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

Sc No 42 /2014 Crl.Tr.No. 735/2014,U/S 376(2)(I) IPC IPC, Kawnpui P.S Case No.10/2014.

State of Mizoram : Complainant

Vrs

Vanlalvena : Accused.

**BEFORE** 

Vanlalmawia Addl District & Sessions Judge, Aizawl Judicial District, Aizawl.

#### **PRESENT**

For the Opposite party : R. Lalremruata, Addl. P.P.

For the Accused : James Lalrintluanga, Advocate.

Date of Order : 12.5.2016

**ORDER** 

The prosecution story of the case in brief that on 10.5.2014 Lalthanzauvi of Kawnpui Zotlang submit a written complaint that on the same day @ 12:00 to 1:00pm, her daughter Lalramhluni 6 yrs was sexually assaulted by one Vanlalvena 55 yrs S/o Lalhmingthanga of Kawnpui Zotlang inside his house. Hence, Kawnpui P.S Case No.10/14 dt.10.5.2014 u/s 376(2)(i) IPC registered and investigated into.

During investigation, PO was visited and drew sketch Map of the P.O.m Birth certificate of the victim Lalramhluni was also obtained. The alleged accused Vanlalvena 55 yrs S/o Lalhmingthanga of Kawnpui Zotlang was arrested and recorded his statement. The arrested accused Vanlalvena is employed as Security duty under ABCI at Kawnpui Quarry. On the same day he left his duty place for home at around 12 noon to take food. When he reached at home he found the victim and her friend playing at the lawn. Then he called the victim inside his house and promise her to give money and then sexually assaulted her on the bed trying to penetrate into her private part but did not due to feeling pain by the victim. Victim Lalramhluni 6yrs was medically examined and medical report revealed that Hymen of the victim is partially raptured. Which come under the purview of u/s 376(2)(i) IPC.

All vital vailable witnesses were examined and recorded their statements. Hence a prima facie case u/s 376(2)(i) IPC is found well established against the accused Vanlalvena 55 yrs S/o Lalhmingthanga of Kawnpui Zotlang.

Charge u/s 376(2) IPC was read over, explain in the language known to him to which he pleaded not guilty and claims for trial. During the trial the prosecution examined 4(four) witnesses.

P.W No.1 Lalthanzauvi, who is also complainant, deposed that on 10.5.2014 while she was at home, her daughter victim came to her and she complain her private part stating that her private part is paining, while delivering urine on looking her private part(vagina) and look like ulcer, and red in colour and asked her why, she stated that she was called by accused Pu Vena while they were playing with her friend, and entered in the house of Pu Vena. Pu Vena locked the door of his house from inside and shall give Rs.10/- . He told her to lay on the bed, and he inserted his penis in her vagina, and felt paining said to the accused that is paining, even though the accused is pushing his penis in her vagina and told her that Pu Vena has given her Rs.10/-/. She and her friend Lallawmkimi approach Kawnpui Police Station, and submitted FIR and the Police registered the case and brought the victim was examined medically, and Birth certificate of the victim is handed over to the police.

In her cross examination, she was available while her victim daughter was medical examined and from her knowledge accused had a actually have sexual intercourse, and the penetration in her vagina is actually his penis and not finger.

P.W No.2 the victim girl stated she know accused, who is residing in her neighbor she was 6 yrs old studying class-I accused called her as 'Lapui' came to me, and I will give you money for purchasing, and then she follow the accused at his residence. He then locked the door from inside and told her to lay on the bed, and tried to shout, but he put his hand on her mouth, and took off her under pant with his one hand. Accused has then inserted his penis in her vagina and could not shouting as he hand was put on her mouth. His penis was big and erected and tried to penetrate his penis in her vagina which cause highly paining to her vagina. After accused took out his penis from he vagina, accused has given Rs.10/- and instructed her not to tell any body and if she say so, she will be beaten, she informed her mother as her vagina was paining while passing urine, all the incident she was then brought to the Police and to the doctor for investigation.

In her cross examination, the victim stated that Pu Vena(accused) had two sex, once in 10.5.2014, and could not remember the first one, and her vagina was with blood on this second incident of 10.5.2014. accused Pu Vena used his penis to have sex with her.

