

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

*Sc No 4 /2015
Crl.Tr.78/2015 U/S 436/379/186/323/321 IPC,
Ngopa P.S Case No.9/2014.*

State of Mizoram : Complainant

Vrs

V.T.K.Munga & 9 ors : Accused.

BEFORE

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

PRESENT

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

For the Accused : C.Zoramchhana, Advocate.

Date of Order : 25.11.2016

ORDER

The prosecution story of the case in brief is that on 19.5.2014 at 1:20 pm, a written FIR was received from R.Lalruala S/o Saphmuaka (L), Range Officer, Lengteng Wildlife Sanctuary, Mizoram to the effect that on 16.5.2014, 15 members of Forest Protection Division from Aizawl under the leadership of K.Zairema R.O in connive with six numbers of staff from Champhai and seven numbers of Forest Staff from Tualcheng arrived at Samakzawl turning point near Selam Village to recover and seized illegal timber cut by Selam Village within Lengteng Wildlife Sanctuary vide Notification Nol.B.12012/15/94-FST Dt.13.5.2001. cutting of timber inside sanctuary is the violation of

Wildlife(Protection) Act 1927 Sec 27 & 29 and liable to punish as per sec. 51 and the violation of Supreme Court Order Dt.14.2.2001 and 21.2.2000, also is the violation of Supreme Court Order dt.12.12.1996 and 15.1.1998, no one should cut tree without prior permission of Government and is violation of Mizoram (Forest) Act 1995 Sec 4,5, &24, no one should cut upon tree and cutting of timber without the permission of Government. Due to the above reasons, they seized some numbers of timbers lying on the road side and were loaded in their vehicles. Some of the staff under the leadership of K.Zairema with Gypsy and Department bus entered inside Selam Village and stayed at Pu Lalhmachhuana's house. They informed about seizing and loading of the illegal timbers in their vehicle. Suddenly, one unknown person make an announcement through a loud speaker and informed the villagers to come out and to proceed to Samakzawl turning point where timbers were seized. Therefore, a large crowd of people from Selam Village proceeded to Samakzawl junction and assaulted the Forest Department staff with weapons who were doing their duty. As a result of which, Driver Lalzawmliana and Gilbert Lalchuangliana F/G sustained injury on their body. Moreover, Selam villagers burnt down one Department vehicle 709 Truck B/Regn. No.MZ-01/B-6460 and obstructed official duty of the department. All these incidents happened due to the incitement of Pu N.Lalhmachhuana, VCP and VC Secretary of Selam Village. Hence, NOP-PS C/No 9/2014 dt.19.5.2014 u/s 436/379/186/323/34 IPC r/w 33(f) Indian Forest Act 1927 was registered and duly investigated into.

During the course of investigation, the complainant was thoroughly and carefully examined and recorded his statement. The P.O was visited physically under the supervision of SDPO, Khawzawl and arrested 10 nos of the ring leaders who took the responsibility of the incident namely 1) VTK Munga(48) S/o Kapkhanthanga (L) 2) MC Ngaihliana (34) S/o Thangkhanpianga(L) 3) MS Khuma(30) S/o Vialpauva 4) Thangngaihliana (41) S/o Thangtinthanga 5) K.Thangzangura(55) S/o Vialthanga (L) 6) Tualzasiama (32) S/o Thangkhanpianga(L) 7) Enrodinga(29) S/o Thangzangena 8) NK Khaia (33) S/o Nangsialthawna 9)m Kamlamkhupa(32) S/o Kamdopauva(L) 10)

N.Lalhmachhuana (43) S/o Awnthanga (L) all of Selam Village, Champhai District. All of them were thoroughly and carefully interrogated.

On interrogation of Accused 1. VTK Munga(48) S/o Khupkhanthanga of Selam Village, he stated that he is the present VCP of Selam Village. On 16.5.2014, some staff of Forest Department arrived at Selam Village and came to learnt that they have seized their timbers which were kept at Samakzawl junction. Therefore, some people rushed to Samakzawl junction on being informed of the seizure. He also went to the house of Pu Lalhmachhuana in which some Forest staff were having a meeting. In the meantime, some villagers continued to proceed towards Samakzawl and he also proceeded to the place with Forest Department Gypsy to inquire the matter. On reaching the spot, he saw that some villagers were obstructing the staff of Forest Department in loading the seized timber. Just when he was about to return to Selam Village, one of the Truck of Forest Department caught fire and got burnt down. He then returned to Selam Village and found that some Forest staff was still there in the house of Pu Lalhmachhuana. The Forest staff asked him what had happened at Samakzawl and told them that the angry mob had set fire to one of their Truck. He then accompanied Forest staff up to Samakzawl to prevent other untoward incident. He further stated that he took responsibility as a leader of the Village. His statement was also recorded.

On interrogation of accused 2. N.K.Khaia(33) S/o Nangsialthawna of Selam Village, he stated that he is the Vice President, YMA, Selam Branch and live with his parents at Selam Village. He further stated that he was not present during the incident which took place on 16.5.2014 as he was away from his Village to attended his sick brother at Champhai. He also stated that he took responsibility as one of the village leader. His statement was also recorded.

On interrogation of accused 3 MC Ngaihliana (34) S/o Thangkhanpianga of Selam Village, he stated that he is the High School teacher of Selam Village and the present YMA President. He also stated that on 16.5.2014, some staff of Forest Department arrived at Selam Village in their vehicles and informed them that they were going to seized timbers at Tualcheng road. On hearing the news, a large number of Selam Villagers proceeded to the place with vehicles to inquire

the matter. He also stated that he went to the house of Pu Lalhmachhuana where Forest staff were residing. He further stated that he then accompanied the Forest staff up to Samakzawl junction and saw that one of the Forest Truck was burnt down by an angry mob. He took responsibility as one of the Village leader. His statement was also recorded.

