

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

***Sc No.57/2014,
A/o CrI.Tr.No.676/2014 U/S 307/326/34 IPC***

State of Mizoram	:	Complainant
	Vrs	
Lalrinfela	:	Accused

**BEFORE
Vanlalmawia
Addl.District & Sessions Judge-I
PRESENT**

For the opposite party	:	R.Lalremruata, Addl.PP Lily Parmawii Hmar, APP
For the Accused	:	Lalremtlunga
Date of order	:	5.6.2015

ORDER

The prosecution story of the case in brief is that on dt. 4.5.2014 written FIR was received from F.Hrangthantluanga S/o C.Lalmawia (L) of Armed veng south stating that on dt.4.5.2014 @ 5:00 pm two of his sons F.Laltlanzuala and F.Lalrinfela were chopped with dao(chempui) by Lalduhawma S/o Zonuni of Armed veng South near Armed veng south cemetery. He further stated that his younger son Lalrinfela sustained serious injury on his head and his elder son F.Laltlanzuala sustained injury on his left palm and both of them were evacuated to Civil Hospital, Aizawl for medical treatment. Hence, Aizawl P.S C/No.127/2014 dt.4.5.2014 u/s 307/326/34 IPC was registered and duly investigated into.

During investigation, the P.O was visited, the complainant was examined and recorded his statement. The victims F.Laltlanzuala (23) S/o F.Hrangthantluanga of Armed veng south and F.Lalrinfela (22) S/o F.Hrangthantluanga of Armed veng south were also examined and forwarded for medical examination in which the Medical Officer who conducted the medical examination opined that F.Lalrinfela sustained grievous injury and F.Lalengzama sustained simple injury. The accused namely Lalduhawma (23) S/o Lalengzama of Armed veng south was arrested and remanded into Police custody for 48 hrs. during the remanded period, he admitted his guilt stating that while he was cutting meat inside the house he heard one girl shouting on the road and he rushed to the spot carrying dao(chempui) on reaching the spot his cousin Rochuankima was fighting with F.Lalrinfela(Sena) and his brother F.Laltlanzuala (Tetea) and he chopped F.Lalrinfela(Sena) with a dao(chempui) on his head and F.Laltlanzuala (Tetea) on his hand. The weapon of offence dao(chempui) was seized in presence of reliable witnesses. During investigation three other persons namely Rochuangkima(33) S/o Chalchhunga of Armed veng south, Ngurchungnunga (34) S/o Ngursavunfa of Armed veng south and Lalthakima (36) S/o Chalchhunga of Armed veng south were also arrested and remanded into police custody for a period of 48 hrs as they were suspected to be involved in this case. During the remanded period, they were thoroughly interrogated but their involvement in this case was not found and they were discharged on dt.7.5.2014 in the court. The accused Lalduhawma was forwarded for judicial custody on 7.5.2014. all available witnesses were examined and could learnt that the accused Lalduhawma chopped the victims with the dao(chempui) with intended to kill them thereby a prima facie case U/S 307/326/34 IPC have been found well established against the arrested accused Lalduhawma (23) S/o Lalengzama of Armed veng south.

Charge u/s 307/326/34 IPC was framed against accused to which he pleaded not guilty, and claim for trial. During the trial, the prosecution examined 8(eight) witnesses.

P.W No.1 F.Hrangthantluanga stated that I know the accused who is standing before the court today.

That on 4.5.2014 at about 5 – 5:30 pm my two son namely F.Laltlanzuala and F.Lalrinfela were chopped with a dao (chempui) by accused Lalduhawma of Armed Veng South Aizawl near Armed Veng South cemetery and as a result my younger son F.Lalrinfela sustained serious injury on his head and my elder son F.Laltlanzuala sustained injury on his left palm and both my sons were taken to Civil Hospital Aizawl for Medical treatment on that night. On the same night I submitted FIR to the O/C Aizawl P.S to take necessary action against the accused and some other persons who were alleged to have also involved.

Exhibit P-1 is the FIR submitted by me.

Exhibit P-1(a) is my signature.