P.W No.3, Dr. Lalrinpuii, Kawnpui PHC stated that the victim was brought to her while she was on duty on 10.5.2014, at around 6:10pm, on her examination no injury mark was found on the body, on genital examination mild laceration seen in fourchette meaning a cut of wound was found inside the vagina and hymen was partially rapture, and exhibited her report as exbt P-5. In her cross, she stated the mild laceration seen in the fourchette was cause by incident on the date of examination, and the cause of laceration and partial rupturing of hymen was caused by insertion of penis, and was cause by incident on the date of examination.

P.W No.4, S.I Lalmalsawma, Kawnpui P.S stated that I am working as S.I of Police Kawnpui P.S. While I was on duty at the said P.S, we received a complaint on 10.5.2014 evening by Pi Lalthanzauvi stating that her daughter namely Lalramhluni aged 6 yrs was sexually assaulted by accused Vanlalvena on 10.5.2014. I was the O/C of the said P.S. I visited the P.O, arrested the accused, interrogated him, examined the victim who stated that she was a rape by the

accused, examined the witness. I also sent the victim for medical checkup to Kawnpui PHC. After investigation and based on all materials available I found a prima facie case U/S 376(2)(i) IPC well established against the accused and I sent him up for trial.

Exbt P-3 charge sheet including statement of witnesses victim and accused, P-3(a) is my signature.

Exbt P-4 arrest memo, P-4(a) is my signature.

Exbt P-5 is medical report.

Exbt P-6 is sketch map P-6 (a) is my signature.

Exbt P-7 is F.I.R, P-7 (a) is my signature.

#### Cross examination by the Defence counsel:

It is a fact that statement of the accused victim and mother of the victim were recorded by me.

It is a fact that Police personnel were present at the time of examining the victim by Medical Doctor.

It is a fact that the brief fact of the case in the charge sheet stated that the accused sexually assaulted the victim by trying to penetrate into the private part of the victim but did not, due to feeling of pain by the victim.

It is a fact that the statement of the victim in the charge sheet stated that the accused penetrated into the victim private part.

It is a fact that the brief story of the incident as recorded by the Medical Officer, Kawnpui stated that the accused penetrated his penis inside the victim vagina and it is the second time that the accused had done to the victim.

It is a fact that I have prepared the complete charge sheet on the day F.I.R in the instant case is submitted. This instant case is the only rape case in which I had prepared charge sheet on the same day FIR have been lodged.

It is a fact that while recording the statement of the accused the accused denied the charge against him in the F.I.R

It is a fact that the accused was not sent for Medical Examination since he denied the charge against him.

It is a fact that as per my investigation there is no penetration inside the private part of the victim.

It is a fact that I am deposing falsely in the court today.

**Re Exam**: When I said in the cross examination that there was no penetration I mean that the accused pushed his private part into the victim private part just deep enough to tear the hymen. However, there was no full penetration.

The accused Vanlalvena was examined u/s 313 Cr.P.C, and answered the question as followed :

Q.1. At Kawnpui Zotlang you are staying next to the house the victim. What do you say ?

Ans: Yes, I am saying near the house of victim.

Q.2.. It is from the evidence that Lalramhluni the victim was only six years old last year i.e 2014. What do you say ?

Ans: Yes, she was only six years old.

Q.3. It is from the evidence that you called Lalramhluni the victim inside your house and promised to give her money on 10.5.2014 @ 12:00 noon. While she was playing outside. What do you say ?

Ans: I do not call her, but she entered in my house with her two friend and came alone after her two friend left me.

Q.4. It is from the evidence that after you called her inside your house, you locked the door inside, made Lalramhluni slept on the bed, removed her under pant. What do you say ?

Ans: I locked the door and do not made slept on the bed, and not removed her pant.

Q.5. It is from the evidence that as you removed her under pant she was trying to shout for help, but you stopped her by putting your hand at her mount. What do you say?

Ans: I did not do to put my hand on her mouth to stop shouting.

Q.6. It is from the evidence that you then penetrated your genital/private part inside her vagina. What do you say ?

Ans: I donot penetrate my private part to her vaginal.

Q.7. It is from the evidence that so you gave Lalramhluni Rs.10/- and told her not to tell anyone. What do you say ?

Ans: I gave Rs.10/- to purchase cigarette which is Rs.5/- and the other Rs.5/- for herself.

Q.8. It is from the evidence that your private part was erected when you penetrated. What do you say ?

Ans: My penis cannot be erected.

Q.9. It is from the evidence that there was mild laceration (cut wound) and partial rapture on the private part of Lalramhluni on 10.5.2014 when she was examined at Kawnpui PHC. What do you say?

