

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

WRIT PETITION (CRIL) NO.18 OF 2018

KishorchandraWangkhem, aged about
39 years, s/o (L) W.Birendra Meitei,
a permanent resident of Keishamthong
MoirangNingthouLeirak, PO & PS
Imphal, Imphal West District, Manipur.

... *Petitioner*

Versus

1. The District Magistrate, Imphal West
Government of Manipur at D.C Office
Complex, Lamphel, Imphal West
District-795004 Manipur.
2. The State of Manipur, through the
Chief Secretary, Government of Manipur,
South Block, Old Secretariat, Imphal
West District-795001, Manipur.
3. The Union of India, through
Secretary to the Government of
India, Ministry of Home Affairs
(Department of Internal Security),
North Block, New Delhi 110001.
4. The Superintendent of Police,
Manipur Central Jail, Sajiwa.

... *Respondents*

3. The detention order dated 27.1.2018 passed by the learned District Magistrate, Imphal West reads as under:

“
 IN THE COURT OF
 THE DISTRICT MAGISTRATE,
 IMPHAL WEST DISTRICT, MANIPUR

ORDERS
 Imphal, the 27th November, 2018

No.Cril/NSA/No.4 of 2018: Whereas, a police report has been laid before me by the Superintendent of Police, Imphal West, Manipur vide letter No.22/Spl-Cell/2018 (04) dated 27.11.2018 that Shri KishorchandraWangkhem (39 yrs), S/o (L) W.Birendra Meitei of KeishamthongMoirangNingthouLeirak, P.S.Imphal, District-Imphal West, Manipur is acting in a manner prejudicial to the security of the State and to the maintenance of public order; and

2. *Whereas, I, Naorem Praveen Singh, District Magistrate, Imphal West, Manipur, am satisfied that his activities are prejudicial to the security of the State and to the maintenance of public order under Section 3(2) of National Security Act, 1980; and*

3. *Whereas, it is considered necessary to detain Shri KishorchancraWangkhem (39 yrs), S/o (L) W.Birendra Meitei of KeishamthongMoirangNingthouLeirak, P.S Imphal, District- Imphal West, Manipur with a view to prevent him from acting in any manner prejudicial to the security of the State and to the maintenance of public order; and*

4. *Whereas, Shri KishorchandraWangkhem (39 yrs) had moved a bail application in the Hon'ble Court of Chief Judicial Magistrate, Imphal West, Manipur in connection with FIR No.236 (11) 2018 IPC u/s 124-A/294/500 IPC and thereafter, he was released on bail by the Hon'ble Court while the investigation of the case is at the brink of filing Charge Sheet as all the material evidence are already collected by the IO of the case;*

5. *Whereas, after perusal of the police report, it is my considered opinion that Shri KishorchandraWangkhem (39 yrs), S/o (L) W.Birendra Meitei of KeishamthongMoirangNingthouLeirak, PS Imphal, District-Imphal West, Manipur who is now on bail would resume activities which are prejudicial to the security of the state and to the maintenance of public order as he is a habitual*

offender invoking offences that intends to cause fear or alarm to the public in view of his prejudicial activities in the proximate past and that therefore, he should be prevented from commission of such prejudicial activities through an alternative preventive measure;

6. *Now, therefore, I, Naorem Praveen Singh, District Magistrate, Imphal West, Manipur in exercise of the powers conferred under Sub-Section-3 of Section-3 of the National Security Act, 1980 read with Order No.17(1)/49/80-H(Pt-II) dated 02.11.2018 issued by the Home Department, Government of Manipur make this order directing that the above said person, who is on bail, be detained under Section 3 (2) of National Security Act, 1980 until further orders.*

7. *Given under my hand and seal of the Court on this twenty seventh day of November, 2018.*

*Sd/-
(Naorem Praveen Singh)
District Magistrate, Imphal West.”*

4. The grounds of detention dated 1.12.2018 was also served to the petitioner on the same day, i.e. 27.11.2018. The relevant portion of the grounds of detention reads as under:

“1. *As per the documents and police report placed before me, you posted some pictures with captions on your Facebook wall on 07.08.2018 that intends to cause fear or alarm to the public, or to any other section of the public whereby any person may be induced to commit an offence against the State or caused to disturb the public tranquillity and incite any class or community to community to commit any offence against any other class or community promoting enmity, hatred or ill-will between classes/communities on grounds of religion, caste or community. A suo moto case was taken up against you accordingly under case FIR No.173(8)2018 IPS, u/s 505(2)/500 IPC and thereafter, you were arrested in connection with the case and was remanded in Judicial Custody vide order dated 10.08.2018 of the Hon’ble Chief Magistrate, Imphal West, Manipur, you were released on bail.*

.....