Cross examination by the Defence counsel:

It is a fact that our family and the family of the accused are in the same locality, and around ten residential buildings are there between our houses. I am one of the prominent and important person our in denomination(Mizoram U.P.C).

It is a fact that I did not witness the incident between the accused and the victims.

It is a fact that our family fully forgiven the accused unconditionally and without any consideration. I prayed that the instant case the disposed off.

P.W No.2 F.Thanhranga is seized witness of dao which was used by the accused for chopping the victim and exhibit P.2(a) is his signature in the exhibit P-2. P.W No.3, R.Lalmalsawma, of Armed veng south is seizure witness of dao which was used for chopping the victim F.Laltlanzuala and exhibited his signature in the exhibit P-2(b).

P.W No.4 Lalthakima stated that I know the accused Lalduhawma who is standing in the court today.

I am staying at Armed veng south.

Initially Mr.Sawmtea fought with F.Laltlanzuala the victim on 4.5.2014 in the house of Pi Tlangi. We somehow tried to stop the fight and the victim F.Laltlanzuala ran towards the Armed veng graveyard and came back with his friends. by that time I was at the lower floor of our house, I heard some

screaming and I rushed to the spot and I found the victim F.Laltlanzuala lying beside the water tanky, and I heard that the accused hit the victim with a dao.

Cross examination by the defense counsel.

1. On 4.5.2014 the accused Lalduhawma, Rochuangkima, Sawmliana and Ngurchungnunga and I was together to have a dinner.
2. When the victim F.Laltlanzuala and his company came back, they together hit Rochuangkima who was trying to stop them entering our house. In fact Rochuangkima was ever admitted to hospital.
3. It is a fact that I did not see the accused Lalduhawma hitting the victim F.Laltlanzuala.
4. It is a fact that there is a possibility the victim caused upon himself the injury he sustained upon charging the instant accused.

P.W No.6, Ngurchungnunga stated I know the accused Lalduhawma. On

4.5.2014 while the accused and some of our friends came and hit Rochuangkima the younger brother of Thakima. I was at lower of the said house and hearing their voice, screaming etc. I rush the upon stairs and I was told that the accused Lalduhawma hit the victim with a dao(chempui).

P.W No.7, Lalsawmliana of Armed veng south stated and his deposition is record in Mizo language i.e I know the accused Lalduhawma who is standing before the court today, he is my relative.

Tetea nen hian kan in tibuai, kan in tihbui hnuah Tete-a victim chu a haw ta a. kan in tihbui na hmun hi Pi Tlangi te In kawt ah a ni. Chumi hnuah chuan keini pawh Thakima te In ah chaw eikhawm kan tum naah kan kal ta a. Inhnui lama kan awm lai chuan inti buai thawm chung lamah kan hria a. kan han chhoh chuan an lo in tibuai nuaih nuaih a, Tetea victim kha a thiante engemawzat sawmin an rawn kal a buaina an rawn chawk chhuak alo ni a. Ka

han chho a, Tetea chuan a lu alo dawm a, mi pakhat chuan a inhliam a nia alo ti a. A hnua an sawi danin Tetea inhliam chhan chu Lalduhawma hian alo sat palh an ti.

Cross examination by the Defence counsel:

He case a a tira buaina siam tu chu victim Tetea hi a ni a, accused Lalduhawma hi a tira buaina siamtu zingah a tel lo. Victim leh accused te inti palh hi ka hmu lo a, a hmunah pawh ka awm hman lo. P.W No.8 Dr.Lalrinthangi Civil Hospital stated that I am working as a Medical Doctor, Consultant, Casualty Civil Hospital Aizawl.

While I was on duty on 4.5.2014 at Casualty at Civil Hospital Aizawl, Lalrinfela and Laltlanzuala were brought to Casualty for Medical attention. Accordingly I conducted medical examination and my findings are as follows :- 1) Lalrinfela : there is a cut injury occipital area measuring 15cms x 2 cms(bone deep), fracture occipital bone can be seen CT head done and found that there is fracture occipital bone with small extra dural haemorrhage at occipital region.