Ans: The allegation is false.

Q.10. It is from the evidence that she said laceration and partial rapture were of very recent. i.e on the day of medical examination itself. What do you say?

Ans: I do not know whether she was examined by Doctor or not.

Q.11. It is from the evidence that on examination of impotency by the Medical Board, Aizawl Civil Hospital, there was nothing to suggest that you were impotent. What do you say?

Ans: The Medical Board give me injection on my penis, and became bigger, but not erected.

Q.12. It is from the evidence that you were arrested on 10.5.2014 due to your sexual assault on Lalramhluni. What do you say ?

Ans: Yes, I was arrested.

The accused Vanlalvena produced two defence witness Zonunmawia and his wife Kumari @ Lalnunthari defence No.1 Zonunmawia deposed that :

I am the father of the victim in the instant case. The reason that the accused is charge with the offence of rape in this case is that the person Deepak(L) to whom the victim was alleged to have brought cigarette and sweats along with one of the neighbor namely Mrs Piani falsely implicated the accused to the mother of the victim which resulted in filing the case. Also that the mother of the victim instructed the victim to falsely implicated the accused. It is also a fact that I was not cited as prosecution witness because my Ex-wife who is the mother of the victim intended to pursue the case against the accused as per the allegation made by Deepak(L) store keeper and Mrs Piani who is our neighbor. It

is a fact that the reason why the victim could not stood as defense witness is that she was taken away by her mother while eloping from me.

#### **Cross examination**

My wife and I have been separated since September 2015 and the victim is not staying with me.

It is a fact that I do not have any document to show to the court today that I am the father of the victim

It is not a fact that I deposed due to the reason that I separated with my wife.

Defence No.2 Kumari @ Lalnunthari deposed that:

I know the accused Vanlalvena who is standing in the court today as he is my husband.

The accused and my self got married long time back. Since the accused manhood was damage due to accident he cannot perform any sexual activities. In spite of us being husband and wife my husband could not perform any sexual activities and also that I have never experience any sexual interest from my husband after my marriage to the accused.

#### **Cross examination**

It is not a fact that I deposed due to the reason that the accused is my husband.

Though we have a marriage certificate I did not bring the same today.

Beside the four prosecution witnesses and two defense witness, the court has one witness, Dr. Rosangluaia Medical Superintendent, Civil Hospital, who submitted that :

The fact of the case is that on dated 9.6.14 Vanlalvena is produced before the Medical Officer for examination of impotency test but Penile(Penis) colour Dopler Synography cannot be done at Civil Hospital Aizawl and then he is forwarded to Trinity Diagnostic Centre for the said test. Later on we find that Trinity Diagnostic Centre cannot perform the said test and then he is forwarded again on Medical Board he subjected to Papavarin Injection test at Civil Hospital Aizawl and from our findings the test result is positive and from our opinion there is nothing to suggest that the accused person is impoten

#### Pu R., Lalremruata, Addl. Public Prosecutor submitted that

- 1. That the victim Lalramhluni was born on 05.11.2008 as per her birth certificate. Ext. P-2 issued by Registrar of Births and Deaths, Kawnpui-II, Sl. No. 99261, date of Issue-08.11.08.
- 2. That PW No. 4, Case I/O S.I. Lalmalsawma deposed that the accused Vanlalvena did push his private part inside the vagina of the victim just deep enough to tear the hymen, however there was no full penetration, which means that there was a penetration.
- 3. That the PW No. 3, Dr. Lalrinpuii of Kawnpui PHC who examined the victim deposed that a cut wound was found inside the vagina of the victim and hymen was partially raptured.
- 4. That the victim as PW No. 2 stated before the Court that the accused raped her by penetrating his private part into her vagina against her will.
- 5. That Court witness No. 1, Dr. Rosangluaia, Medical Superintendent, Civil Hospital, Aizawl deposed that on examination of the accused, the Medical Board found that there was nothing to suggest that the accused Vanlalvena was impotent.
  - 6. That the accused on examination U/s 313 Cr.P.C., he stated that he locked the door when the victim entered his house.

Hence, it is clear that the accused Vanlalvena raped Lalramhluni on 10.05.14.