4. *I was satisfied that normal laws would not be adequate to prevent you from the commission of such prejudicial acts as you are a habitual offender invoking offences that intend to cause fear or alarm to the public after*

due consideration of your prejudicial activities carried out in the proximate past vide case FIR No.173(8)2018 IPC, U/s 505(2)/500 IPC of Imphal Police Station and therefore, an alternative preventive measure was immediately called for. With a view to prevent you from commission of such offences which are prejudicial to the security of the State and to the maintenance of public order, I had made an order directing that you be detained under Section 3 (2) of the National Security Act, 1980, until further orders.

5. *That, the copies of the following documents which form the basic grounds of your detention are enclosed herewith for your reference:*

- i) Your statement given before the I.O on 23.11.2018 i/c with case FIR No.236(11)2018 IPS u/s 124-A/294/500 IPC.*
- ii) Copy of statement of S.I.RockyLaishram of Imphal Police Station, recorded u/s 161 CrPC on 23.11.2018 in connection with case FIR No.236(11)2018 IPS u/s 124-A/294/500 IPC.*
- iii) Copy of statement of N.Suran Singh, Executive Magistrate, Imphal West District, recorded u/s 161 CrPC in connection with case FIR No.236 (11) 2018 IPC u/s 124-A/294/500 IPC.*
- iv) Copy of Arrest Memo dated 20.11.2018.*
- v) Copy of Seizure Memo dated 20.11.2018.*
- vi) Copy of Disclosure/pointing out memo dated 23.11.2018.*
- vii) Copy of production cum seizure memo u/s 27 Indian Evidence Act dated 23.11.2018.*
- viii) Copy of FIR No.236 (11) 2018 IPS u/s 124-A/294/500 IPC.*
- ix) Copy of FIR No.173(8)2018 IPS u/s 505(2)/500 IPC.*

- x) *Copy of arrest memo dated 9.8.2018 in connection with case FIR No.173(8)2018 IPC u/s 500(2)/500 IPC.*
- xi) *One extract copy of the order dated 26.11.2018 of Hon'ble Court of CJM/Imphal West vide CrilMisc (B) Case No.283 of 2018.*
- xii) *One duplicate copy of compact disc containing 4 (four) number of video clips in question.*
- xiii) *Copy of Government of Manipur, Home Departments' Order No.17(1)/49/80-H(Pt-II) dated 02.112018."*

5. In the grounds of detention dated 1.12.2018, the petitioner was also informed that he has a right to make a representation to the Detaining Authority within twelve days from the date of detention or till the order is approved by the State Government whichever is earlier.

The petitioner thereafter made a representation before the District Magistrate, Imphal West, Manipur/respondent No.1 through the Superintendent, Central Jail, Sajiwa on 5.12.2018, wherein he took a specific plea that a duplicate copy of the compact disc containing four numbers of video clips as mentioned at para 5 of the grounds of detention is not enclosed/provided to him at the time of furnishing the grounds of detention on 1.12.2018 and the same was not provided till the date of his filing the representation. A further ground was taken that the details of the pictures with captions which was alleged to have been posted on his Facebook on 7.8.2018 were also not provided to him. The petitioner, therefore, pleaded that non furnishing of the petitioner with caption and the compact disc has prevented him from making an effective representation against his detention order. At paragraph 7 of the representation dated 5.12.2018 the petitioner,

therefore, requested that duplicate copy of the compact disc may be provided to him at the earliest along with the disc player or other electronic device.

In the meantime, the State Government by order dated 7th December, 2018 in exercise of the powers conferred under Section 3 (4) of the NSA approved the order of detention passed by the District Magistrate, Imphal West District, Manipur. The petitioner also made separate representations both dated 10.12.2018 before the Chief Secretary, Government of Manipur and the Secretary to the Government of India, Ministry of Home Affairs (Department of Internal Security) North Block, New Delhi/respondent No.3, through the Superintendent of Central Jail, Sajiwa.