2) Laltlanzuala : there is a cut injury left hand over second metacarpal bone measuring 6cms x 1cm and incised wound right ring finger 2cms x 1cm.

Exbt P-3 & P-4 are injury report. P-3(a) & P-4(a) is my signature.

Cross examination by the Defence counsel:

It is not a fact that I purfuntorily examine Lalrinfela and put my report as grievous injury.

It is a fact that the injury suffer by Laltlanzuala was simple injury. In my opinion injuries sustained by the two victims could be cured or healed by administration of proper medical treatment.

P.W No.9. ASI Roduhzuala stated that I know the accused who is standing before the court today.

That on 4.5.2014 a written FIR was received from F.Hrangthantluanga S/o C.Lianmawia (L) of Armed veng South stating that on 4th day of May 2014 at around 5 pm his sons namely F.Laltlanzuala and F.Lalrinfela were chopped by Lalduhawma S/o Zonuni of Armed veng South Aizawl by using dao(chempui) near Armed veng South cemetery. He further stated that his younger son F.Lalrinfela sustained serious injury on his head and his elder son F.Laltlanzuala sustained injury on his left palm and both of them were evacuated to Civil Hospital Aizawl for medical treatment and hence case u/s 307/326/34 IPC was registered against the accused Lalduhawma.

The O/C Aizawl P.S endorsed the above mentioned case to me for investigation. During my investigation I visited the P.O on 4.5.2014, I examined the complainant and recorded his statement. I also examined other witnesses and recorded their statements. I also examined the victims namely F.Lalrinfela and F.Laltlanzuala and recorded their statements and I forwarded them to Civil Hospital Aizawl for medical examination, the medical Officer Civil Hospital Aizawl for conducted the medical examination opined them F.Lalrinfela sustained grievous injury and F.Laltlanzuala sustained simple injury on their medical report. During my investigation I arrested the accused Lalduhawma and also inform him the reason of his arrest, and remanded him into Police custody for 48hrs. During the remanded period I interrogated the accused in which he admitted his guilt his stating that while he was cutting meat inside the house of Rochuangkima he

heard one girl shouting on the road and he rushed to the spot carrying dao(chempui), on reaching the spot his cousin Rochuangkima was fighting with F.Lalrinfela and his brother F.Laltlanzuala and he chopped F.Lalrinfela by using dao(chempui) on his head and F.Laltlanzuala on his hand. I also seized the said dao(chempui) which was used by the accused in the presence of reliable witnesses. During my investigation three other persons namely 1. Rochuangkima S/o Chalchhunga of Armed veng South 2. Ngurchungnunga S/o Ngursavunga Armed veng South 3. Lalthakima S/o Chalchhunga Armed veng south were also arrested and remanded into police custody for 48 hrs as they were suspected to be involved in the instant case. During the remanded period they were thoroughly interrogated but their involvement in this case was not found and they were discharged. The accused Lalduhawma was forwarded for Judicial Custody on 7.5.2014.

As I found a prima facie case u/s 307/326 IPC well established against the accused Lalduhawma I submitted the final form report/charge sheet against the accused.

Exbt P-3 is the Final Report submitted by me,

Exbt P-3(a) is my signature.

Exbt P-4 is the arrest memo of accused Lalduhawma

Exbt P-4(a) is my signature.

Exbt P-5 is the arrest memo Rochuangkima

Exbt P-5(a) is my signature.

Exbt P-6 is the arrest memo of Ngurchungnunga.

Exbt P-6(a) is my signature.

Exbt P-7 is the arrest memo Lalthakima,

Exbt P-7(a) is my signature.

Exbt P-2 is the seizure memo.

Exbt P-2(c) is my signature on the property search and seizure form.

Cross examination by the Defence counsel:

I do not know what happen between the family of the victim and the accused person although the father of the victim was said to have forgiven the accused.

It is a fact that I do not know the distance between cemetery and the P.O.

It is a fact that during the course of my investigation I did not collect any information regarding the back ground of the incident.

Accused Lalduhawma is examined u/s 313 Cr PC and answer the question as follow :

Q.1. It is from the evidence that on 4.5.2014 you were planning to have a dinner with your cousins and friends at Thakima's house, Armed veng South. What do you have to say ?

