

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

Criminal Revision No.63/2015  
A/o CrI.Tr.No (Ex) 170/2015, Mamit Case No.MENS 139/2015.  
U/S 43(1) MLPC Act. IPC.

John Vanlalneihpuia : Petitioner

Vrs

State of Mizoram : Respondent

**BEFORE**

Vanlalmawia  
Addl.District & Sessions Judge-I

**PRESENT**

For the petitioner	:	C.Lalrinchhunga, Advocate
For the opposite party	:	Lalremruata Addl.PP
		Lily Parmawii Hmar, APP
Date of Hearing	:	17.11.2015
Date of order	:	18.11.2015

**ORDER**

The revision is represented by his Id. counsel and the Id. AGA is also present. Today is fixed for hearing.

Heard both parties at length.

The Id. counsel for the petitioner submitted that the Id. trial court convicted the accused/petitioner without recording any evidence and also proceeded the trial without complying the provision of section 304 i.e without defense counsel/legal aid counsel. As per the decision of the Guwahati High court Aizawl Bench in the case of 'State of Mizoram Vrs Ramengmawia 2006(1)GLT 770' at the time of framing charge, the trial Magistrate should explain the charge against the accused and that 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

bare conviction of the accused on his plea of guilt and as such pleading guilty even the same was not basis of conviction, is not acceptable.

However, in the instant case the Id trial court fail to comply with his order. The Id. counsel further submitted that the convict/petitioner may be released on probation under section 3 of the probation of offender act. in the circumstances the Id. counsel for the convict/petitioner prayed for setting aside the impugned conviction order and also in the event of finding the accused guilty to release on probation.

The prosecution on the other hand submitted that the judgment and order dated 4<sup>th</sup> August 2015, is just and proper and there is no error in passing the said judgment and order. And further stated that the Id. trial judge convicted the convict/petitioner on his own plea of guilt and as such there is no need for the intervention of the session court and prays this Hon'ble court to reject this criminal revision petition.

Upon hearing of both parties, and on perusal of the case record of trial court, I am inclined to uphold the judgment of trial court, but by modifying the sentence period from (6) six months into 4(four) months for loophole committed by the trial court as submitted by the Id counsel for the accused, and the fine imposed by the trial court remain un charged.

The criminal revision is hereby disposed.

Case record of lower court be sent back.

Give copy of this order to all concern.

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

Memo No \_\_\_\_\_/AD&SJ-I(A)/2015 : Dated Aizawl the, 18<sup>th</sup> November 2015.

Copy to :

1. District & Sessions Judge, Aizawl.
2. John Vanlalneihpuia C/o C.Lalrinchhunga Advocate.
3. Spl.Superintendent Central Jail, Aizawl.
4. Chief Judicial Magistrate Mamit with case record of CrI.Tr(Ex) No.170/2015.
5. Judicial Section.
6. Case record.
7. Guard file.

PESHKAR