The Government of Manipur by a communication dated 10.10.2018 and addressed to the petitioner, informed that the representation dated 10.12.2018 has been considered and the request for revocation of the detention order cannot be acceded to as the representation was found to be devoid of merit. Further, by another communication dated 10.12.2018 the District Magistrate, Imphal West, informed the petitioner, who was lodged at Manipur Central Jail, Sajiwa that his representation dated 5.12.2018 has not been acceded to for revocation of the detention order as the submissions made therein are devoid of merit. In the same letter dated 10.12.2018, the District Magistrate, Imphal West, further stated that all relevant documents required to make an effective representation have already been furnished to the petitioner along with the grounds of detention vide letter dated 1.12.2018.

In the meantime, the State Government by order dated 14th December, 2018 in exercise of power conferred under Section 12(1) of the NSA confirmed the detention order of the petitioner and further fixed the period of detention for a period of twelve

months from the date of detention. The representation dated 10.12.2018 submitted to respondent No.3 was forwarded by the Deputy Secretary, Home, Government of Manipur by letter dated 10.12.2018, which was received by the Ministry of Home Affairs on 13.12.2018. Thereafter, on consideration of the same, the Central Government rejected the representation on 30.01.2019. Accordingly, a W.T. message was sent on 1.2.2019 to the Secretary Home, Government of Manipur, Superintendent, Central Jail, Sajiwa, Manipur, District Magistrate, Imphal West, Manipur and the petitioner, informing that the representation of the petitioner has been considered and not acceded to.

Being aggrieved with the detention order dated 27.11.2018 the petitioner is before this Court by way of the present writ petition challenging the detention order dated 27.11.2018 and all other consequential orders.

6. Heard Mr.Chitaranjan, learned counsel for the petitioner. Also heard Mr.N.Kumarjit, learned A.G, Manipur, appearing for respondent Nos.1, 2 and 4 and Mr.S.Suresh, learned ASG for the Union respondent No.3.

7. The learned counsel for the petitioner placed reliance in the cases of (1) **Rajammal Vs State of T.N &Anr: (1999) 1 SCC 417**, (2) **KamleshkumarIshwardas Patel Vs Union of India &Ors: (1995) 4 SCC 51**, (3) **Veeramani Vs State of T.N. : (1994) 2 SCC 337**, (4) **SmtShaliniSoni&Ors Vs Union of India &Ors**, (5) **KamlaKanyalalKhushalani Vs State of Maharashtra &Anr: (1981) 1 SCC 748**, (6) **Mohinuddin @ Moin Master Vs District Magistrate, Beed &Ors: AIR 1987 SC 1977: (1987) 4 SCC 58**, (7) **SmtIcchu Devi Choraria Vs Union of India &Ors: AIR 1980 SC 1983: (1980) 4 SCC 531**, (8) **Abdul Nasar Adam Ismail Vs State of Maharashtra &Ors: (2013) 4 SCC 435**, (9) **MohdAlam Vs State**

of Bengal: AIR 1974 SC 917: (1974) 4 SCC 463, (10) Cherukuri Mani w/o Narendra Chowdari Vs Chief Secretary, Govt of Andhra Pradesh &Ors: (2015) 13 SCC 722, (11) Gopi Chand Vs Delhi Administration : AIR 1959 SCC 609 (V 46 C 84).

8. Mr.Chitaranjan, learned counsel for the petitioner, at the outset submits that the pictures with captions which were alleged to have been posted by the petitioner on his Facebook wall on 7.8.2018 in the grounds of detention dated 1.12.2018 were not supplied thereby preventing him from making effective representation against the detention order. He also submits that the compact disc containing four numbers of video copies upon which the District Magistrate, Imphal West District has placed reliance for coming to a subjective satisfaction for detaining the petitioner under the NSA was also not provided to him thereby again prevented the petitioner from making an effective representation. He submits that in the grounds of detention at para No.7 it is specifically stated that amongst the (xiii) documents alleged to have been enclosed along with the grounds of detention, the compact disc is stated at Sl.(xii). However, the same was not provided and, therefore, the petitioner, while making his representation before the District Magistrate, Imphal West, Manipur on 5.12.2018 had taken a specific plea that the said compact disc was not provided to him and requested for providing the same along with the compact disc player or other electronic device. It is also submitted that the representation dated 5.12.2018 was disposed of by respondent No.1/District Magistrate, Imphal West on 10.12.2018 only after the detention order was approved by the State Government on 7.12.2018. The delayed consideration of the representation made by the petitioner, therefore, vitiates the detention order. He also submits that the

respondent No.3/the Union of India had taken a considerable period of time in disposing of the representation made by the petitioner on 10.10.2018 and the same also vitiates the detention order.