On interrogation of accused 4. K.Thangzangura (55) S/o Vialthanga(L) of Selam Village, he stated that he was one of the member of VC Selam. On 16.5.2014, some staff of Forest Department arrived at Selam Village in their vehicles and informed them that they were going to seized timbers at Tualcheng road. On hearing the news, a large number of Selam Villagers proceeded to the place with vehicles to inquire the matter. He also stated that he went to the house of Pu Lalhmachhuana where Forest staff were residing. He further stated that he then accompanied the Forest staff up to Samakzawl junction and saw that one of the Forest Truck was burnt down by an angry mob. He took responsibility as one of the Village leader. His statement was also recorded.

On interrogation of accused 5. Thangngaihliana(41) S/o Thangtinthanga of Selam Village, he stated that he is the present Treasurer of Selam VC and live in the village with his family. On 16.5.2014 at about 12:00pm, he was informed by his wife Manneihthangi that some Forest staff and Selam Villagers were having a disagreement over their timber at Samakzawl and he therefore rushed to the spot where the timbers were seized by Forest staff. He also stated that he saw the angry mob of Selam villager assaulted the Forest staff and burnt down one of the Forest Department Truck. His statement was also recorded.

On interrogation of accused 5. Thangngaihliana (41) S/o Thangtinthanga of Selam Village, he stated that he is the VC member of Selam Village. On 16.5.2014, he was informed by his mother in law that some strangers were loading timbers in a vehicle at Tualcheng road. Since, he was having some timbers at Thlikthlizau, he rushed towards the place and saw some Forest staff were loading timbers in their vehicles. He was found that his timbers were still in the place where they were kept. He came to know that timbers being loaded by Forest Department belongs to MS Khuma VC Secretary and Khenkhanpauva (village crier). He also stated that he event requested the Forest staff not to

seized the timbers and the Forest staff told him to talk to their leader who was going to Selam Village. He informed the matter to VCP, Selam through mobile phone and while he was informing their VCP, MS Khuma with some youths of Selam Village arrived at the place with a vehicle and on foot. The angry mob told the Forest staff to unload the timbers and assaulted them. He along with VCP left the place for Selam Village to accompany Forest staff who were still in the Village to avoid further problem. When they came back from Selam Village, he saw that one of the Forest Truck was burnt down by Selam Villagers. His statement was also recorded.

On interrogation of accused 7. Khamlamkhupa (32) S/o Kamdopaua(L) of Selam Village, he stated that he was the present Asst. Secretary, YMA Selam Branch. On 16.5.2014, he came to know that Forest staff had seized and loaded timbers in their vehicle at Samakzawl junction and went to the place with others. When they reached the place, one of the department vehicle was already burnt down by Selam Villagers and he added that the responsibility lies on the local leaders of Selam Village. His statement was also recorded.

On interrogation of accused 8. MS Khuma(30) S/o Vialpaua of Selam Village, he stated that he was the present VC Secretary of Selam Village. On 16.5.2014 at around 12:00pm, some staff of Forest Department arrived at Selam Village in their Department Gypsy and Bus and some villagers assembled near his house and requested him to take them to Samakzawl in his vehicle as Forest staff had seized and loaded their timbers. He then take them to the place three times in his vehicle and the villagers burnt one of the Department Truck just before he deliver the third trip. His statement was also recorded.

On interrogation of accused 9. Enrodinga(29) S/o V.Thangzangena of Selam Village, he stated that he is the present Secretary of YMA Selam Branch. On 16.5.2014, Forest staff arrived at their Village and came to know that they had seized and loaded some timbers at Samakzawl. On learning the news, Selam people assembled in front of Pu Lalmachhuana's house and proceeded to Samakzawl junction. He also stated that as he is one of the leader of YMA, he also proceeded to the place and found that the angry crowd had set fire to one

of the Department Truck. He further stated that he took responsibility as leaders of the village. His statement was also recorded.

On interrogation of accused 10 N.Lalhmachhuana(43) S/o Awnthanga (L) of Selam Village, he stated that he is the Headmaster of Selam High School. On 16.5.2014 after School break Pu Zairema(RO) Forest Department came to his house and told him that they had seized some timbers in the jungle Pu Zairema then told him to inform their VCP while VCP and others came inside his house. He went out from his house and saw that a number of Villagers gathered in front of his house. He informed them that the Forest staff had seized their timbers and loaded them into their vehicles at Samakzawl junction. A large crowd of people then proceeded to the place and soon followed them with others in a Gypsy. When he arrived at the place, he saw that the angry mob had unloaded the timbers from the Forest Truck and assaulted the Forest staff. He also found that the angry mob had burnt down one of the Forest Truck. His statement was also recorded.

Hence, all the ten accused persons who took responsibility of the incident as a local leaders of Selam Village were formally arrested by preparing proper arrest memo. Among the ten arrested persons three persons were Government Servant and Arrest intimation for the three arrested Government servants Viz. N.Lalhmachhuana(43) S/o Awnthanga(L), Headmaster, Selam High School, Enrodinga(29) S/o Thangzangena, Hindi Teacher, Selam Middle School and MC Ngaihliana(34) S/o Thangkhanpianga(L) Teacher, Selam High School was given to the District Education Officer, Champhai District, Champhai.

Seizure of burnt vehicle 709(Truck) B/R No.MZ-01/B-6460 and 182 nos of sawn timber which was kept at the curved road side were done at the spot in presence of two reliable witnesses and their statements were recorded. Seized articles were kept at PS Malkhana vide MR/No.9/14 and left on Zimmanama to K.Zairema, Range Officer, Forest Protection division, Aizawl Vide Z/No 5/14.

