

IN THE COURT OF SHRI VANLALMAWIA ADDL. DISTRICT & SESSIONS JUDGE –I
AIZAWL JUDICIAL DISTRICT, AIZAWL.

Criminal Revision No.92/2015
A/o CrI.Tr.No 781/2015
U/S 506 IPC.

Darrimawia : Petitioner

Vrs

State of Mizoram : Respondent

BEFORE

Vanlalmawia
Addl.District & Sessions Judge-I

PRESENT

For the petitioner	:	Benjamin L.Z Pautu, Advocate
For the opposite party	:	Lalremruata Addl.PP
		Lily Parmawii Hmar, APP
Date of Hearing	:	7.12.2015
Date of order	:	7.12.2015

ORDER

Case record put up on call. Today is fixed for hearing of CrI.Rev.Petition No.92/2015 arising out of CrI.Tr.No.781/2015 u/s 506 IPC.

The counsel for the review petitioner submitted the following grounds :

1. That the accused/petitioner was not served charge sheet which is in violation of section 207 Cr.P.C.

2. That the trial court failed to notify the accused/petitioner regarding the consequences of admitting ones guilt. No defence counsel was made available to the petitioner. The Hon'ble High Court, Guwahati High court Aizawl Bench in criminal revision petition no. 3 of 2012(Lalmuanzuala & Ors Vrs State of Mizoram) held that 'framing of charge' is not an empty formality. The object behind framing of charge is to make the accused aware of the nature and extent of accusation of the accused. Moreover section 303 Cr PC mandates that

any person accused of an offence before a Criminal court or against whom proceedings are instituted under Cr PC, may of right be defended by a pleader of his choice.

In this case, the learned trial court failed to follow the provisions of law and ruling made by Hon'ble High Court in convicting the accused/petitioner.

3. That the trial court failed to invoke the provisions of section 360 Cr.P.C and recorded no reasons for not invoking section 360 Cr.PC which is in contravention to section 361 Cr.P.C.

4. The learned trial court wrongly convicted the accused/petitioner to undergo SI for a period of one(1) year and to pay a fine of Rs.1000/- in default SI for one month which is against the provisions of law mention in section 262 Cr PC where it stated that no sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this chapter.

The counsel for the accused/petitioner submitted to this Hon'ble court that looking at the above submission, it is prayed that the order passed by the learned trial court may be quashed and pray for acquittal on the accused/petitioner.

On the other hand, the learned APP argued that the accused petitioner was convicted on his own plea of guilt was convicted on his own plea of guilt and there is no infirmity in the conviction order and hence pray for rejecting the instant review petition.

On perusal of record at hand on careful consideration of both the learned counsels. This court is inclined to upheld the conviction of the lower court with partial modification as to the quantum of sentence. The accused petitioner is convicted to imprisonment for the period already undergone and a fine of Rs.1000/- i.d SI for 5(five) days.

The revision is disposed of.

Case record of Lower Court be returned.

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

Memo No _____/AD&SJ-I(A)/2015 : Dated Aizawl the, 7th December 2015.

Copy to :

1. District & Sessions Judge, Aizawl.
2. Darrimawia C/o Benjamin L.Z Pautu Advocate.
3. Spl.Superintendent Central Jail,Aizawl.
4. I/C GR Branch with case record of CrI.Tr.No.781/2015.
5. Judicial Section.
6. Case record.
7. Guard file.

PESHKAR