Mr. James Lalrintluanga, ld. counsel for the accused also submitted his argument in writing as followed :

That the defense of the accused is that he is innocent and denied the allegation and plead not guilty and also denied on the examination of the accused u/s 313 of Cr.PC. the accused denied the allegation against him from the first time by stating that *he is impotent* due to accident in 1986 while he was serving as an Indian Army and a copy of Medical Certificate in his support was issued by Vellore Hospital but the same was lost as it was long time back. His statement regarding the accident could be seen from the surgical scar in his lower abdomen till date and he further stated that he could not perform any sexual activities from the date of accident till today.

- That During the course of trial as many as 4(four) prosecution witnesses were examined to proof the guilt of the accused. In the statement made before the police all the witnesses alongwith the victim mentioned one incident of sexual assault. But during the trial three witnesses namely 1. Lalthanzauvi, 2. Dr. Lalrinpuii Chawngthu and 3. Lalmalsawma S.I stated that one incident of sexual assault occur while the victim change her statement by stating that there was two incident of sexual assault. More over all the prosecution witnesses alleged that the accused solely used his male genital for sexually assaulting the victim.
- 4. That the accused denied the allegation against him from the beginning by stating that he is impotent and even prayed for medical examination to ascertain whether he is impotent or not.
- 5. That on 04.06.2013 due to the ground raised by the accused this Hon'ble Court passed an order directing special superintendant, Central Jail, Aizawl to sent the accused to Civil Hospital, Aizawl to ascertain whether the accused is impotent or not within two days, and report to be submitted before the court on or before 09.06.2013. copy of this court order was served to:-

- i) Special Superintendant Central Jail,
- ii) Medical Superintendant, Civil Hospital,
- iii) Accused, and
- iv) Addl. P.P. and fixed 09.06.2014 for hearing.

On 09.06.2013 Medical Report from the Medical Superintendant Civil Hospital, Aizawl showed that the accused was advised to undergo three test namely:

- a) Urine Routine Examination,
- b) UDRL Test and
- c) Penile (Penis) Colour Doppler Synography.

Even though Test No. 'a' and 'b' are conducted the third test i.e, Penile (penis) Colour Dopler Synography test cannot be done at Civil hospital, Aizawl and the report suggested that it can be done only at Trinity Diagnostic Centre, Zarkawt Aizawl.

In the circumstances, the accused was allowed conditional bail for one month, as per court direction, the accused approached Trinity Diagnostic Centre, aizawl to undergo the third test. However as the test kid was not available, the test cannot be conducted on 09.07.2014. The counsel for the accused applied for regular bail on this ground.

In the meantime on requisition of the Hon'ble Court the Medical Board submitted Medical Examination report of the accused in respect of impotency and highlighted the following investigation:

- a. X-Ray Lumbo Sacral Spine AP & Lat: Spondylosis
- b. Urine Routine and Microscopic

#### c. Blood- URDC

d. Papavarin Injection Test, and finally concluded that "there is nothing to suggest that the person is impotent"

It is to be noted here that on the basis of Medical opinion sent on 30.07.2014, the accused alleged that the third test was not conducted and pray for regular bail as to ascertain his stand and the prayer is allowed.

Accused approached NEIRHRIMS Hospital, Shillong as an OPD patient on 28.08.2014 and undergo different test including the third test i.e, Papavarin injection test and the result which is highlighted in the OPD showed that there is no erection and the patient is advised to undergo surgery which could cost around Rs 30,000/- so as to perform sexual activities, which confirm the stand of the accused that he cannot perform sexual activities with his genitals as he is impotent.

#### On deposition of prosecution:

PW No. 1 (Victim Mother) – alleged rape on 10.05.2014 and accusing the accused Vanlalvena using his genital parts.

PW No. 2 (Victim) – stated that the word "Lu" in the statement before the police was not understood by her, alleged rape her twice and the previous date was not known by her. And she alleged blood from her vagina due to rape. And she alleged the accused of raping her by his genital only.

PW No. 3 ( M.O ) – the Medical officer deposed that there was no blood stain on the vagina.

PW No. 4 (I.O) - deposed that the accused denied allegation against him while his statement was recorded during Police custody, however, the statement made before Police showed that the accused accepted the allegation leveled against him.

The above prosecution witnesses deposition showed the victim not understanding her statement, bloodstain allege not found by Medical Officer, and Investigating Officer falsely recording the statement of the accused.

