

**IN THE COURT OF SHRI VANLALMAWIA, ADDL. DISTRICT & SESSIONS
JUDGE-1, AIZAWL.**

SR No. 35/14

A/O Bawngkawn P/s No. C/No. 22/14 U/s 436 IPC/ Crl. Tr. 184/14

State of Mizoram Complainant
Versus

Zonunmawia

S/o K.L Rodenga

R/o Thingsulthliah Diakkawn Area Accused

Date of Order 27.1.2015.

ORDER

The Prosecution story of the case in brief is that on 10-2-2014 W/FIR was received from K.L Rodanga S/o V.L Sanga (L) of Thingsulthliah Diakkawn area that on the evening of 10-2-2014 @ 4:30 Pm, his son Zonunmawia set their house on fire by pouring Kerosene causing partial burnt damaged of benches. However, the fire was gutted down by the gathering people before it caught higher. Hence BKN P/S C/ No. 22/14 dt. 12-2-2014 U/S 436 IPC was registered and the case was duly investigated into.

During the course of investigation, the PO was visited and examined the complainant with all other available witnesses. The accused person Zonunmawia (34) S/o K.L Rodanga of Thingsulthliah Diakkawn was arrested and interrogated in which he admitted to his crime disclosing that he was a drugs abuser and an alcoholic due to which he often used to demand money from his mother. So, as routine, on the evening of 10-2-14 also, he demanded his mother to give Rs. 200/- to meet his intoxication. She however, refused to pay the money which made him boiled with anger and started hot argument with his mother by creating trouble harassing them by waving a piece of timber, subsequent to which he even then set their house on fire by pouring kerosene on the benches inside their house. However, the fire was gutted down by the collected people before the flame was higher.

In course of investigation, I made seizure of the blackening burnt residue a piece of cushion in presence of witnesses and kept in PS Malkhana vide MR No. 20/14.

Under the above circumstances and findings thereof, a prima facie case U/S 436 IPC was found well established against the accused Zonunmawia (34) S/o K.L Rodanga of Thingsulthliah Diakkawn.

Charge U/s 436 IPC was framed explaining that you demanded Rs. 200/- from your mother for buying liquor/drugs and when she refused to give you the same, you got angry and set your house on fire after pouring Kerosene oil, to which accused Zonunmawia pleaded guilty.

During the trial, 5(five) Prosecution witnesses have been examined and all the prosecution witnesses has supported the prosecution against the accused, but the fired was gutted down after burning only one half of two cushion . After prosecution evidence is closed accused is examined U/S 313 Cr.PC and answer the question as follows :-

Q.1. The evidence against you is that on 10-2-2014 evening you demanded Rs. 200/- from your mother for buying liquor/drugs to intoxicate. What do you say ?

Ans: I demand Rs. 200/- for purchasing liquor

Q. 2. When you demanded Rs. 200/- from your mother, your mother refused to give you. What do you say ?

Ans: Yes, my mother refused me to give Rs. 200/- and I feel angry as I was already drunk.

Q. 3. When your mother refused to give you Rs. 200/- you got angry and poured kerosene on the couch inside your house and then set on fire. What do you say ?

Ans: I poured kerosene on the couch, and cushion, and I fired with matches.

The accused has no defence witness and the Id. counsel Mr. H. Lalrinthanga submitted oral argument stating that the accused was committing the offence while he was drunk and now stop all his bad habit, complainant who is also father of accused and family had pardoned him, and prayed the court to release him on bail as soon as the case is committed on this Session Court after charge sheet is submit, and prayed to show leniency to the accused the Id. Addl. Public Prosecutor prayed to convict the accused for the offence he had committed.

In view of the submission of both parties and on perusal of the material evidence available on record, I find that the accused had committed an offence in his residency the commission of offence does not amounted the charge section of 436 IPC, but accused used to disturb his family while he was under the influence of liquor and drugs.

I therefore, convicted and sentence him U/s 506 IPC by altering the charge section of 436 IPC as per provision of Section 216 Cr.PC to undergo

S.I for a period of 3(three) months and to pay a fine of Rs. 1000/- id 10 days. S.I.

Seized articles if any shall be destroyed.

The case is disposed.

Sd/ VANLALMAWIA,

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

Memo No _____AD & SJ-I/2015

: Dated Aizawl the,27th January 2015.

Copy to :

1. District & Sessions Judge, Aizawl District, Aizawl.
2. The Superintendent of Central jail, Aizawl.
3. Accused C/o H. Lalrinthanga Adv.
4. I/C Registration judicial Branch.
5. Guard File.
6. Case Record.

PESHKAR