

ITEM NO.20

COURT NO.16

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No.4759/2024

(Arising out of impugned final judgment and order dated 29-02-2024 in BA No.2/2024 passed by the High Court Of Manipur at Imphal)

LUNKHONGAM HAAKIP

Petitioner(s)

VERSUS

THE STATE OF MANIPUR & ANR.

Respondent(s)

(With IA No.81479/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 03-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE UJJAL BHUYAN
(VACATION BENCH)

For Petitioner(s) Mr. Harshil Manchanda, Adv.
Mr. Rudrajit Ghosh, Adv.
Ms. Manjeet Kirpal, AOR

For Respondent(s) Mr. Pukhrambam Ramesh Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

- 1 The petitioner herein came to be arrested on 15 October 2022 in connection with seizure of 2.040 kilograms of brown sugar. The First Information Report,

being FIR No 37(10)2022 NAB-PS under Section 21(c) of the NDPS Act came to be registered. On completion of investigation, charge-sheet came to be filed. We are informed that as on date, the trial is in progress. However, we have noticed something very disturbing. It appears that the petitioner herein is suffering from piles, tuberculosis and chronic tonsillitis. The petitioner also complained before the jail authorities of severe back pain and abdominal pain with disturbed bowel movements.

- 2 On 22 November 2023, the Medical Officer examined the petitioner and noticed that there was tenderness in the lower lumber spine. The Medical Officer also recommended X-ray of his lumber spine, but unfortunately such facility was not available at the MI Room, Manipur Central Jail, Sajiwa. The report does not say anything about piles, tuberculosis and chronic tonsillitis.
- 3 In paragraph 10 of the impugned order, the High Court has observed that the petitioner could not be shifted or taken outside the jail for the purpose of further medical examination or medical treatment as he belongs to Kuki community and it would be dangerous to shift having regard to the law and order situation prevailing in the State.
- 4 We could have observed many things as regards the approach of the State as well the High Court. For the present, we do not observe anything.
- 5 We direct the Jail Superintendent concerned as well as the responsible authority of the State of Manipur to immediately make necessary arrangements to take the petitioner to Guwahati Medical College and get him examined at the said hospital. The medical examination shall be as regards the complaint of piles, tuberculosis, chronic tonsillitis, abdominal pain as well as pain in the lower lumber spine. All expenses in this regard shall be borne by the State of Manipur.
- 6 The officials concerned shall obtain a detailed medical report in this regard and place the same before this Court on or before 15 July 2024.

- 7 List the Special Leave Petition on 15 July 2024 for further hearing.
- 8 On the next date of hearing, both the counsel shall apprise the Court as regards the status of the trial and how many more witnesses are yet to be examined.

(CHETAN KUMAR)
A.R. -cum-P.S.

(POOJA SHARMA)
Court Master