Ans : Yes, we clined together.

Q.2. It is from the evidence that at around 5-5:30 pm on 4.5.2014 F.Laltlanzuala, F.Lalrinfela and their other friends came to Thakima's house and assaulted Rochuangkima, younger brother of Thakima. What do you say ?

Ans : Yes, they assaulted Rochuangkima.

Q.3. It is from the evidence that when you came to know F.Laltlanzuala, F.Lalrinfela and their friends assaulted Rochuangkima, you came with a dao and

hit F.Laltlanzuala at his head and F.Lalrinfela on his hand. What do you have to say ?

Ans : Yes, I was preparing meat, with dao, and I went in the up stair with the said dao, and hit them as the dao was already in my hand, to control the fighting.

Q.4. It is from the evidence that after you hit/chopped F.Laltlanzuala and F.Lalrinfela, they were brought to Civil Hospital Aizawl and reported that F.Laltlanzuala had cut injury at this left hand and F.Lalrinzuala had serious cut injury of his head. What do you have to say ?

Ans : Yes, they were brought to the Hospital, the matter was infaormed to me by the Police while I was in their Police Lock-up.

Q.5. It is from the evidence that you were arrested on 4.5.2014(Sunday) due to the crime you committed. What do you have to say ?

Ans : Yes, I was arrested for that commission of crime.

The accused Lalduhawma informed the court that he has no defence witness to be produced in the court.

The Id Public Prosecutor Lily Parmawii Hmar submitted written argument stating that : That the prosecution story of the case in brief is that on 4/5/2014 a written FIR was received from F.Hrangthantluanga S/o C.Lalmawia of Armed Veng South to the effect that on the night of 4/5/2014 @ 5:00 pm his two sons F.Laltlanzuala and F.Lalrinfela were assaulted by Lalduhawma S/o Zonuni of Armed Veng South, Aizawl by chopping his two sons by using dao near Armed Veng South, cemetery. As a result of which his younger son F.Lalrinfela sustained serious injury on his head and his elder son F.Laltlanzuala sustained injury on his left palm and they were evacuated to Civil Hospital, Aizawl for medical treatment. And on receipt of this information O/C Aizawl P.S registered a case no 127/14 Dt. 4/5/2014 U/S 307/326/34 IPC was registered and duly investigated into.

During the course of investigation Case I.O. rushed to the P.O on 4/5/2014 and on reaching the P.O, all amendable evidence was thoroughly examined. The police seized from the residence of Chalchung, Armed Veng South, Aizawl one dao 18 inches long, which was suspected as a weapon used by the accused Lalduhawma to chop the victims. The injured persons F.Lalrinfela sustained serious injury on his head and F.Laltlanzuala sustained injury on his left palm and they were evacuated to Civil Hospital, Aizawl for medical treatment and examination. The medical examination report of F.Lalrinfela reveals that his injury is of grievous in nature and the medical examination report of F.Laltlanzuala reveals that his injury is simple. Accused Lalduhawma was arrested on 4/5/2014. He was thoroughly interrogated and confessed that he had committed the aforesaid crime.

All available witnesses were examined and recorded their statement. All the evidences collected reveals that the Lalduhawma S/o Lalengzama R/o Armed Veng, Aizawl has actually committed an offence of Voluntarily causing grievous hurt by dangerous weapons, and attempt to murder F.Laltlanzuala and F.Lalrinfela by inflicting grievous injuries to F.Lalrinfela and simple injury to F.Laltlanzuala and found a prima facie case u/s 307/326 IPC well established against the accused Lalduhawma S/o Lalengzama R/o Armed Veng, Aizawl and submitted charge sheet before this Hon'ble Court.

The court on receiving the charge sheet took cognizance of the offence. The charge u/s 307/326 IPC was framed and considered against the accused to which the accused pleaded not guilty. The prosecution produced as many as 8 witnesses to corroborate the plea of the accused. The brief summary of the deposition of the prosecution witnesses in the court is reproduced as under.

