

**IN THE COURT OF
SPECIAL JUDGE,
PROTECTION OF CHILDREN FROM
SEXUAL OFFENCE ACT (POCSO)
MIZORAM, AIZAWL**

BEFORE

**Mrs. Lucy Lalrinthari
Special Judge, POCSO
Aizawl Judicial District, Aizawl**

**SC. No.101 of 2014
Criminal Trial No.1389/2014
u/s4 of POCSO Act,2012
Ref: Aizawl PS C/No.202/14 dt.7-7-2014**

State of Mizoram

Vrs

RC.RamfangmawiaS/o R.Lalawia of VenghluiAizawl District - Accused

PRESENT

For the Prosecution : Mrs.K.Lalremruati,Spl.P.P. & Mr. H.Lalmuankima, Ld.Addl.P.P.

For the Accused : Mr.Lalhriatpuia,Ld.Counsel.

Date of Hearing : 13-11-2015

Date of Judgment : 13.11.2015

JUDGMENT & ORDER

1. The prosecution story of the case in brief is that on 4.7.2014, a written FIR was submitted to O/C Aizawl PS by Laldinpuii (52) W/o Lalthantluanga of Venghlui stating that on the night of 4.7.2014 her daughter Lallawmkimi (12yrs) had been kidnapped by their

tenant RC.Ramfangmawia without their knowledge and did not know their where-about and she requested to take necessary action. Hence, O/C Aizawl PS registered C/No. 202 dt. 7.7.2014 u/s 363 IPC and the case is duly investigated into. The case was earlier investigated by ASI Jessica Lalawmpuii of CAW Cell, Aizawl and was handed over to me for further investigation as investigation revealed the involvement of penetrative sexual assault.

2. During the course of investigation, the complainant was carefully examined. She stated that on the night of 4.7.14 her daughter Lallawmkimi (12 yrs) had been kidnapped by their tenant RC.Ramfangmawia and when they contact RC.Ramfangmawia through his mobile phone, he did not want to reveal the location of Lallawmkimi. The victim Lallawmkimi (12yrs) d/o Lalthantluanga of Venghlui had come home on her own on 7.7.14 and when she was carefully examined, she stated that she had an affair with accused RC.Ramfangmawia and she had eloped with him. The victim had once eloped with the accused before where they had sexual intercourse but the matter was not reported. She again eloped with the accused but stated that they did not have sexual intercourse on their second elope. The victim was medically examined and the M.O report revealed that there is an old healed tear at the victim's hymen which shows that the victim had a previous sexual intercourse. Birth Certificate of victim was seized in presence of witnesses to confirm the age of victim.
3. As the investigation reveals that the victim Lallawmkimi is a minor girl of 12 yrs of age and the accused knowing her to be a minor girl had sexual intercourse with her, the charge section 376 (2)(i) IPC r/w 4 of POCSO Act was added to the charge section.
4. The accused RC.Ramfangmawia (24) S/o R.Lalawia of Venghlui was arrested on 7.7.14 @ 6:40 pm and he was carefully interrogated. He committed his commission of the offence before police stating that he had fled away with the victim without the knowledge or permission of her parents and that he had sexual intercourse with her when they eloped for the first time. He was forwarded to Judicial custody on 8.7.14.
5. Judicial statement of the victim was also recorded which corroborated with her statement recorded during the investigation.
6. From the above facts and circumstances, a prima facie case u/s 363/376 (2)(i) IPC r/w 4 of POCSO Act was found well established against accused RC.Ramfangmawia (24) S/o R.Lalawia of Venghlui. Therefore, the case IO submitted chargesheet against the accused RC.Ramfangmawia.
7. As per procedure u/s 207/208 of Cr.PC all the police report and its connected paper were delivered to the accused. The accused being a tribal and having no regular income Advocate Lalhriatpuia was appointed to defense the accused u/s 304 CR,.PC at the State's expense. There after the Ld.Spl.P.P open her case and it was found that there was a ground for

further proceeding and therefore charge u/s 4 of POCSO Act ,2012 was framed read over and explain to the accused in his own language to which the accused pleaded not guilty and claim for trial.

8. While trial proceedings the victim had been summoned from 4.3.2015 till 13.11.2015 more than 8 times but the victim refused to come to the court. It was also reported that the victim had been married to another person and she does not want to come to the court.
 9. After hearing the victim refused to come to the court and she was already married. The Ld. Spl.P.P agreed for closing of the case.
 10. Hence, the case is disposed for want of evidence. The accused RC.Ramfangmawia is acquitted from the charge section and he is set at liberty. Bail bond stand cancelled and bail bond stand liquidated. The case is disposed accordingly.
- Give copy of this order to all concern

Sd/-LUCY LALRINTHARI

Special Judge, POCSO

Aizawl Judicial District, Aizawl.

Memo No

Dated Aizawl the 13th November 2015.

Copy to:-

- 1) RC.Ramfangmawia C/o Mr.Lalhriatpuia, Advocate
- 2) Mr.H.Lalmuankima, LdAddl.P.P&Mrs.K.Lalremruati, Spl.P.PPOCSO Act
- 3) DSP Prosecution.
- 4) O/C Aizawl P/S
- 5) Special Superintendent, Central Jail Aizawl
- 6) In charge, Judicial Section
- 7) Case record
- 8) Guard file.

PESHKAR