

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

**Criminam Revision No.36/2015
A/o CrI.Tr.No.(Ex) 114/2015 U/S 43(1) MLPC Act.**

Sam Singh	:	Petitioner
	Vrs	
State of Mizoram	:	Respondent

BEFORE

Vanlalmawia
Addl.District & Sessions Judge-I

PRESENT

For the Appellant	:	Cicily Zonunfeli, Advocate.
For the opposite party	:	Lalremruata Ralte, Addl. PP
	:	Vanneihsiami, APP
Date of Hearing	:	18.8.2015
Date of order	:	18.8.2015

ORDER

Today is fixed for hearing counsel for petitioner Cicily Zonunfeli, and Lianmami Advocate are present and submitted that There is no prima facie case against the petitioner under the charge section of the law and that the lower court erred in law in assuming that the convicted petitioner intent to use the seized material i.e 50 kgs of sugar packed in two bags and yeast for manufacturing liquor (rakzu) without giving him a chance to prove his innocence and evidence for his defence.

That the conviction of the petitioner on his own alleged plea of guilt cannot be sustained in the eyes of the law and its gross violation of Article 20(3) which states that "No person accused of any offence shall be compelled in any criminal case to be witness against himself". hence, it is prayed that the impugned judgment and order dated 22.7.2015 in criminal trial No.114 of 2015 be quashed and set aside by hon'ble court.

The prosecution on the hand strongly objected stating that the lower court has no error in convicting the accused. Based on the evidence the accused had plead that they had truly possessed 1(one) kg of yeast packed in two packets 500 grams each and 50(fifty) kgs of sugar packed in two bags which are to be used by them to make local made liquor(Rakzu).

From the above, the conviction and sentence award by the Id. Lower court is a minimum punishment and as just and proper and prayed the Hon'ble court not to quashed and set aside the judgment order against the accused.

Upon hearing of both parties, and on thorough perusal of the case record of Lower court, it is learnt that the convicted accused violated section 42(1)(d) of MLPC Act, the accused was arrested on 4.6.2015, and released on bail on the same date, and convicted and release on 27.5.2015 this means that accused/convicted person has a lot of time to engage defence counsel if so desire.

So, I find no ground to involve in the judgment of trial court, and hence upheld the conviction.

Sent back case record of Lower Court.

The CrI. Revision is disposed.

Give copy to all concern.

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

Memo No _____ /ADJ-I(A)/2015 : Dated Aizawl the, 18th August 2015

Copy to :-

1. District & Sessions Judge.
2. Accused/Petitioner Sam Singh C/o Cicily Zonunfeli Advocate.
3. Chief Judicial Magistrate, Mamit with case record of CrI.Tr.No.114/2015 with case record return
4. APP, Addl. PP
5. Judicial Section.
6. Case record.
7. Guard file.

PESHKAR