Requisition for Medical Examination of injured person Forest Department Driver H.Lalzawmliana S/o Hmarliana (L) of Zotlang, Aizawl was forwarded to the Medical and Health Officer, Aizawl Hospital, Aizawl. According to Medical Examination report, the Medical Officer opine that he sustained grievous injury in

nature. Requisition for Medical Examination of injured Forest Guard Gilbert Lalchuangliana (26) S/o R.Vanlalvena of Tuikual 'S', Aizawl was forwarded to The Medical and Health Officer, Casualty Department, Civil Hospital, Aizawl. Accordingly to the Medical Examination report, the doctor opined that the nature of injury was simple injury. Both the injured persons Driver H.Lalzawmliana and Gilbert Lalchuangliana Forest Guard were carefully examined and recorded their statements.

Requisition for inspecting the burnt vehicle 709(Truck) TATA MZ-01/B-6460 was sent to MVI, Champhai. According to MVI report, the vehicle is totally damaged.

The below noted available witnesses were examined and recorded their statements :-

1. Witness 1. K.Zairema(56) Range Officer, Aizawl.
2. Witness 2. Lalsanglura Sailo S/o Lalthuama Sailo Forester, Aizawl.
3. Witness 3. Lalchuangliana S/o Rualkhuma (L) Rulchawm Viullage.
4. Witness 4. P.C.Lalchhuanawma P.C Thangkhuma(L) Forester, Aizawl.
5. Witness 5. K.Lalrohlua (52) S/o Rangkhuma Forester, Aizawl.
6. Witness 6. Lalhmingliana(54) S/o R.Lalkunga, Forest Guard, Aizawl.
7. Witness 7. Lalronghaka (51) S/o Darlawma (L) Forest Guard, Aizawl.
8. Witness 8. J.Lalremruata (41) S/o P.E.Chhinga, Forest Guard, Ramhlun North, Aizawl.
9. Witness 9. R.Lalzuala (58) S/o Zaneihthanga, Forester Aizawl.
10. Witness 10. Zohmangaiha (50) S/o Denghluma (L), Forest Guard, Saikhamakawn, Aizawl.
11. Witness 11 Lalthapuia (55) S/o Lala (L) Gorest Guard, Aizawl.
12. Witness 12 Lalthakima (42) S/o Remsiana(L) Forester, Aizawl.
13. Witness 13. Lalropuia S/o Ralngama, Wildlife Guard, Lungphunlian Village.
14. Witness 14 Vanblalhruaia S/o K.Ramdingliana, Wildlife Guard, Tualcheng Village.
15. Witness 15 Biakthansanga S/o Tawnenga(L) Wildlife Guard, Tualcheng Village.

16. Witness 16 Gilbert Lalchuangliana (27) S/o Vanlalvena, Forest Guard.
17. Witness 17. Lalhmingmawia S/o Lalthianghlina, Wildlife Guard, Pamchung Village.
18. Witness 18 Vansangliana S/o V.Thangzela, Forester.
19. Witness 19 H.Lalawmpuia S/o H.Lalhmuaka, Wildlife Guard, Lungphunlian Village.
20. Witness 20 Romalsawma S/o H.Rotluanga, Wildlife Guard, Tualcheng Village.
21. Witness 21 H.Lalzawmliana S/o Hmarliana (L), Driver E&F Zotlang, Aizawl.

On examination of witness 1 K.Zairema(56) Range Officer, Aizawl he stated that as per office order No.B.12012/2/2007-FPD/702-10 dt.13.5.2001, he along with some staff left Aizawl for Selam for official duty on 15.5.2014. the party arrived at Samakzawl junction on 16.5.2014 at around 12:00pm which is just before arrival of Selam Village. There they found a large numbers of illegal timbers and he ordered five numbers of his staff with their labours from Tualcheng Village to load the timbers in their vehicles driven by two drivers. He along with some staff left them and entered Selam Village with their Department Gypsy and Bus and halted in the house of Pu Lalhmachhuana (H/S Teacher) Pu Lalhmachhuana, VCP Selam and other members were there in the house and Pu Lalhmachhuana narrated that the Forest Department have done illegal action against Selam Village and did not consulted Selam Villagers when Sanctuary Notification inside their village areas was issued. The VCP Selam angrily asked them as to why the Department did not gave prior information before coming to their village. He responded by saying that they never give prior information about their duty and informed them that they already seized and loaded some illegal timbers at Samakzawl junction. Pu Lalhmachhuana called up one person through his mobile phone and instructed him to informed all villagers through loudspeaker to come out and proceed to the place where they seized and loaded the illegal timbers at Samakzawl junction. The villagers then come out armed with dao and proceeded to Samakzawl junction crying "Sataw Sataw" at the same time. To avoid further problem, he asked them to unload all the seized

timbers from their vehicles and requested them to write a letter stating Selam people did not allow seizing of the timber. As the situation became tense, he then requested them to go to Samakzawl junction to make peace with the villagers and his staff since he had received earlier that some villagers had assaulted some of his staff H.Lalzawmliana driver and Gilbert Lalchuangliana F/G who sustained injury. He also learnt through SMS that their vehicle 709 Truck B/R MZ-01/B-6460 has been burnt down at around 2:30pm. After the incident, VCP and others returned back to Selam Village with their Department Bus and he along with other staff left Selam Village toward Tualcheng Village on the same day itself.

On examining Witness 2 to 15, they stated that they accompanied their leader K.Zairema, RO Aizawl and their statements corroborate with their leader statement. Their statements affirmed all incidents stated by their leader.

On examining witness 16 Gilbert Lalchuangliana (27) S/o R.Vanlalvena, Forest Guard, he stated that on 16.5.2014, he alongwith other staff under the leadership of Pu K.Zairema, RO, Forest Department left Tualcheng Village to Selam Village for departmental duties. On their way to the village, they found a large pile of illegal timber at Samakzawl junction and loaded the timbers as per their leader's instruction. While they were loading the timber, Pu K.Zairema(RO) and some other staffs left them and went to Selam Village. While they were still busy loading the timbers, large number of people from Selam Village arrived at the place in a Pick-up truck crying "Sataw Sataw". The villagers then started assaulting Pu H.Lalzawmliana (Driver) of Forest Department and he was also not spared and received some blows on his face. He therefore ran away immediately from the place to save himself from the angry crowd. Some more villagers continued to arrive at the place and the situation became more and more tense. When the second or third wave of the crowd arrived at the spot, the situation became very tense and some of them set fire to their Department Truck 709 B/R No. MZ-01/B-6468. At that very moment, Thakima F/G and Pu H.Lalzawmliana fled away towards Tualcheng Village to save themselves and the department vehicle. After situation has calm down, Pu K.Zairema RO with other staff returned

from Selam Village with Forest Department vehicle and straight away proceeded towards Tualcheng Village.