Deposition of PW No-1. The first witness examined by the prosecution was F.Hrangthantluanga who stated in the court that he know the accused Lalduhawma S/o Lalengzama R/o Armed Veng, Aizawl .On the evening of 4/5/2014 at around 5:00-5:30 pm, his two sons namely F.Laltlanzuala and F.Lalrinfela were chopped with a dao by the accused Lalduhawma S/o

Lalengzama R/o Armed Veng, Aizawl near Armed Veng Cemetery and as a result his younger son F.Lalrinfela sustained serious injury on his head and his elder son F.Laltlanzuala sustained injury on his left palm and both of his sons were taken to Civil Hospital, Aizawl for medical treatment on that night. And he also stated that on the same night he submitted FIR to the OC Aizawl PS to take necessary action against the accused Lalduhawma S/o Lalengzama and some other persons who were alleged to have also involved. He proved Exbt. P-1 is the FIR and Exbt. P-1 (a) his signature ,on his cross-examination his evidence remains intact.

Deposition of PW No 2.The second witness produced by the prosecution is F.Thanhranga who is a seizure witness and stated before the court that he know the accused and he was present at the time when the police seized one dao from the house of the Upa Chalchhunga of Armed Veng South, Aizawl. He proved Exbt. P-2 the seizure memo and Exbt. P-2 (a) his signature and Exbt.-M-1 the S/A. During cross-examination no material question were given to him to discredit his evidence.

Deposition of PW No 3.The third witness produced by the prosecution is R.Lalmalsawma who stated before the Court that he was staying at Armed Veng South, Aizawl and also stated that he was a Secretary of Armed Veng South, Aizawl at the time of the incident and further stated that at present he is Asst. Secretary of the said Branch. He stated that he was informed that there was fighting at the Graveyard at Armed Veng South, Aizawl on 4/5/2014 and further stated that the accused Lalduhawma lives near the graveyard of Armed Veng South, Aizawl. He further stated that he was also present at the PO on 4/5/2014 and he is a seizure witness and stated before the court that he know the accused and he was present at the time when the police seized one dao which was used by the said accused for hitting the victims from the house of the Upa Chalchhunga of Armed Veng South, Aizawl. He proved Exbt. P-2 (b) his signature on the body of seizure memo and Exbt.-M-1 the S/A dao which was used by the accused.

During cross-examination no material question were given to him to discredit his evidence.

Deposition of PW No. 4: - The forth witness produced by the prosecution is Lalthakima who stated in the court that he know the accused Lalduhawma S/o Lalengzama R/o Armed Veng, Aizawl and also stated that he was staying at Armed Veng South, Aizawl. He stated that initially Sawmtea fought with one of the victim F.Laltlanzuala on 4/5/2014 in the house of Pi Thangi and stated that we tried to stop the fight but the victim F.Laltlanzuala ran towards armed Veng South graveyard and came back with his friends. And further stated that by that time he was at the lower floor of his house and heard some screaming and stated that he rushed to the PO he found the victim F.Laltlanzuala lying beside the tanky and also stated that he heard that the victim was hit by the accused Lalduhawma by using dao. During cross-examination no material questions were given to him to discredit his evidence.

Deposition of P.W. no. 6: -. The sixth witness produced by the prosecution is Ngurchungnunga who stated in the court that he know the accused Lalduhawma S/o Lalengzama R/o Armed Veng, Aizawl.He stated that on 4/5/2014 while the accused and some of our friends were together at Thakima's house, the victim alongwith his friends came and hit Rochuangkima the younger brother of Thakima. And further stated that he was at downstairs of the said house and also stated that he could heard their voices, screaming etc and he stated that he rushed upstairs and he was told that the accused Lalduhawma hit the victims with dao. He made no contradictory statement and his evidence remains intact.