### On deposition of Defense Witnesses:

DW No. 1 (Victim Father) – his deposition confirmed with the statement of the accused during examination under section 313 Cr.P.C. that the victim was sent to purchase Cigarette and Sweets and the allegation leveled against the accused was the result of false implications by the shop Keeper along with one of their neighbor namely Mrs Piani.

DW No. 2 (Accused Wife) – her deposition is in conformity with the accused that the accused never perform sexual activities due to impotency with her.

### On medical examinations by Medical Board, Mizoram

- a) Urine Routine Examination conducted on 09.06.2014
- b) VDRL Test Report conducted on 09.06.2014
- c) X-Ray Lumbo Sacral Spine AP & Lat conducted on 16.07.2014

It is to be noted that the Test Report showing the above examination was submitted to the Hon'ble Court. However one test namely Penile (Penis) Colour Doppler Synography or Papavarin Injection Test Report was not produced before the court which is the main argument of the accused from the date, opinion of the Medical Board was submitted to the court.

From the day the medical opinion was received the counsel for the accused argued that Papavarin Injection Test was never conducted on the accused by the Medical Board. The Medical Board failed to make an opinion on the accused impotency in question before, and advised the accused to undergo the test at Trinity Diagnostic Centre, Aizawl due to lack of the Test Kit. Even at Trinity Diagnostic Centre, Aizawl the test could not be done as they have also lack the requisite Test kit. It is very surprising how the Papavarin Injection Test was conducted on the accused inspite of previous incident, also without the test

report to confirm the Medical Board opinion. Even the Superintendent of Medical Board on his examination before the hon'ble Court verbally support the opinion of the Medical Board without citing the reasons for not submitting the test report for Papavarin Injection Test.

Hence the opinion of the Medical Board is not reliable, without supporting documents and not trustworthy. The accused never stray from his statement before the Police nor the Medical Board or before the Court during section 313 Cr.P.C Examination.

Even the allegation of twice rape incident which arised in the victim deposition is very doubtful as there was no supporting statement made before the Police or the Court by her or any other witnesses

- 6. That the accused persons were examined U/S 313 Cr.P.C to which they denied every allegation made against them by the prosecution.
- 7. That the prosecution could not prove the guilt of the accused beyond all reasonable doubt. Hence, the accused persons are liable to be acquitted from the criminal liability charged u/s 376(2)(i) of IPC.

In this instance case, the main defense statement of accused is impotency, stating that he was unable to commit rape, or any sexual activities, the medical report of victim girl revealed that the hymen is partial rapture, and the P.W No.3 Dr. Lalrinpuii submitted in her cross examination that in her opinion the cause of laceration and partial rupturing of hymen was caused by insertion of penis, the accused was examined by Medical Board Aizawl Civil Hospital, and their report and finding was foreword to the court by Dr.Rosangluaia Medical Superintendent, who is also chairman of the Medical Board the detail examination report run as follow:

# **PROFORMA FOR EXAMINATION OF A CASE OF IMPOTENCY**

1. Name of the individual : Vanlalvena, age 55 Sex : Male

2. Address : S/o Lalhmingthanga (L) Kawnpui Hmar

veng.

3. Occupation : Security Guard, ABCI Site Office, Kawnpui.4.Brought by : Lalthianghlima, Jail Warden, Central Jail,

. Laithanghina, Jan Warden, Central Jan

Aizawl

5. Time and place of examination: 12:30pm at Civil Hospital,. Aizawl.

6. Consent of the individual for examination

7. Marks of indentification: 1)a black mole

on right ala of nose 2) a black mole

on front of neck.

8. History of the case: the accused states that, on the 10<sup>th</sup> May 2014, while he was having food at his residence at about 12:15 pm, a girl namely Lapuii 6 yrs old d/o Mawia, Kawnpui, entered his residence and stayed with him, till the accused finished his fool and after having food, he asked the girl to purchase some cigarettes, she then went away. Later, he was then charged of raping the girl. But he claimed to be impotent since he met with an accident in the past.

# **Physical examination**

1. Physical development: No adbormality detected (NAD)

2. Secondary sexual characters: NAD

3. Development of genitals: NAD

4. Illness a) acut: NAD

b) chronic : NAD

c) local : NAD

d) injuries : scar mark on lower abdomen

e) addictions: smoking, other addiction-NIL.

f) operations: previous operation- due to accident as per

the accused. Documentation proof of type

of operation cannot to be furnished.

