

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

Criminal Revision No.76/2015
A/o CrI.Tr.No (Ex) 1236/2015,
U/S 43(1) MLPC Act. IPC.

C.Zodinliana : Petitioner

Vrs

State of Mizoram : Respondent

BEFORE

Vanlalmawia
Addl.District & Sessions Judge-I

PRESENT

For the petitioner	:	F.Lalzuiliana, Advocate
For the opposite party	:	Lalremruata Addl.PP
		Lily Parmawii Hmar, APP
Date of Hearing	:	19.11.2015
Date of order	:	19.11.2015

ORDER

Today is fixed for hearing. Parties are heard.

The Id. counsel for the convict/petitioner submitted the following grounds for setting aside of the judgment/order of the Id. lower court.

1. The convict/petitioner was not given a chance to defend himself or to engage a lawyer.
2. The convict/petitioner never pleaded guilty.
3. The Id. CJM did not any question to the convict/petitioner.
4. The order was not written by the Id. Chief Judicial Magistrate she simply signed the order which was written by some other person.
5. The Id. CJM did not record the judgment/order as per section 263 of Cr.PC

The prosecution on the other hand submitted that the order dated 6.8.2015 passed by Sylvie Z. Ralte, CJM Aizawl is just and proper and there is no error in passing the said order and further submitted that the Id. CJM convicted

the convict/petitioner on his own plea of guilt stating that "Ka duty laiin zu ka rui a ni", and there is no need for intervention of session court and hence prayed this Hon'ble court to sustain the said order and to reject the instant criminal revision.

On perusal of the case record of lower court, it is learnt that the case was disposed on summary trial, and convicted and sentence him only in three passage/lines in the prescribe format sentencing for a period of 1(one) month and to pay a fine of Rs.1000/- id 14 days. The conviction order might have written by some one, and simply signed by CJM in different colour of ink. No chance has been given to the accused to engage lawyer, and simply recorded that "Ka duty laiin ka rui a ni".

It can be presumed that the trial court was lead/guided by prosecution and the trial court make decision based on the prosecution statement/submission, the trial court does weighted the submission of both parties, and decided the matter/case one sided, and hence the conviction and sentence of accused C.Zodinlana is set aside and quash, which was passed by CJM, Aizawl in Excise & Narcotic case No A.551/2015 dt.6.8.2015.

The accused shall be released as soon as possible if still in Judicial custody.

Give copy of this order to all concern.

The criminal revision is hereby disposed.

Case record be sent back.

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

Memo No **578**/AD&SJ-I(A)/2015 : Dated Aizawl the, 19th November 2015.

Copy to :

1. District & Sessions Judge, Aizawl.
2. C.Zodinlana C/o F.Lalzuiliana Advocate.
3. Spl.Superintendent Central Jail, Aizawl.
4. Chief Judicial Magistrate Aizawl with case record of CrI.Tr(Ex) No.1236/2015.
5. Judicial Section.
6. Case record.
7. Guard file.

PESHKAR