On examining witness 17 to 20, their statement corroborate with witness 16 Gilbert Lalchuangliana F/G and saw all the incidents at first hand at the place of occurrence.

On examining witness 21 H.Lalzawmliana Driver, Forest Department, he stated that he accompanied their leader K.Zairema up to Samakzawl junction where they loaded some illegal timber cut down by Selam Villagers in his driven vehicle. Just after they finish loading the timbers, a large crowd of people from Selam Village arrived at the place with an intention to intimidate them. One of them tried to assault him by slashing him with a dao but luckily missed by his assaulter. He then tried to defend himself by grasping his assaulter by the arm. However, some other people joined him and assaulted him by hitting him on the face and by kicking him on his right ribs. As per their direction, they all unloaded the timbers from the vehicle. Some youth then unloaded 20 litres of diesel from the vehicle and stated that let us burnt down the vehicle. On hearing their intention, he started his vehicle quickly and fled away with Lalthakima F/G towards Tualcheng Village where they were pursuit by some of them while throwing stones at them.

As per instruction received from Higher Authority, the charge section 436 IPC had to be altered with section 435 IPC since it appeared to be inappropriate. Hence, prayer for alteration of section 436 IPC to 435 IPC was forwarded to Chief Judicial Magistrate, Court, Champhai.

Investigation reveals that the villagers of Selam had committed theft u/s 379 IPC by cutting large number of timber from Lengteng Sanctuary without prior permission from the Government violating Supreme Court Order dt.14.2.2000, dt 14.2.2000, dt.12.12.1996 and dt.15.1.1998 that no one should cut tree without prior permission of Government. When accused 10 N.Lahmachhuana (43) S/o Awnthanga (L) of Selam Village heard that Forest Department seized and loaded some illegal timbers at Samakzawl junction, he then called up one person through his mobile phone and instructed him to informed all villagers through loudspeaker to come out and proceed to the place

where they seized and loaded the timbers at Samakzawl junction in the presence of VCP and other local leaders of Selam Village. The villagers then come out armed with dao and proceeded to Samakzawl junction. Hence, the said accused 10 has committed the offence of section 117 IPC for abetting commission of offence by the public. All the male persons of Selam Villagers arrived at Samakzawl junction armed with dao and started assaulting Pu H.Lalzawmliana(Driver) Forest Department and Gilbert Lalchuangliana(27) Forest Guard who were performing their duty. As a result of which both of them sustained grievous and simple injury in nature respectively. Hence, they have committed the offence of section 333 and 336 IPC for voluntarily causing hurt to deter public servant from his duty and endangering the life or personal safety of other. Moreover, they also committed mischief by fire u/s 435 IPC by burning down Forest Department vehicle 709 Truck B/R MZ-01/B6460.

On having negotiation with the local leaders of Selam Village on 22.5.2014 at around 6:30pm, they were requested to surrender all the culprits who were involved in this case. The local leaders not agreed and stated that all the incidence happen on 16.5.2014 was done by the villagers of Selam and they were responsible for that and challenged to face for the village people. Hence, ten local leaders were arrested after informing their ground of arrest. As soon as arrest was made, all the villagers had blocked the road to obstruct Police duty from leaving Selam Village for Champhai alongwith their local leaders who were arrested in connection with this case by cutting down the tree and let it fall down on the road and put large number of log on the main road. In this regards, four numbers of person were caught red-handed while they were cutting trees to block the road. Hence, NOP-PS Case No.11/14 dt.24.5.2014 u/s 183/353 IPC R/w 14 Foreigners Act was also registered against the said four persons namely T.Chinthanga (35) S/o Chindaihzo(L) of Selam Village, Thuama (18) S/o Chindaihkhram, Tidim, Myanmar, Tluanga (24) S/o Thangsiantum, Tidim, Myanmar and Khaia (18) S/o Khamthang, Tidim Myanmar.

Hence, a prima facie case u/s 333/117/435/379/336/34 IPC R/w 4/5/24 Mizoram Forest Act, 1955 R/w 27/29/51 Wildlife Protection Act, 1972 was found well established against the ten arrested persons namely 1) VTK Munga(48) S/o

Kapkhanthanga (L) 2) MC Ngaihliana (34) S/o Thangkhanpianga(L) 3) MS Khuma(30) S/o Vialpauva 4) Thangngaihliana (41) S/o Thangtinthanga 5) K.Thangzangura(55) S/o Vialthanga (L) 6) Tualzasiama (32) S/o Thangkhanpianga(L) 7) Enrodinga(29) S/o Thangzangena 8) NK Khaia (33) S/o Nangsialthawna 9) Kamlamkhupa(32) S/o Kamdopauva(L) 10) N.Lalhmachhuana (43) S/o Awnthanga (L) all of Selam Village, Champhai District.

I therefore beg to send them up before the honorable Court to face their trial under the aforesaid sections of law. Witnesses noted in column No.13 may be summoned to prove the case.

Charge u/s 333/336/117/435/379 IPC R/w 4/5/24 of Mizoram Forest Act R/w 27,29, & 51 of Wildlife Protection Act is read over, explained in the language known to them to which they pleaded not guilty and claim for trial.

During the trial, the prosecution examined 10(ten) prosecution witness, 14(fourteen) prosecution witness (Pw No.11-24 were not summoned in the court as prayed by Addl. Public Prosecutor due to the same statement with the statement of other PW's already examined, and 5(five) PW's are dropped due to regular absent despite repeated summons are issued to them.

