

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

**Criminal Revision Petition No.35/2015
U/S 506 IPC Aizawl P.S Case No.51/2015**

R.Vanlalpeka	:	Petitioner
	Vrs	
State of Mizoram	:	Opposite party.

BEFORE

Vanlalmawia
Addl.District & Sessions Judge-I

PRESENT

For the Petitioner	:	J.Lalremruata
For the opposite party	:	Lily Parmawii Hmar, APP
Date of Hearing	:	30.7.2015
Date of order	:	30.7.2015

ORDER

Record put up for hearing.

The Id. D/L submitted the following :

- 1.The convicted revision petitioner was arrested on 4.6.2015 faor offence u/s 506 IPC and the Id. Lower Court(CJM) was pleased to convict him on 5.6.2015 for a period of 1 year and fine of Rs.1000/- I.D S.I for 1 month.
2. That the convicted petitioner was not explained the consequences of him pleading guilty at the time of when produced before the court of CJM.
3. That the complainant C.Zothansanga also executed letter of explanation which is submitted in original to this court stating that he lodge the FIR out of anger and that the offence alleged to have been committed were accident.

4. That the convicted petitioner was selected for Gospel reform Camping organized by Mizoram Synod and Central YMA and that if possible he would like to be admitted in reforming himself.

5. That the offence for which the petitioner was convicted falls within Paragraph 1 of 506, as such the convicted petitioner may be released on setting aside the detention period already undergone.

6. Further, the only sibling of the convicted petitioner by the name of R.Lalfamkimi is going to get married on 4.8.2015.

Hence the D/L prays this court to show leniency upon him and release him by quashing the conviction order on by setting off the period already undergone.

The Id. APP on the other hand submitted that the order dated 5.6.2015 is just and proper and the Id. trial Judge convicted the convict petitioner on his own plea of guilt and submitted that there is no need for intervention of the session court and prays this Hon'ble court to sustain the judgment and order dated 5.6.2015 for the ends of justice and to reject this CrI.Revision Petition No.35 of 2015.

Upon hearing of both parties and on perusal of the material evidence available on record, it is learnt that the complainant changed his mind when the accused was convicted for imprisonment for a period of one year within one month of his complaint. In his report and in the voluntary plea of accused R.Vanlalpeka he tried to burnt the bike, and so the statement of complainant and accused are collaborated. But the complainant changed his intention for he could rescue his grand-son accused, making another declaration stating that the burning of his bike is accidental and not with the intention of accused to burnt and submit letter addressing to whom it may concern, and Branch YMA letter and wedding card, which revealed that R.Lalfamkimi, sister of accused has to get marry on 4.8.2015 and accused R.Vanlalpeka is selected to undergo in the Gospel camping at Beraw Tlang.

However, it is learnt that the complainant is happy to take out his grand – son, out of Jail, and like to use any mean for his could deliver his grant son out of the Jail. But the court and prosecution has already done what they have to do,

by convicting and disposing the case, as genuine case, and had settled all the dispute of the complainant family.

With this opinion, the conviction awarded to the accused by C.J.M, Aizawl is upheld, and sentence imposed is modified for setting off the detention period already undergone, but with a fine of Rs.2000/- id 6(six) months imprisonment.

The review petition is disposed.

Give copy of this order to all concern.

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

Memo No **348**/ADJ-I(A)/2015 : Dated Aizawl the, 30th July 2015

Copy to :-

1. District & Sessions Judge.
2. Spl, Superintendent of Central Jail,Aizawl.
3. R.Vanlalpeka S/o R.Lalnunmawia C/o J.Lalremruata Hmar Advocate.
4. APP, Addl. PP
5. Judicial Section
6. Case record.
7. Guard File

PESHKAR