It is deemed appropriate to made an observation that if any observation has been made in this order, it should not come in the way to proceed further any investigation in the aforesaid crime as registered by the investigation authority as keeping in view the provision of Section 154 Cr.PC for registering the FIR and inclusive of statement as to be recorded under Section 161 and 162 of the Cr.PC relating the filing of charge sheet as under Section 173 of the Cr.PC .

Accordingly, made an observation.

[10] With the aforesaid directions, the present writ petition is hereby disposed of.

Sandeep

JUDGE

CHIEF JUSTICE