

**IN THE COURT OF ADDL.DISTRICT & SESSIONS JUDGE-I
AIZAWL JUDICIAL DISTRICT, AIZAWL**

***Sc No.66/2014,
A/o Crl.Tr.No.548/2014,Bawngkawn P.S Case No.73/2014
U/S 376(i) IPC***

State of Mizoram : Complainant

Vrs

Lalrintluanga : Accused

BEFORE

Vanlalmawia

Addl.District & Sessions Judge-I

PRESENT

For the opposite party : R.Lalremruata, Addl.PP

Lily Parmawii Hmar, APP

For the Accused : W.Sam Joseph, Advocate.

Date of order : 31.8.2015

ORDER

The prosecution story of the case in brief is that on 12.4.2014 a written FIR was lodged to the O/C Bawngkawn P.S by Zamawii 60 yrs stating that on the year 2013 Lalringa of Thuampui sexually assaulted her twice in her residence at Thuampui. Hence Bawngkawn P.S C/No.73/2014 dt.12.4.2014 u/s 376(1) IPC was registered and duly investigation.

During the course of investigation the victim/complainant Zamawii was examined and statement recorded. She stated that the accused Lalringa whose actual name is Lalrintluanga used to live with them in their house at Thuampui. One night in the beginning of 2013 she was sexually assaulted by him but could not struggle or fight back as she had knee pain. She was again sexually assaulted the end of 2013 during her sister's absence whom she lived with. Later she narrated the incident to her elder sister Ailiani who objected her to lodge the FIR.

Statement of witness Ailiani (76) was also recorded who stated that victim first disclosed the incident to her about being sexually assaulted by Lalrina.

Accused Lalrintluanga (38) s/o Nawthanga (L) of Mualthuam North P/A Thuampui was arrested on 25.4.2014 whose statement was recorded where he stated that he had sexual intercourse with the victim Pi Zamawii twice during the time he lived with them, he also stated the victim did not struggle and when asked whether he was aware of the victim's pain on knee he was positive.

Victim was medically examined as well as the accused who was normal.

Hence, a prima facie case u/s 376(1) IPC is found well established against the accused Lalrintluanga (38) S/o Nawthanga(L) of Mualthuam North P/A Thuampui.

Charge u/s 376(1) IPC is framed read over and clearly explained to accused Lalrintluanga in the language known to him and to which he pleaded not guilty, and claim for trial.

During the trial, the prosecution examined only one witness, who is investigating officer S.I Lalhmachhuani I.U.C.A.W (Investigative Unit for Crime against Women) who stated that : I know the accused Lalrintluanga. On 12.4.2014 a written F.I.R was submitted by Zamawii of Thuampui stating that

she was sexually assaulted by Lalrintluanga on the year 2013. Hence the case was registered at Bawngkawn P.S vide No.73/14 U/S 376(1) IPC. During investigation the complainant/victim was medically examined and statement was recorded. Statement of witness Ailiani was also recorded. The accused Lalrintluanga 38yrs S/o Nawthanga of Mualthuam North P/A Thuampui, Aizawl was arrested and sent for medical examination. His statement was recorded. I found a prima facie case and laid the charge sheet against the accused Lalrintluanga.

Exbt P-1 charge sheet including statement of victim, witness , P-1(a) is my signature.

Exbt P-2 arrest memo, P-2(a) is my signature.

Exbt P-3 F.I.R, U/S 154 Cr.P.C

Exbt P-4, F.I.R by the complainant Zamawii

Cross examination by the Defence counsel:

I have gone through the medical examination report of Zamawii submitted by Dr.Lalremruati Hmar, medical Officer Civil Hospital Aizawl. During my investigation I came to know victim was already married and had four children.

It is a fact from the medical report of Zamawii there is no sign of any forced sexual intercourse.

During my investigation I came to know the accused and the victim did not have any blood relationship.

It is not a fact that I did not find a prima facie case against the accused and due to the pressure from my superior I have submitted the charge sheet.

P.W No.1, who is also a complainant had submitted letter to the Chief Judicial Magistrate Aizawl on 4.6.2014 stating that she had pardoned accused Lalrintluanga, and after ward, she was reported by Prosecution that she has been expired, and P.W No.2, who was elder sister of the victim had left her resident of Thuampui veng, and where she migrated is not known as certified by Local council Thuampui, Aizawl as under the signature of Chairman and Secretary of that local council P.W No.3 & 4 are medical doctor, but they are dropped due to regular absent for three consecutive time despite summon duly served to them. Accused Lalrintluanga also need not to examine u/s 313, as there was no evidence against him, the medical report of victim also revealed that there is no mark of violence on the body of victim, and no bruise/laceration of external genitalia.

On thorough perusal of the material evidence available on case record, it can be presumed that there may be sexual intercourse between the accused and the victim at relevant time with the consent of both accused and victim but due to some jealousy/problem, between them, the victim might have submitted FIR in her first thought, and in her second thought she may prefer to withdraw the FIR by pardoning the accused.

The charge leveled against him u/s 376(1) IPC, and set him at liberty.

Bail and bail bond stand cancelled.

The case is disposed.

Announce in open court today i.e 31.8.2015.

Sd/- VANLALMAWIA
Addl.District & Sessions Judge
Aizawl Judicial District,Aizawl

Memo No ____/ADJ-I(A)/2015 : Dated Aizawl the,31st August 2015

Copy to :-

1. District & Sessions Judge.
2. Accused Lalrintluanga S/o Nawthanga C/o W.Sam Joseph Advocate.
3. Deputy Superintendent of Police (Prosecution)
4. App/ Addl.PP
5. Judicial section
6. Case record.
7. Guard file.

PESHKAR