P.w No.1 R.Lalruata stated that I know the accused Tualzasiama but I don't know other accused standing in the court today. I was posted at R.O Lengteng Wildlife Sanctuary E & F Department and I was transferred to Aizawl on September 2014.

Selam is one of the fringe villages of the said sanctuary. On 16.5.2014, MZ-01/B-6464, 709 Truck belonging to Champhai Forest Division was burnt down by Selam people and Lalzawmliana Truck Driver of Forest Department and Gilbert Lalchuangliana Forest Guard were assaulted by Selam people on the same day.

I then filed an FIR to the Ngopa P.S.

Exbt P.1 is FIR y/s 154 Cr.P.C

Exbt P-1(a) is my signature.

Exbt P-2 is FIR submitted by me.

Exbt P-2(a) is my signature.

Cross examination :

It is a fact that I do not know whether the accused ;persons are involved in the burning of vehicle and disturbances of Public order at Selam Village on 16.5.2014.

I do not know who had burnt vehicle bearing MZ-01/B/6464, 704 Truck belonging to Champhai Forest Division and I also donot know who assaulted Lalzawmliana Truck Driver of Forest Department and Gilbert Lalchuangliana Forest Guard at Selam Village on 16.5.2014.

I also do not know any loss of property or theft being committed and I also donot know who had cause injury/hurt on the person of Lalzawmliana and Gilbert Lalchuangliana.

I also do not know who had obstructed the officials of Forest Department in the discharge of their public functions/duty at Selam Village on 16.5.2015.

At the time of incident I was staying at Kawlbem Village planting Bamboo Seedling and as such I was not present at the P/O.

It is a fact that exbt P-2 was not prepared by me and I did not know the content of the said document at the time when I put my signature and filed the same to the Ngopa Police Station on 19.5.2014.

I do not know the contents of exbt P-1 and I also do not know who prepared the said document.

I do not know whether exbt P-1(a) is my signature or not.

It is not a fact that I am deposing false before the court today.

It is a fact that I do not have any first hand personal knowledge about the present incident except what is told to me by my superior officer.

P.W No.4, Gilbert Lalchuangliana, Forest Guard stated that I was a Forest Guard.

I was one of the members of Protection squad led by Pu K.Zairema R.O at the time of incident on 16.5.2014 at Samakzawl. While we were sitting at the road side at Samakzawl and around 1:30 pm Selam people came and simply assaulted me and H.Lalzawmliana Forest Driver. They also burnt down Forest department Truck bearing regn. No. MZ-01-B 6460.

It is a fact that I did not identify any of the accused before the court today.

I do not know who had inflicted the injury/hurt sustained to me on 16.5.2014 at Samakzawl near Selam village.

I also did not know the involvement of all the accused persons in the said incident at Selam village.

I also did not know who had burnt the vehicle of the Forest Department during the said incident.

As far as I know the accused present before the court today were not involved during the said incident on 16.5.2014.

I have no document exhibited before the court today.

P.W No.5, H.Lalzawmliana Driver, Zotlang stated that I am a Forest Department Driver. I was one of the drivers of Protection squad led by Pu K.Zairema R.O at the time of incident on 16.5.2014 at Samakzawl. While we were sitting at the road side at Samakzawl and around 1:30 pm Selam people came and simply assaulted me and Gilbert Lalchuangliana Forest guard. They also burnt down Forest department Truck bearing Regn. No. MZ-01-B 6460. The VCP told me that he should have been given prior information regarding the seizure of timbers and if he saw us inside the forest they would have chopped our heads off.

Cross examination by the Defence counsel:

It is a fact that I did not identify any of the accused before the court today.

I do not know who had inflicted the injury/hurt sustained to me on 16.5.2014 at Samakzawl near Selam village.

I also did not know the involvement of all the accused persons in the said incident at Selam village.

I also did not know who had burnt the vehicle of the Forest Department during the said incident.

I have no document exhibited before the court today.

P.W No.6 K.Zairema, stated that I do not know the accused standing in the court today except Pu Chhuana.

I was posted at Forest Protection Division Aizawl in the year 2014 or at the time of the incident.

I was on official duty and I was the leader of the squad (Protection squad).

As we went from Tualcheng to Samakzawl Village and when we reached Samakzawl village at around 11:00am on 16.5.2014, we found sawn timber on the roadside and we loaded the said timber's on inner Trucks. We left for Selam Village. However the said Trucks, five of Forest staffs and five labours of Tualcheng Village were station at the said spot where we found the timbers.

We loaded the said timbers due to the fact that they were illegally cut down from Forest Reserved area.

I was to inform about the seizure of the said Timbers, to find out who had illegally cut down the said timbers and I along with party went to Pu Chhuana H/S Teacher and the VCP also came. The VCP told me that they never allowed Forest Official to come to their village and its area without prior information. I informed him about the seizure of the said timbers. As far as I know there was a public mike inside the house of Pu Chhuana and announcement was made calling all to come out and the people of Selam came out and many with their daos. And they proceeded towards where we loaded the timbers. After 12 O'clock noon I received a phone call from one Forest Staff Vansangliana who was with the timber telling me that Gilbert Lalchuangliana Forest Guard and H.Lalzawmliana Truck Driver were assaulted by Selam people and other Forest staffs and laboures were fleeing towards Tualcheng Village. The VCP and some of local leaders guided us to the P/O and when we reached I saw our Department Truck MZ-01/B 6460, was burning we left Selam Village for Tualcheng Village the same day at around 2:30pm. The Forest staff were forced to unload the said timbers at the Selam people.

Cross examination by D.L

I do not know whether the said Pu Chhuana, H/S Teacher was included in the list of the accuseds.

As far as I know the said Pu Chhuana did not indulge in/ committed any offences against us on the same day.

I do not know who torched/put the vehicle on fire during the said incident.