Deposition of P.W No. 7: - The seventh witness produced by the prosecution is Lalsawmliana who stated in the court that he know the accused Lalduhawma S/o Lalengzama R/o Armed Veng, Aizawl and also stated that the accused is his relative. He stated that he had a fight with the Victim Tetea and after that Victim Tetea went home. And he also stated that have they fought in front the house of Pi Thangi and after that he and his friend went to Thakima's

house to have dinner, he stated that he was at downstairs when he heard the sound of fighting, screaming and when he reached, there was fighting, he further stated that the Victim Tetea had come back with some of his friends and started the fight and also stated that he saw Tetea holding his head and stated that he was told by one person that he was injured. And further stated that he was told that the injury of Tetea was caused by accidentally hit by the accused Lalduhawma. During cross-examination no material question were given to him to discredit his evidence.

Deposition of P.W No. 8: - She is the Medical Officer Casualty Civil Hospital, Aizawl who conducted Medical Examination. On her examination she deposed before this Hon'ble Court while she was posted at Civil Hospital as the Medical Officer and on 4/5/2014 she conducted a Medical Examination of F.Laltlanzuala and F.Lalrinfela and her findings are as follows:- (1)F.Lalrinfela :- there is a cut injury occipital area measuring 15 cms x 2cms (bone deep), fracture occipital bone can be seen CT head done and found that there is fracture occipital bone with small extra dural haemorrhage at occipital region .(2) F.Laltlanzuala :-there is a cut injury left hand over second metacarpal bone measuring 6 cms x 1 cms and incised wound right finger 2 cms x 1 cm. She proved Exbt. P -3 & 4 are the Injury Reports Exbt. P -3(a) & 4(a) and her signatures. During cross-examination no material questions were given to her to discredit her evidence.

Deposition P.W. No. 9: - On his examination he identified the accused and deposed that on 4/5/2014 a written FIR F.Hrangthantluanga S/o C.Lalmawia of Armed Veng South to the effect that on the night of 4/5/2014 @ 5:00 pm his two sons F.Laltlanzuala and F.Lalrinfela were assaulted by Lalduhawma S/o Zonuni of Armed Veng South, Aizawl by chopping his two sons by using dao near Armed Veng South, cemetery. As a result of which his younger son F.Lalrinfela sustained serious injury on his head and his elder son F.Laltlanzuala sustained injury on his left palm and they were evacuated to Civil Hospital, Aizawl for medical treatment. And on receipt of this information O/C Aizawl P.S registered a

case no 127/14 Dt. 4/5/2014 U/S 307/326/34 IPC was registered and duly investigated into. He stated that the case was endorsed to him for investigation by the O/C. He went to the P.O on 4/5/2014, examined the Complainant and other relevant witnesses and recorded their statements. And also examined the victims F.Laltlanzuala and F.Lalrinfela and recorded their statements who were badly injured and deposed that he forwarded them to Civil Hospital, Aizawl for medical treatment/examination and stated that the Medical Officer Injury reports opines that F.Lalrinfela sustained grievous injury and F.Laltlanzuala sustained simple injury. He also stated that during his visit to the P.O he seized one Dao used by the accused in presence of reliable witnesses. He also stated that the accused was arrested by informing him the reason of his arrest and when interrogated the accused admitted his guilt and stating that while he was cutting meat inside the house of Rochuangkima he heard one girl shouting on the road he rushed to the spot carrying Dao on his hand, on reaching the spot his cousin Rochuangkima was fighting with F.Lalrinfela and F.Lalthanzuala and stating that he (accd) chopped/hitted F.Lalrinfela on his head and F. Laltlanzuala on his hand by using his Dao . He also stated that during his visit to the P.O he seized one Dao used by the accused in presence of reliable witnesses. He proved Exbt. P-2 is the seizure memo prepared by him and Exbt. P-2 (c) is his signature. He further stated that during his investigation he arrested Rochuangkima, Ngurchungnunga and Lalthakima of Armed Veng South, Aizawl and stating that they were remanded into Police custody for 48 hours as they were suspected to be involved in the instant case, and further stated that during the remand period they were interrogated but their involvement in this case was not found and they were discharged. He proved Exbt. 4, 5, 6 & 7 are the Arrest Memos of Lalduhawma, Rochuangkima, Ngurchungnunga and Lalthakima and Exbt. Exbt.4 (a), 5(a), 6(a) & 7 (a) are his signatures. And after completion of the investigation he prepared and submitted charge sheet on finding a prima facie case against the accused Lalduhawma. He proved Exbt. P –3 is the charge sheet/final report submitted by him and Exbt. P – 3 (a) his signature. On cross-examination the D/L put questions to discredit his evidence but his evidence cannot be shaken during cross-examination.