9. Mr.Kumarjit, learned A.G., Manipur submits that the picture with captions alleged to have been posted by the petitioner on his Facebook Wall on 7,8.2018 was not relied upon by the Detaining Authority while passing the detention order dated 27.11.2018. He submits that there is no provision under the NSA that the representation filed by the detenu should be disposed of before any approval order is passed by the State Government. The petitioner was detained under the NSA for his activities which was prejudicial to the security of the State and maintenance of the public order inasmuch as there is no dispute that on 19.11.2018 the petitioner had posted four video clips wherein he had used unconstitutional and invective words and blaming the existing Governments both the State and Union for their policy and programme under the supervision of the Prime Minister of India in connivance with RSS. The petitioner further mention that the present Chief Minister of Manipur is a puppet to the Prime Minister of India and also claimed in his post that Rani Jhanshi's birth anniversary celebration in Manipur is a total nuisance and that the very act of the Hon'ble Chief Minister of Manipur celebrating such occasion in the State is an insult to the freedom strugglers of Manipur, which means that he spoke and acted in support of the militant/terrorist organisations presently operating in Manipur thereby showing his seditious attitude and leaning towards unlawful organizations. The petitioner had further challenged the authority of the State to come out and arrest him if the authority concerned can do so. Such statements amounts to inciting hatred or attempt to incite disaffection towards the

Government established by law. The petitioner, within a short span of four months had committed two offences for which two different FIRs were registered against him being FIR No.173 (8) 2018 IPS under Section 500/505(2) IPC and FIR No.236(11)2018 IPS under Section 124-A/294 and 500. The detaining authority on careful perusal of the police report came to the conclusion that the petitioner is a habitual offender invoking or inciting the public, any cast or community to commit any offence against any other class or community promoting enmity, hatred or ill will between the classes/communities on grounds of religion, caste or community and, therefore, the detaining authority on consideration of all the facts and circumstances of the matter had formed the subjective satisfaction that the activities of the petitioner is prejudicial to the security of the State and maintenance of public order and that the petitioner should be prevented from commission of such prejudicial activities and, therefore, had invoked the provisions of the National Security Act, 1980 as normal criminal law will not prevent him from committing the prejudicial activities.

The learned A.G, Manipur further submits that all the documents relied upon by the petitioner and as mentioned in para 5 of the grounds of detention were supplied to the petitioner and to that effect the petitioner has also given undertaking that he has received all such documents, therefore, no supply of compact disc containing four numbers of video clips to the petitioner is not correct.

Further, it is submitted that before the Advisory Board, the compact disc was played before the petitioner, to which the petitioner had also acknowledged that it was done by him. The learned A.G, further submits that the representation dated 5.12.2018 submitted by the petitioner was received by the Detaining Authority on 6.12.2018. He submits that it is not

mandatory that the representation submitted by the petitioner/detenu should be considered and disposed of before the detention order is approved by the Government. Learned A.G, therefore submits that the representation of the petitioner was disposed of by the Detaining Authority as well as by the State within time and therefore the grounds taken by the petitioner for quashing the detention order dated 27.11.2018 are without any basis and the writ petition deserves to be dismissed.

The learned A.G has also placed reliance in the cases of (1) **Panna (Smt) Vs A.S.Samra&Ors: 1994 Supp (3) SCC 658**, (2) **Kamlabai (Smt) Vs Commission or of Police, Nagpur &Ors: (1993) 3 SCC 384**, (3) **Union of India Vs YumnamAnand M. @ Bocha @ Kora @ Suraj&Anr: (2007) 10 SCC 190**, (4) **Union of India &Ors Vs LaishramLincola Singh @ Nicolai: (2008) 5 SCC 490**, (4) **Borjahan Gorey Vs The State of West Bengal: (1972) 2 SCC 550**, (5) **Asha Keshavrao Bhosale Vs Union of India &Anr: (1985) 4 SCC 361**, (6) **Mrs SaraswathiSeshagiri Vs State of Kerala &Anr : (1982) 2 SCC 310**, (7) **State of Gujarat Vs Mohd Ismail Jumma&Ors: (1981) 4 SCC 609**, (8) **Birendra Kumar Rai @ Virendr Kumar Rai Vs Union of India &Ors: (1993) 1 SCC 272**, (9) **PebamNingolMikoi Devi Vs State of Manipur &Ors: (2010) 9 SCC 618**, (10) **MdKudubdeen Vs Union of India &Ors: (2010) 15 SCC 741**, (11) **State of Punjab Vs Sukhpal Singh: (1990) 1 SCC 35**.