I do not know the meaning of the alleged announcement through the P.A system station at Pu Chhuana House.

I do not know who had actually committed their offences/crimes charged against the accused in the instant case as I was inside the village while the alleged offences were committed allegedly out in the Forest/Jungle.

I do not know the involvement of all the accused persons at Selam village on 16.5.2014 in the said incident.

I also do not know who assaulted the Forest Officials obstructed the discharge of official duties by the said Forest Personals or inflicted any hurt on their body during the said incident.

I have no document exhibited before the court today.

P.W No.7 Lalsanglura Sailo Forester stated that I know the accused VTK Munga and Lalhmachhuana.

I am working as Forester. I was one of the members of Protection squad led by Pu K.Zairema R.O at the time of incident on 16.5.2014 at Samakzawl. At Samakzawl we found sawn timbers beside the road and we loaded the same to our truck. Some of us went to the Selam village and we entered the house of Pu Lalhmachhuana High School Headmaster and we informed him about the intention of seizure of sawn timbers. And also informed about the intention of seizure of sawn timbers and meanwhile Pu Lalhmachhuana announce in a public mike from his house calling the people of Selam. The VCP Munga was arrived and we informed about the same, and questioned us why we went there without prior information to him as it was his village. Seeing our lives in danger we informed the VCP that if the seizure of sawn timbers was against their will we would have unloaded the said timbers. The Forest Department Gypsy Driver and I along with VCP V.T.K.Munga and Pu Lalhmachhuana YMA President went to Samakzawl and we saw the people of Selam shouting and two forest staffs Pu Lalzawmliana and Gilbert Lalchuangliana came and told us that they were

assaulted by the people of Selam. And I heard them shouting " let us burn down forest vehicle" . Pu Lalzawmliana however drove away one truck but they burnt down one forest Department vehicle(Truck).

Cross examination by the Defence counsel:

I could not identify the accused persons except Pu Munga and Pu Lalhmachhuana. I do not understand Paite language. The announcement made alleged by Pu Lalhmachhuana was in Paite language. As such I did not know what was announced in the said announcement on 16.5.2014 at Selam village.

It is a fact that I do not know the involvement of the accused persons in the incident that happened on 16.5.2014 at Selam village. I also did not know who was shouting 'let us burn down forest vehicle' and as such I did not know who had actually burnt the said vehicle and inflicted injuries on the bodies of my fellow Forest personnel's.

P.W No.9 P.C.Lalchhuanawma, Forester stated that I know the accused VTK Munga and Lalhmachhuana.

I am working as Forester. I was one of the members of Protection squad led by Pu K.Zairema R.O at the time of incident on 16.5.2014 at Samakzawl. At Samakzawl we found sawn timbers beside the road and we loaded the same to our truck. Some of us went to the Selam village and we entered the house of Pu Lalhmachhuana High School Headmaster and we informed him about the intention of seizure of sawn timbers. And also informed about the intention of

seizure of sawn timbers and meanwhile Pu Lalhmachhuana announce in a public mike from his house calling the people of Selam. The VCP Munga was arrived and we informed about the same, and questioned us why we went there without prior information to him as it was his village. Seeing our lives in danger we informed the VCP that if the seizure of sawn timbers was against their will we would have unloaded the said timbers. We also sent some of our members to Samakzawl and later on we came to know that the people of Selam assaulted our department driver Lalzawmliana and Gilbert Lalchuangliana, Forest guard(contract) and burnt down forest Department vehicle(Truck).

Cross examination by the Defence counsel:

I could not identify the accused persons except Pu Munga and Pu Lalhmachhuana. I do not understand Paite language. The announcement made alleged by Pu Lalhmachhuana was in Paite language. As such I did not know what was announced in the said announcement on 16.5.2014 at Selam village.

It is a fact that I do not know the involvement of the accused persons in the incident that happened on 16.5.2014 at Selam village. I also did not know who was shouting 'let us burn down forest vehicle' and as such I did not know who had actually burnt the said vehicle and assaulted and inflicted injuries on the bodies of my fellow Forest personnel's.

P.W No.10 K.L.Rohlua Forester stated that I know the accused VTK Munga and Lalhmachhuana.

I am working as Forester. I was one of the members of Protection squad led by Pu K.Zairema R.O at the time of incident on 16.5.2014 at Samakzawl. At Samakzawl we found sawn timbers beside the road and we loaded the same to our truck. Some of us went to the Selam village and we entered the house of Pu Lalhmachhuana High School Headmaster and we informed him about the intention of seizure of sawn timbers. And also informed about the intention of seizure of sawn timbers and meanwhile Pu Lalhmachhuana announce in a public mike from his house calling the people of Selam. The VCP Munga was arrived and we informed about the same, and questioned us why we went there without prior information to him as it was his village. Seeing our lives in danger we informed the VCP that if the seizure of sawn timbers was against their will we would have unloaded the said timbers. We also sent some of our members to Samakzawl and later on we came to know that the people of Selam assaulted our department driver Lalzawmliana and Gilbert Lalchuangliana, Forest guard(contract) and burnt down forest Department vehicle(Truck).

Cross examination by the Defence counsel:

I could not identify the accused persons except Pu Munga and Pu Lalhmachhuana. I do not understand Paite language. The announcement made alleged by Pu Lalhmachhuana was in Paite language. As such I did not know what was announced in the said announcement on 16.5.2014 at Selam village.

It is a fact that I do not know the involvement of the accused persons in the incident that happened on 16.5.2014 at Selam village. I also did not know who was shouting 'let us burn down forest vehicle' and as such I did not know who had actually burnt the said vehicle and assaulted and inflicted injuries on the bodies of my fellow Forest personnel's.