The court closes the Prosecution evidence and the accused was examined u/s 313Crpc to which the accused stated before the court that he hit both the victim with Dao on that night. The court give the accused an opportunity to have his defense evidence to which he declined and hence, this argument.

Summing up the prosecution evidence it is hereby argue and submitted that the fact about the accused by hitting F.Laltlanzuala and F.Lalrinfela by using Dao on the evening of 4/5/2014 in order to commit the above mentioned offences U/S 307/326 IPC, and was proved beyond doubt by the prosecution. The evidence given by the prosecution witnesses corroborated the accused plea of his guilt during the framing of the charged. The evidence adduced by the prosecution witnesses lead to the guilt of the accused and corroborate each other. The seizure witnesses and the case I/O proved the seized article beyond reasonable doubt. The medical officer who conducted the Medical Examination on the body of F.Laltlanzuala and F.Lalrinfela proved the medical evidence beyond doubt. The case I/O conducts investigations inconformity with law, he visited the PO examined witnesses and recorded their statement and also arrested the accused, and there is no doubt about the investigation. The circumstantial evidence adduced by the witnesses corroborated to the plea of guilt by the accused and there is no doubt about the fact that the accused Lalduhawma in the evening of 4/5/2014 in order to commit attempt to murder F.Laltlanzuala and F.Lalrinfela and assaulted them and caused grievous injury to F.Lalrinfela and caused simple injury to F.Laltlanzuala by using dangerous weapon I,e Dao. Each and every evidences of the prosecution corroborates each other and formed concrete evidence which established and proved to the fact that the accused Lalduhawma had actually committed the aforesaid crime on the night of 4/5/2014.

The quantity of witnesses produced by the prosecution were sufficient enough and able to earn conviction and the quality of their evidence formed a concrete evidence which established and constituted that the accused Lalduhawma had actually committed attempt to murder and voluntarily causing

grievous hurt by dangerous weapons or means by hitting F.Laltlanzuala and F.Lalrinfela by using Dao on the evening of 4/5/2014. The evidence adduce by the prosecution witnesses corroborate each other. The prosecution evidence brings home and established the guilt of the accused beyond doubt U/S 307/326 IPC. In view of the argument advanced by the prosecution and the point raised and also on perusal of the case record and the document which the prosecution proposed to rely, there can be no other conclusions contrary except to this conclusions that the prosecution brought home and proved the guilt of the accused Lalduhawma beyond all reasonable doubt and found the accused guilty of the offence U/S 307/326 IPC and found him liable to be convicted for the offence. On conviction the prosecution also found him guilty to suffer maximum punishment provided by the aforesaid section of law.

In the Premises aforesaid it is honestly pray that your honor may be graciously please to admit this Written argument and after leaving both sides, to pass a judgment and order in favor of the complainant and to convict the accused U/S 307/326 IPC and sentence him to suffer the maximum punishment provided by the aforesaid section of law.

It is prayed accordingly.

The Id. defence counsel Mr.Lalremtluanga also submitted argument 1.The prosecution story of the case in brief is that on the night of 4.5.2014 F.Hrangthantluanga has lodged FIR to the Aizawl PS to the effect that his two sons F.Laltlanzuala and F Lalrinfela were chopped with a Dao by Lalduhawma on 4.5.14 at around 5 to 5:30 pm near Armed Veng South cemetery as a result of which his said two sons namely F.Lalrinzuala sustained serious head injury and F.laltlanzuala also sustained injury on his left palm,evacuated to Civil Hospital Aizawl for administration of medical treatment .Consequent thereof the accused and three other persons were arrested by the police and the instant case was registered.