We have also perused the records furnished by the learned Advocate General, Manipur.

10. Mr.Suresh, learned ASG appearing on behalf of respondent No.3 submits that the representation dated 10.12.2018 made by the petitioner was forwarded by the Deputy Secretary (Home), Government of Manipur by letter dated 10.12.2018 and the same was received in the section concerned of the Ministry of

Home Affairs on 13.12.2018. On the same day, parawise comments of the detaining authority on the representation made by the petitioner were requested from the Under Secretary (Home), Government of Manipur and District Magistrate, Imphal West District, Manipur by W.T message dated 13.12.2018. The parawise comments on the representation of the petitioner along with the copy of report of the Advisory Board were forwarded by the Deputy Secretary (Home), Government of Manipur by letter dated 17.12.2018 which were received in the section concerned of the Ministry of Home Affairs on 18.12.2018. On the same day, the representation of the detenu along with parawise comments were processed for consideration of the Union Home Secretary. Further, with the approval of the Union Home Secretary on 8.1.2019 it was decided to obtain certain additional report in the matter. ON receipt of the report on 24.1.2019 the matter was again submitted for decision of the Union Home Secretary on 25.1.2019 thereafter, on consideration of the matter, the representation was rejected on 30.1.2019. Accordingly, the WT message dated 1.2.2019 was sent to the Secretary (Home), Government of Manipur, Superintendent, Central Jail, Sajiwa, Manipur, District Magistrate, Imphal West, Manipur and the detenu informing that the representation of the detenu has been considered and not acceded to. He submits that there was no delay in consideration of the representation of the petitioner by the Central Government and that there is no merit on the writ petition and the same can be dismissed.

11. We have considered the submissions advanced by the learned counsel for the parties. The learned counsel for the petitioner has taken four specific grounds for quashing the detention order dated 27.11.2018. The four grounds are: (a) the picture and captions alleged to have been posted by the petitioner

on his Facebook Wall on 7.8.2018 were not furnished to the petitioner; (b) the compact disc containing four video clips were not supplied to the petitioner, (c) the representation dated 5.12.2018 was considered and disposed of by the detaining authority on 10.12.2018 i.e. only after the detention order was approved by the State Government on 7.12.2018, and (d) there was long delay in consideration and disposal of the representation dated 10.12.2018 by the Central Government.

In our considered opinion, the primary focus is as to whether the detention order dated 27.11.2018 stand vitiated due to non supply of the picture with captions alleged to have been posted by the petitioner on his Facebook Wall on 7.8.2018 and non supply of the duplicate copy of the compact disc containing four video clips, thereby prevented the petitioner of making an effective representation before the concerned authority.

We have taken into consideration the submission of learned A.G, Manipur that the picture with captions alleged to have been posted by the petitioner on his Facebook Wall on 7.8.2018 was not taken into consideration by the detaining authority while coming to the subjective satisfaction that the petitioner should be detained under the NSA. On careful perusal of the grounds of detention dated 1.12.2018, particularly para 1, it would indicate that the petitioner had been charged with posting some pictures with captions on his Facebook Wall on 7.8.2018 that amounts to causing fear or alarm to the public, or to any section of the public whereby any person may be induced to commit offence against the State. For that offence, a suo moto case was taken up against the petitioner under Case FIR No.173(8) 2018 IPS under Section 505(2)/500 IPC and, therefore, the petitioner was arrested in connection with the case and was remanded to judicial custody by an order dated 10.11.2018.

Para 4 of the grounds of detention dated 1.12.2018 clearly indicate that that the detaining authority while coming to the subjective satisfaction that the petitioner should be detained under the NSA had taken into consideration the said FIR No.173 (8) 2018 IPS under Section 505(2)/500 IPC of Imphal PS. This undeniable fact would clearly indicate that the picture of the captions alleged to have been posted by the petitioner on his Facebook Wall on 7.8.2018 was taken into consideration by the detaining authority. In the representation dated 5.12.2018 the petitioner clearly stated that such pictures with captions were not provided to him.

