

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

Criminal Revision No.62/2015
A/o Bawngkawn P.S N.FIR 93/2015
U/S 506 IPC

H.James : Petitioner

Vrs

State of Mizoram : Respondent

BEFORE

Vanlalmawia
Addl.District & Sessions Judge-I

PRESENT

For the petitioner	:	J.Lalremruata Hmar, Advocate
For the opposite party	:	Lalremruata Addl.PP
		Lily Parmawii Hmar, APP
Date of Hearing	:	8.10.2015
Date of Order	:	9.10.2015

ORDER

Record put up for hearing of the revision petition.

The Id. D/L and Id. Addl. P.P representing the state are present. Heard both sides, the Id. D/L submitted the following :-

1) That the convicted petitioner was convicted on 24.9.2015 from on order passed in summary trial by the Id. Chief Judicial Magistrate.

2) That the Id. Chief Judicial Magistrate was pleased to convict the convicted petitioner for a period of four(4) months and a fine of Rs.500/- i.d S.I for a period of 5 days.

3) That the Id. Chief Judicial Magistrate had convicted the convicted petitioner beyond the permissible limit prescribed under section 262(2) Cr.P.C, which provides for the maximum period of conviction under summary trial as 3 months and not a day more.

4) That the Id. Chief Judicial Magistrate fails to inform the petitioner his right to be represented by pleaders of his choice as provided u/s 303 Cr.P.C.

5) That the charge section of law i.e 506 IPC is compoundable in nature and the complainant i.e father of the convicted petitioner submitted his letter of compounding and explanation to his complaint which was duly acknowledged by Local Council Chanmari.

6) Hence, the Id. D/L prays that the conviction of the accused may be quashed and set aside, detention period as set off and set the convicted petitioner at liberty.

On the other hand, the Id counsel for the prosecution submitted :

a) That there is no irregularity on the part of the Id. Chief Judicial Magistrate in Bawngkawn P.S N.FIR 93/2015.

b) That the convict petition pleaded guilty by saying 'inchhung khurah buaina ka siam a, ka chhungte ka vau a ni', and that there is no point of setting aside the order dt.24.9.2015 passed by the Id. Chief Judicial Magistrate convicting the petitioner.

c) That it does not matter whether the charge section is compoundable or not at this stage. In fact the complainant should have submitted the letter before the Chief Judicial Magistrate before passing the conviction order. Moreover the genuineness of the latter of compounding is questionable as the signature given by the complainant is different from that of his signature given at his complainant.

Hence prayed the court to dismiss the instant petition.

Accused H.James was produced before me on the strength of production warrant issued by this court accused inform the court that he used to take drug and he is inhabit of drug. On the other hand, the complainant Lalhmangaiha who is also father of accused also present, and informed the court that he had pardon his son, accused H.James for the offence he had committed. He did not write the FIR also, instead, the Police write the FIR as give his signature as directed by the police, but however he accepted the FIR.

Since the charge section of 506 IPC is also compoundable ground to reject the prayer of petitioner. With these observation, the conviction awarded by

the Chief Judicial Magistrate is upheld but modified for the detention period already undergone, from the convicted period 4th month, but with fine of Rs.500/- i.d 5 days S.I.

The revision is disposed.

Give copy of this order to all concern.

Case record be returned.

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

Memo No_____/AD&SJ-I(A)/2015 : Dated Aizawl the, 9th October 2015.

Copy to :

1. District & Sessions Judge, Aizawl.
2. H.James S/o Lalhmangaiha C/o J.Lalremruata Hmar Advocate.
3. Superintendent District Jail,Aizawl.
4. I/C GR Branch with case record of Bawngkawn P.S N.FIR 93/2015.
5. Judicial Section.
6. Case record.
7. Guard file.

PESHKAR