5. Psychic caused : No abbormality detected (NAD)

6. blood pressure : 100/70 mm hg

#### **Investigation**

X-Ray Lumbo Sacral Spine AP& Lat: Lumber spondylosis

#### **Laboratory Examination**

1. Urine-routine and microscopi

albumin-trace, sugar \_NIL\_ Pus Cell-

3-5

2. Blood- VDRL: Non Reactive

3. Papavarin injection Test: Positive.

# Opinion

From the examination of : the accused Vanlalvena bearing identification marks 1) A black mole on right ala of nose 2) a black mole on front of nect.

There is nothing to suggest that the person in impotent.

The main report/finding of the said Medical Board ks that "There is nothing to suggest that the person (accused Vanlalvena ) is impotent" the X-Ray result of Lumbo Sacral spine AP and lat view also defind the condition of accused Vanlalvena as followed:

# X-RAY LUMBO SACRAL SPINE AP& LAT VIEWS. (Test Date/time: 16.7.2014, 11L23:32)

X.Ray lumbo Sacral Spine AP & Lat views.

The vertebral bodies show osteophytic formations at bony margins.

The visualized disk spaces are reduced.

Alignment of the vertebral bodies is normal.

Posterior elements and facet articulation look normal.

Bony lumbar canal appears adequate.

No abnormality is noted in the pre or paraspinal soft tissues.

Dr. Rosangluaia, Medical Superintendent Civil Hospital, Aizawl who is court witness also stated in his examination in chief that "From our finding the test result is positive and from our opinion there is nothing to suggest that accused (Vanlalvena) is impotent and defence council James Lalrintluanga Advocate declined to cross.

On the other hand, the ld counsel argued that accused approached NEIRHRIMS Hospital Shillong as an OPD patient on 28.8.2014 and undergo different test including the third test i.e Papavarin injection test and the result

which is highlighted in the OPD showed that there is no erection at the patient is advised to undergo surgery which could cost around Rs.30,000/- so as to perform sexual activities, which confirm the stand of the accused that he cannot perform sexual activities with his genital as he is impotent.

The ld council further argued that the deposition of Dw No.1 victim father confirmed the statement of the accused during examination u/s 313 Cr.P.C that the victim was sent to purchase cigarette and sweet and the allegation leveled against the accused was the result of false implication by the shop keeper along with one of neighbor namely Mrs Piani, the deposition of DW No.2, wife of accused is in conformity with the accused that the accused never performed sexual activities due to impotency with her. But on thorough perusal had only been based only false implication, how partially rupturing of hymen of victim happened there was no any married certificate to show D.W No.2 is wife of accused or how could she can give statement against her husband, who give her daily bread to her.

On the other hand, the Medical Board can only stated that there is nothing to suggest that the person is impotent, without certifying that the penis of accused can be erected to function sexual inter course, the accused person informed the court that due to the treatment of Medical Board, his penis become bigger but not erected. The NEIRHRIMS Hospital has finding that there is no erection at the patient and the patient is advise to undergo surgery which could cost around Rs.3000/- so as perform sexual activities.

So, the finding of two Hospital are contradicted, and hence no effective evidence can be obtained to ascertain whether the accused is impotent or not to commit rape to the victim.

During the trial, Pi Lalthanzauvi, P.W No.2 and who is also complainant in this instance case submitted withdrawal petition standing that she had pardon accused and due to misunderstanding of the truth, the FIR was lodged, and prayed the court to accepted/admit her petition of withdrawal of the case, and her petition was witnessed by Mr. H.L.Fakzuala, President, Y.M.A Hmar veng Branch Kawnpui.

Since there was a loophole in the medical test report to ascertain as to whether accused is impotent or not to commit rape, the prosecution fails to establish a prima facie case u/s 376 IPC against the accused.

I therefore acquitted accused Vanlalvena from the liability of the charge leveled against him U/S 376 IPC, and set him at liberty.

Bail & Bail bond stand cancelled.

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

Memo No \_\_\_\_\_AD & SJ-I/2016: Dated Aizawl the,12<sup>th</sup> May 2016 Copy to :

- 1. District & Sessions Judge, Aizawl District, Aizawl.
- 2. Accused Vanlalvena S/o Lalhmingthanga C/o James Lalrintluanga Advocate.
- 3. Addl. PP
- 4. Deputy Superintendent of Police (Prosecution).
- 5. Judicial Branch.
- 6. Case Record.
- 7. Guard File.

**PESHKAR**