P.W No.27 Dr.Isaac Lalrawngbawla stated that I was working as Medical Officer Aizawl Hospital & Research Center, Mission veng and presently I am working as Medical Officer Civil Hospital Aizawl. While I was at Aizawl Hospital & Research Center, Mission veng Pu H.Lalzawmliana S/o Hmarliana (L) R/O

Zotlang, Aizawl was brought to the Hospital on 29.5.2014 with complaint of pain on the left side lower chest with difficulty breathing because of the pain. On examination, the patient is stable but there is tenderness on the lower left side of the chest. There is no shortness of breath when the patient is resting but there is difficulty in taking deep breathing and some restriction of movement due to the pain. X-Ray of the chest (PAview) shows that there is fracture of the 8th rib left side along the mid-clavicular line (along the armpit). The patient was admitted to the said Hospital. The injury report is exhibited here in below.

Exhibit : P-3 is the injury report of Pu H.Lalzawmliana. P-3(a) is my signature.

Cross examination by the Defence counsel:

It is a fact that I will not be able identify the victim examined by me even if he is produced in the court today for I have examined a good number of patients.

I could not ascertain the time when the injury was inflicted from examination of the injury.

I also could not ascertain the incident which caused the said injury from my examination of the victim.

The injury could also have been sustained as a result of personal accident.

The injury on the body of the victim was not so grievous as to cause permanent injury/disability on the victim.

P.W No.28 Inspector R.Lalzarliana Special Narcotic P/S Aizawl stated that I know the accused persons who are present before the court today.

In the year 2014 while I was posted at Ngopa P.S as O/C we received a written FIR from R.Lalruala Range Officer Lengteng Wildlife Sanctuary Mizoram, stating that on 19.5.2014 at 1:20pm, a written FIR was received from R.Lalruala s/o Saphmuaka (L) Range Officer, Lengteng Wildlife Sanctuary, Mizoram to the effect that on 16.5.2014, 15 members of Forest Protection Division from Aizawl under the leadership of K.Zairema R.O with six numbers of staff from Champhai and seven numbers of Forest staff from Tualcheng arrived at Samakzawl turning point near Selam Village to recover and seized illegal timber cut by Selam Village within Lengteng Wildlife Sanctuary vide Notification No.B.12012/15/94-FST dt.13.5.2001. cutting of timber inside sanctuary is the violation of Wildlife (Protection) Act 1927 Sec 27 & 29 and liable to punish as per section 51 and the violation of Supreme Court Order dt.14.2.2000 and 21.2.2000 , also is the violation of Supreme Court Order dt.12.12.1996 and 15.1.1998, no one should cut tree without prior permission of Government and is violation of Mizoram(Forest) Act 1995 Sec 4,5 & 24, no one should cut upon tree and cutting of timber without the permission of Government. Due to the above reasons, they seized numbers of timbers lying on the road side and loaded into their vehicles. Some of the staff under the leadership of K.Zairema with Gypsy and Department bus entered inside Selam Village and stayed at Pu Lalhmachhuana's house. They informed about seizing and loading of the illegal timbers in their vehicle. Suddenly, one unknown person make an announcement through a loudspeaker and informed the villagers to come out and to proceed to Samakzawl turning point where timbers were seized. Therefore, a large crowd of people from Selam Village proceeded to Samakzawl junction and assaulted the Forest Department

staffs with weapons who were doing their duty. As a result of which, Driver Lalzawmliana and Gilbert Lalchuangliana F/G sustained injuries on their body. Moreover, Selam Village burnt down one Department vehicle 709 Truck B/Regn. No. MZ-01/B-6460 and obstructed the official duty of the Forest Department. All these incidents happened due to the incitement of Pu N.Lalhmachhuana, VCP and VC Secretary of Selam Village. Hence, NOP-PS C/No.9/14 dt.19.5.2014 u/s 436/379/186/323/34 IPC r/w 33(f) Indian Forest Act 1927 was registered and duly investigated into.

As I was the only police officer at Ngopa Police Station, I have registered a case and conducted the investigation of the above mentioned case. During my investigation I visited the P.O on the night of 16.5.2014, I also arrested 10 numbers of accused persons from Selam Village who were the local leaders of their Village. I recorded their statements and I also interrogated them. I also examined the complainant and the seizure witnesses and recorded their statements. During my investigation I seized Tata 709 E Turbo MZ-01 B-6460 which belongs to Forest Department which was burnt by the accused persons and I also seized 182 numbers of sawn timbers at the P.O which were cut by the accused persons in the presence of two reliable seizure witnesses. I released the said S/A to the rightful owner i.e Forest department on zimanama Vide No. Z

No.5/14. When I arrested the accused persons I informed them the reason of their arrest.

Before I completed the investigation I was transferred to Champhai Police Station and I handed over the case for further investigation to S.I Lucy Zosangzuali.

Cross examination by the Defence counsel:

It is a fact that I was not present at the P.O when the incident happened. The story narrated by me in my examination in chief are based on the story submitted in the FIR. I did not see the accused persons committing the charge offence. As far as my investigation is concerned I did not find any prima facie case against the accused persons for I was transferred out station before I complete my investigation.

It is not a fact that I did not visit the P.O.

It is a fact that none of the accused persons were named by the witnesses as the culprit during the course of my investigation.

