

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

**W.P. (Cri.) No. 9 of 2021**

Elangbam Ranjita

***Petitioner***

**Vs.**

The State of Manipur & anr.

***Respondents***

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

**23.07.2021**

***Sanjay Kumar (C.J.):***

[1] Letter Petition dated nil, received by the High Court Registry on 22.07.2021, was addressed by Elangbam Ranjita in connection with the detention of her husband, Wangkhemcha Wangthoi @ Kishorchandra, at Sajiwa Central Jail. By order dated 22.07.2021, passed on the administrative side, the Chief Justice directed the matter to be placed before the Committee concerned, as it appeared to be a fit case for urgent hearing. Thereupon, the Committee of Hon'ble Judges dealing with 'Public Interest Litigation, Letter Petitions and Habeas Corpus Matters' directed registration of the subject Letter Petition as a Writ Petition (Criminal). The case was accordingly registered and is listed for hearing before us today on the judicial side.

[2] In the light of the prevailing situation caused by imposition of a total curfew in the State of Manipur and as the matter involves the life and liberty of an individual, the registration of this case in the aforesaid circumstances is held to be justified and lawful.

[3] Heard Mr. M. Gunedhor, learned counsel, appearing for the petitioner on the strength of the Vakalatnama filed by him today morning, and Mr. Athouba Khaidem, learned Additional Public Prosecutor, for the respondents.

[4] We find that the detention of the petitioner's husband, *vide* Order dated 17.05.2021 under Section 3(2) of the National Security Act, 1980, stems from a Facebook post, allegedly put up by him in Manipuri language, sardonically stating to the effect that cow dung and cow urine were not the medicine for treating Corona Virus. A similar Facebook post was put up by one Erendro Leichombam at around the same time and he was also subjected to similar detention under the provisions of the National Security Act, 1980, *vide* Order dated 17.05.2021.

Significantly, the validity of the detention of Erendro Leichombam came up for consideration before the Supreme Court in Writ Petition (Criminal) No.266 of 2021. By order dated 19.07.2021 passed therein, the Supreme Court held that the continued detention of Erendro Leichombam would amount to violation of his right to life and personal liberty under Article 21 of the Constitution and directed his release forthwith, by way of an interim direction, upon his submitting a personal release bond of ₹ 1000/-. The Government of Manipur thereafter revoked the detention order dated 17.05.2021 passed against Erendro Leichombam.

[5] On the face of it, we find no distinction or difference between the case of the petitioner's husband and that of Erendro Leichombam. Both of them put up similar Facebook posts, critical of the utility of cow dung and cow urine in treating Corona virus. As they stand identically situated, we are of the opinion that the continued incarceration of the petitioner's husband would be as much a violation of Article 21 of the Constitution, as it was in the case of Erendro Leichombam.

[6] Though this Court would normally order notice in a petition for a writ of Habeas Corpus, in the first instance, making it returnable within 48 hours, and thereafter take up the matter on the fourth working day after issuance of such notice, in terms of Rule II of The High Court of Manipur Case Management Rules, 2019, we find no reason to abide by such procedure in the case on hand as it is

squarely covered by the observations made by the Supreme Court in the case of an identically situated person.

[7] Notice before admission, returnable on 24.08.2021.

[8] Mr. Athouba Khaidem, learned Additional Public Prosecutor, Manipur, takes notice for the respondents and waives further notice. He seeks time to file a reply in the matter, if necessary. We accordingly adjourn the matter to 24.08.2021 to enable him to do so. Advance copy of the reply, if any, shall be supplied to the counsel opposite.

[9] The operation of the Order dated 17.05.2021 passed by the Government of Manipur against the petitioner's husband, Wangkhemcha Wangthoi @ Kishorchandra, under Section 3(2) of the National Security Act, 1980, shall stand suspended till the next date of hearing. Further, there shall be an interim direction to the respondents to ensure that the petitioner's husband, Wangkhemcha Wangthoi @ Kishorchandra, aged 41 years, s/o (L) W.Birendra Singh of Keishamthong Moirangningthou Leirak, P.S. Imphal, District-Imphal West, presently detained in the Central Jail, Sajiwa, is released forthwith and in any event, not later than 5 pm today, upon his furnishing a personal release bond for a sum of ₹ 1000/, if his further incarceration is not required in connection with any other case.

[10] Post on 24.08.2021.

A copy of this order shall be supplied online or through WhatsApp to both the learned counsel for the parties.

**JUDGE**

**CHIEF JUSTICE**

*Opendro*