

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

Crl.Revision Petition No.13/2015
A/o Crl.Tr.No.(P) 1342/2015 R/W 43(2) MLPC Act.

Zonunmawia
S/o Sailova,
Chanmari West. : Petitioner

Versus

State of Mizoram : Respondent

Date of Order : 17.3.2015 & 18.3.2015

BEFORE

Shri. Vanlalmawia, AD & SJ-I

PRESENT

For the Opposite party : Lalremruata Ralte, A. P.P.

For the Accused : Lalbiakkima, Advocate.

ORDER

Case record put up today and today is fixed for hearing.

The Id. counsel for the convict petitioner Zonunmawia submitted that he was arrested on 14th February 2015 by Police personnel with the strength of First Information Report submitted by Shri Sailova father of the petitioner on the allegation of offence under section 506 of Indian Penal Code and the case of the petitioner is proceeded before the court of Smt. Sylvie Z.Ralte, Id. Trial Magistrate, Aizawl, Mizoram.

That on 26th February, 2015 the Id. Trial Magistrate convicted the petitioner under the aforesaid section of law and sentenced him to undergo Simple

Imprisonment for a term of one year and to pay a fine of Rs.1000/- and in default of payment of fine another simple imprisonment for one month.

That being highly aggrieved by the said impugned judgment and order the petitioner preferred Revision on following grounds inter alia.

a) that the impugned judgment and order is bad in law as well as in fact and liable to be set aside and quashed.

b) That at the time of framing charge the trial Magistrate should explain the charge against the accused and he had a freedom not to plead guilty and also must inform the accused the consequence of pleading guilty and it is also imperative on the part of the trial court to assign reason whatsoever as to why it opted to base conviction of the accused on his plea of guilty (State of Mizoram Vs Ramengmawia 2006(1) GLT 770) and as such pleading guilty even the same was not basis of conviction, is not acceptable.

c) That the Id. Magistrate proceeded the trial without complying the trial without complying the provision of 303/304 of Cr.PC which vitiated the whole process and that the conviction is bad in law as well as in fact and cannot be stand in the eye of law.

d) That even of proving/concluding the petitioner committed offence, he must be released on probation as per the provision of 360/361 Cr.P.C in as much as previous conviction is not proved as per the law.

e) That the complainant in the instant case had made a letter of 'Ngaihdamna' and the charge section is compoundable offence and the complainant/victim compounded the case and as such the accused may be discharged.(A copy of 'Ngaihdamna' is annexed).

f) That the impugned conviction order and sentence is bad in law as well as in fact and is liable to be set aside.

Therefore, the Id. counsel for the convict petitioner prays the court to admit this revision petition and be quashed/set aside the impugned order dated 26th February 2015 passed by the Id. Trial Magistrate in CrI.Tr.No.132/2015 u/s 506 IPC.

The Id. AGA strongly objected the revision petition. That this case is family case and if he was outside custody it would be dangerous submitted that there is no violation of any law and the conviction is clear and sustainable in fact and law. Also that the Id. trial Magistrate proceeded the trial of the convict petitioner as per the provisions of law. Hence, the Id. AGA prays the court to reject the revision petition.

Issue production warrant to produce accused Zonunmawia to this court on 18.3.2015.

18.3.2015. : Zonunmawia, the convicted petitioner is produced before me on the strength of production warrant issued by this court and is remanded back into Judicial Custody.

On perusal of all materials available on record it is found the Id. Trial Magistrate proceeded the trial without complying of the provision of 303/304 Cr.PC. moreover, since the charged section 506 IPC is compoundable offence and since the complainant Pu Sailova of Chanmari West, Aizawl father of the convict petitioner has submitted a letter of 'Inngaihdamna' and did not object his release, the court is of the opinion to reduce the sentence passed by the Id Chief Judicial Magistrate in CrI.Tr.No.(P) 132/2015 U/S 506 IPC to the period of detention in judicial custody already undergone by the petitioner. The petitioner, hence shall be released forthwith.

With this order, the case stands disposed of.

Give copy of this order to all concerned.

Case record of Lower court be returned.

Sd/- VANLALMAWIA,

Addl. District & Sessions Judge-I
Aizawl Judicial District, Aizawl

Memo No. AD&SJ-I/ 2015 : Dated Aizawl, 18th March 2015.

Copy to:

1. District & Sessions Judge, Aizawl.
2. Zonunmawia S/o Sailova C/o Lalbiakkima Advocate.
3. Spl,Superintendentn Central Jail Aizawl.
4. I/C GR Branch with case record of CrI.Tr.No.132/15.
5. A.P.P
6. Judicial section.
7. Case Record
8. Guard file

P E S H K A R