12. The next question that arose before us is whether the compact disc containing four video clips as mentioned in para 5 (xii) of the grounds of detention dated 1.12.2018 were supplied to the petitioner or not. While taking this ground into consideration, by order dated 22.2.2019, by this Court, the Superintendent, Manipur Central Jail, Sajiwa was impleaded as party respondent No.4 to file an affidavit as to whether the list of documents along with compact disc was supplied to the petitioner. Consequent to the order dated 22.2.2019, respondent No.4 has filed an affidavit on 27.2.2019 wherein it is stated that after furnishing all the documents and grounds of detention, the petitioner had put his signature with the words **“I have understood the contents”/I understood the contents.** Perusal of the records furnished by the learned A.G, Manipur also indicates that the petitioner has signed stating that “I understood the contents” on the grounds of detention on 1.12.2018 at 5 PM. Further, this does not indicate that the compact disc containing the four numbers of video clips were supplied to the petitioner. The submission of learned A.G, that the compact disc was played before the petitioner by the Advisory Board would in no way assist the respondents to indicate

that while furnishing the grounds of detention to the petitioner as well as the documents referred to in the grounds of detention the compact disc was supplied to the petitioner. We have, therefore, no hesitation to come to the conclusion that non furnishing of the pictures with copies alleged to have posted by the petitioner on his Facebook Wall on 7.8.2018 and compact disc containing four video clips, vitiates the very detention order dated 27.11.2018.

13. In the case of **Kamala KanyalalKhushalani** (supra) it has been held as under:

*“3. Mr.Rana for the State has submitted that the observations extracted above do not form the ratio of the decision because in a subsequent para of the decision, Bhagwati, J. had observed that at the most grounds could be given within a period of five to fifteen days of the order of detention. These observations, no doubt, are contained in paragraphs 7 and 8 of the judgment but they do not, in our opinion, form the ratio decidendi of this case but were made merely to rebut the extreme arguments that could be put forward. This Court made it very clear that even apart from the interpretation placed by the court on Article 22 (5) of the Constitution, the conclusion is inescapable that the documents and statements which formed the basis of the grounds of detention must be supplied to the detenu without least possible delay. It is in this context that these observations were made in paragraphs 7 and 8. Moreover, this position has been made absolutely clear by a later decision of this Court in **ShaliniSoni** case (1980) 4 SCC 544 where a division Bench of this Court while endorsing **Ichhu Devi** case (1980) 4 SCC 531 had observed as follows:*

“ The matter may also be looked at from the point of view of the second fact of Article 22(5). An opportunity to make a representation against the order of detention necessarily implies that the detenu is informed of all that has been taken into account against him in arriving at the decision to detain him. It means that the detenu is to be informed not merely, as we said, of the inferences of fact but of all the factual material which have led to the inferences of fact. If the detenu is not to be so informed the opportunity so solemnly guaranteed by the Constitution becomes reduced to an exercise in futility. Whatever angle from which the question is looked at, it is clear that ‘grounds’ in Article 22 (5) do not mean

mere factual inference but mean factual inferences plus factual material which led to such factual inferences. The 'grounds' must be self-sufficient and self-explanatory. In our view copies of documents which reference is made in the 'grounds' must be supplied to the detenu as part of the 'grounds'.

4. *The court, therefore, clearly held that the documents and materials relied upon in the order of detention formed an integral part of the grounds and must be supplied to the detenu **paripasu** the grounds of detention. If the documents and materials are supplied later, then the detenu is deprived of an opportunity of making an effective representation against the order of detention. In this case, the court relied upon the ratio in **Ichhu Devi Choraria** case (1980) 4 SCC 531 extracted above. We find ourselves in complete agreement with the view expressed by the two decisions of this Court and we are unable to accede to the prayer of Mr.Rana for sending the case for reconsideration to a larger Bench. This Court has invariably laid down that before an order of detention can be supported, the constitutional safeguards must be strictly observed."*

14. Having come to the conclusion that non furnishing of the pictures with captions alleged to have been posted on his Facebook Wall by the petitioner and the compact disc containing the four video clips has prevented the petitioner from making an effective representation thereof vitiates the detention order dated 27.11.2018, we are of the considered opinion that it would be futile to consider the other grounds taken by the petitioner against the detention order dated 27.11.2018.

In the facts and circumstances of what has been discussed hereinabove, this writ petition succeeds and, accordingly, the detention order dated 27.11.2018 passed by the District Magistrate, Imphal West along with other consequential orders are set aside and quashed.

The petitioner namely, Shri Kishorchandra Wangkhem (39 yrs), S/o (L) W.Birendra Meitei of Keishamthong Moirang Ningthou Leirak, P.S.Imphal, District-Imphal

West, Manipur is directed to be set at liberty forthwith unless he is not wanted in other cases.

Writ petition is allowed. No costs.

JUDGE

JUDGE