

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

BEFORE

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

**SC. No.24 of 2015
Criminal Trial No.357/2015
U/s8 of POCSO Act,2012
Ref: North VanlaiphaiPS C/No.8/14 dt.18-12-2014**

**State of Mizoram
Vrs
RTC LaltanpuiaS/o Lalmawia of Hmunzawl - Accused**

PRESENT

For the Prosecution : Mrs.K.Lalremruati,Ld.Spl.P.P.

For the Accused : Mr.T.J.Lalnuntluanga,Ld.Counsel.

Date of Hearing : 31.3.16

Date of Judgment : 21.4.2016

JUDGMENT & ORDER

1. The prosecution story of the case in brief is that, on 18.12.2014 at about 1:00 pm a written FIR was received from Lalbiaknungi W/o Lalduhkima of Hmunzawl, stating that her daughter X (2yrs) was sexually assaulted by RTC.Laltanpuia S/o Vanlalmawia of

Hmunzawlon 8.12.2014 while she went to Serchhip, as a result of which she was feeling pain in her vagina and he also let her suck his penis on the other day. Hence, on arrival at the Police Station at about 7:00 pm. N.Vanlaiphai PS Case No.8/14 dated 18.12.2014 u/s 8 of POCSO Act was registered and duly investigated into.

2. During the course of investigation, the case I/O S.I. Malsawmtluanga examined the complainant and he recorded her statement. Statement of the victim was not recorded, as she is only two yrs old and she cannot said any substantive points to be recorded. The case I/O sent requisition for medical examination of the rape victim to Medical Officer, JN Hospital, Serchhip. Place of occurrence was visited and sketch map of the place of occurrence was drawn. The accused RTC Laltanpuia (37) S/o Lalmawia of Hmunzawl was interrogated and during interrogation he admitted his guilt before the police that he scratches vagina of the victim. He was arrested and forward to Chief Judicial Magistrate on 19.12.2014. From the statement of the complainant it is also heard that the accused was having carnal intercourse with Hen, Goat etc. in his past.

Having found a prima facie case u/s 8 of POCSO Act well established against accused namely, RTC Laltanpuia (37) S/o Lalmawia of Hmunzawl, case I/O submitted charge-sheet against the accused.

3. As per section 207/208 of Cr.P.C, all the police reports and its connected papers were then delivered to the accused and the accused expressed his inability to engage a lawyer at his own expense. Hence, advocate T.J.Lalnuntluanga was appointed to defend the accused u/s 304 Cr.P.C at the expense of the State.

4. The Ld. Spl. P.P. MrsK.Lalremruati opened her case and stated that the prosecution has all the evidence needed to prove the guilt of the accused u/s 8 of POCSO Act 2012 and therefore pray for framing of charge. The Ld. Defence counsel did not object for framing of charge.

5. Hence charge u/s 8 of POCSO Act 2012 is framed, read over and explained to the accused in his own mother tongue (MIZO) to which the accused pleaded not guilty and claimed for trial.

6. During trial, the complainant and victim were summoned as many as 8 times but failed to appear before the court without showing any cause for their absence. On further perusal of the case record, the case I/O John Malsawmtluanga expired in the year 2015. So in the absence of the complainant, victim and case I/O, the prosecution had no means to prove the guilt of the accused. The. Ld.Spl.P.P. prays for closing of the case as it is. Prayer is allowed.

7. The accused RTC Laltanpuia had been in Judicial Custody from 18.12.2014 till today, a little more than 1 year 3 months. Hence, due to want of sufficient evidence, accused RTC Laltanpuia is acquitted from the charge section 8 of POCSO Act 2012. The accused is set at liberty and is free from the charge section.
8. There is no seized article.
9. Given under my hand and sealed of this court today the 21st of April 2016
10. Give copy of this order to all concern.

Sd/-LUCY LALRINTHARI

Special Judge, POCSO Act
Aizawl Judicial District,
Aizawl, Mizoram.

Memo No

Dated Aizawl the 21st April 2016.

Copy to:-

- 1) RTC Laltanpuia C/o Mr.T.J.Lalnuntluanga, Advocate.
- 2) Mrs.K.Lalremruati,Ld.Spl.P.P, POCSO Act.
- 3) DSP Prosecution.
- 4) O/C North Vanlaiphai P/S.
- 5) Special Superintendent, Central Jail Aizawl.
- 6) In charge, Judicial Section.
- 7) Case record.
- 8) Guard file.

PESHKAR

APPENDIX

- A. PROSECUTION EXHIBIT
DEFENCE EXHIBIT- None
- B. Exhibit produced by witnesses - None
- C. Court Exhibit - None
- D. Prosecution witnesses :
- E. DEFENCE WITNESSES - None
- F. COURT WITNESSES - None

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