2. That during the investigation three accused persons were discharged and finding prima facie case against the accused, chargesheet was submitted by the case I/o

3. Accordingly charge u/s 307/326 IPC were framed against the accused and the accused pleaded not guilty and claimed for trial.

4. During the course of trial the prosecution has examined the following witnesses and their evidence are :

(i) Pw-I, Shri F. Hrangthantluanga, father of the victim deposed that he lodged FIR against accused and his four friends, victims were evacuated to Civil Hospital Aizawl on the same night for administration of medical treatment as they suffered serious injuries on their head and right palm. He identified FIR and his signature thereon.

On cross-examination he admitted that he did not witness the incident between the victim and the accused and forgiven the accused unconditionally.

(ii) Pw-2 F. Thanhanga Armed Veng South, Aizawl deposed that he witnessed seizure of one Dao by police from the resident of Upa Chalchhunga.

On his cross-examination he admitted that he did not witness the incident between the accused and the victims. He deposed that the accused was forgiven by the family of the victim unconditionally.

(iii) Pw-7 Shri Lalsawmliana Armed Veng South stated that on the afternoon of 4.5.2014 he and his friends excluding accused Lalduhawma had problem with the victim F. Lalthantluanga @Tetea on the courtyard of Pi Tlangi. They rushed to the resident of Shri Thakima for having dinner and while they were sitting on the groundfloor of the said house they heard a sound of affray. He then came to know that Tetea has led many friends in front of the house of Shri Thakima and disturbed public tranquility. He deposed that when he and his friends rushed to

the PO he found Tetea putting his hands on his head as he was accidentally chopped by accd Lalduhawma.

On his cross-examination he admitted that the victim Tetea was the one who first made problem at the PO n and accused is not the one who caused problem.

(iv) Pw 8 Dr Lalrinthangi,Civil Hospital Aizawl deposed that on 4.5.14 while she was on duty at Civil Hospital Aizawl,F Lalrinfela and F Laltlanzuala were brought to Casualty for medical attention and examined the two boys.

On her cross-examination she admitted that the two boys suffered simple injuries which could be healed by administration proper medical treatment.

(v) Pw 9 Shri Roduhzuala ASI Aizawl PS ,case I/o deposed that he was the case I/o and finding prima facie case,he filed chrgsheet.

On his cross-examination he admitted that he did not collect any information regarding the background of the incident.

Law points : The two victims namely F.Laltlanzuala and F.Lalrinfela were not made prosecution witnesses.They are the best witnesses but in the absence of their evidence concrete evidence cannot be arrived at by the prosecution.Hence evidences of the prosecution witnesses are not convincing, they cannot established the case beyond reasonable doubt and the accused entitles benefit of doubt and as such the accused be acquitted and it is prayed accordingly.

The Medical report submitted Medical Office revealed that the injuries sustained to the victim Lalrinfela in grievous, and Laltlanzuala is simple injury. But the Medical Officer Dr.Lalrinthangi who is P.W No.8 stated in her examination in chief that in her opinion injuries sustained by two victims could be cure or healed by administration of proper medical treatment.

In this case, the accused Lalduhawma was charged u/s 307/326 IPC, but the injury suffer by both the victim are simple injury, which can be healed with medical treatment, and hence section 307 is dropped, and there was no any hart red between the accused and victim, and there was no any intention to hurt the victim, and it seems that the accused is intending to solve the fighting which was happen in his nearby.

The two victim persons are not prosecution witnesses, and even the complainant prayed the court and case investigating officer to grant pardon to the accused. Since the injury is simple injury section 326 IPC is also not applicable in the offence committed by the accused.

With these view, accused Lalduhawma is acquitted from the liability of the charge leveled against him u/s 307/326 IPC and set him at liberty.

Bail and bail bond shall cancelled.

The case is disposed off.

Announce in open court on this 24th day of June 2015.

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

Memo No _____/ADJ-I(A)/2015 : Dated Aizawl the, 5th June 2015

Copy to :-

1. District & Sessions Judge.
2. Accused Lalduhawma C/o Lalremtlunga Advocate.
3. APP/Addl. PP.
4. Judicial Section
5. Case record.
6. Guard

PESHKAR