p.w No.29 S.I Lucy Zosangzuali Ngopa P/S stated that On 20.5.2014 I have been transferred to Ngopa Police Station and on the same day as soon as I

joined the Ngopa Police Station the instant case was handed over to me by the previous case I/O Pu R.Lalzarliana Inspector, who was transferred from Ngopa to Champhai. On 28.5.2014 I examined 7 witnesses and I recorded their statements. On 30.5.2014 I forwarded DG-I H.Lalzawmliana and Gilbert Lalchuangliana of Forest Department who sustained injury to Aizawl Hospital and Civil Hospital Aizawl respectively. And as per medical report H.Lalzawmliana sustained grievous injury and Gilbert Lalchuangliana, simple injury. On 10.6.2014 MVI inspection report of the burnt vehicle 709 Truck bearing Regd. No. MZ01 B-6460 was obtained by me and according to the report the inspected vehicle was totally damaged. The accused Lalhmachhuana and accused MS Khuma after investigation are responsible for informing the public to gather and to take back or unload the timbers seized and already loaded by the Forest Department to the Department truck and after this the people of Selam approached Samakzawl with having their daos and started assaulting the Forest Department officials and also burnt down the Forest Department truck 709 Truck bearing Regd. No. MZ01 B-6460. After investigation and on perusal of statements of the accused persons, statements of witnesses, medical report and MVI report, I found a prima facie case u/s 333/117/435/379/336/34 IPC well establish against the accused persons and due to their cutting of Forest trees without prior permission from the Government a prima facie u/s 4/5/24 Mizoram Forest Act 1955 was found well establish against the accused persons and due to cutting of timber inside sanctuary without permission from the Government a prima facie under section 27/29/51 Wild Life Protection Act 1972 was also found well establish against the accused persons and I filed the charge sheet when I send the accused for trial.

Exbt : P-15 is charge sheet, P-15(a) is my signature.

Cross examination by the Defence counsel:

The prima facie in the present case was base on the investigation taken by my predecessor and my own investigation.

It is a fact that I was not present at the P.O during the incident. As such I personally did not see the responsibility of accused Lalmachhuana and accused MS Khuma for informing the public to gather and unload the seized timber. The information I received regarding the case was from statement given by witnesses.

It is not a fact that I did not find prima facie case against the accused u/s 333/117/435/379/336/34 IPC and also u/s 4/5/24 Mizoram Forest Act 1955 and under section 27/29/51 Wild Life Protection Act 1972.

It is a fact that I did not visit the P.O during the course of my investigation as the P.O was already visited by the previous I/O.

Regarding the story of the case I personally did not know the involvement of all the accused persons except what was told to me by the witnesses.

It is not a fact that exbt P-15 is false and exbt P-15(a) is not my signature.

I did not examined the accused persons during my investigation as they were already examined by the previous I/O.

The 10(ten) accused are examined u/s 313 CrPC, and asked them the same questions and answered the same question as followed :

Examination of Pu V.T.K.Munga

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : We do not cut Forest Tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : We do not cut Forest tree nor make sawn timber to be kept in the roadside. Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I knew nothing as I was called after incident, when Forest department arrived.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans :I do not heard any announcement as I was away, and at my garden.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalmachhuana. What do you say ?

Ans : I saw the burning of Forest Department Truck, but I do not know who burn the said truck.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I do not see any unloaded if timber from the truck.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I do not responsible for being public leader of VCP at the relevant time.

Examination of Pu M.C.Ngaihlana

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : I saw sawn timber on the roadside but I do not know who belong to that timber.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I do not know whether Forest Department has loaded the timber.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I do not know any announcement to gather to take back timber.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I saw the bearing Forest Department Truck after fire gone down. I do not know who assaulted Forest official.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I saw the timber near the Truck. But I do not know as to whether it was unloaded or not.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I do not responsible for the incident for being President YMA as I do not know the incident at relevant time.

Examination of Pu M.C.Khuma

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest tree and I do not know who cut.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans :I do not see timber at Samakzawl.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I do not know whether the Forest department has loaded the timber as I was remain in my house.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I do not make announcement, nor I heard any announcement to gather the public.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I came to know that the Forest truck was burn after the incident, and also came to know as have say that Forest Official assaulted.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I do not know whether the timber and unloaded or not.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without

permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I have no responsibility in this incident for being Secretary Village council.

Examination of Pu Thangngaihliana

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : I saw timber on the roadside, but I do not know who belongs to that timber.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I do not know as I was on tour at Manipur at the relevant date.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I do not know as I was out of Selam on tour.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I know nothing as I was on tour.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I know nothing.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I do not take responsibilities for being Treasurer V.C Selam as I was not culprit.

Examination of Pu K.Thangzangura

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest timber.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : I do not see Timber at Samakzawl as I never visit the place.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I did not see any loading of timber by Forest Department as I was remain in my resident.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I do not heard any announcement as I was working with Machine in making coffin.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I do not know as I did not attended the incident.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I do not know any unloaded of timber as I do not attend/visit the P.O.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I do not responsible for being VC member as the action was committed by mob.

Examination of Pu Tualzasiama

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : I saw timber at Samakzawl, but I do not know who belong to that timber.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans :I do not know whether the Forest truck has loaded or not.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I heard no announcement to gather Public to take back timber.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I saw the burning of Forest truck after the incident.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I do not know whether the timber are unloaded or not.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans :I do not responsible for the incident as I am not culprit.

Examination of Pu Enrodinga

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans :I do not cut the Forest tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : I saw some timber at Samakzawl but I do not know who belong to that timber.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I do not know about the loading of timber at Samakzawl as I was at YMA office, in the village.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I do not know any announcement.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I do not see the burning of Truck on the relevant date, but said the next date.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans :I do not know the unloading of timber.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I do not take responsible for being Secretary YMA, as I do not committed the offence.

Examination of N.K.Khaia

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans :I do not see timber at Samakzawl as I never visit the place.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I do not know as I was on tour at Champhai at the relevant date.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I do not heard as I was out of Selam.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I came to know only after I return from my tour Champhai.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I do not know as I was out of Selam village.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I do not responsible for being Vice-President YMA as the offence was not committed by me.

Examination of Kamlalkhupa

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : I do not see timber at Samakzawl, as I never visit the place.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I do not know as I was in the jungle of diff place.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I do not heard any announcement as I was not in the village.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I only came to know about the burning of Forest Truck from other people.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I was out of village.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I was not responsible for being Assistant Secretary YMA as the offence was not committed by me.

Examination of Pu N.Lalhmachhuana

Q.1. It is from the evidence that the people of Selam cut down Forest trees without permission from the Government in the year 2014. What do you say ?

Ans : I do not cut Forest tree.

Q.2. It is from the evidence that the people of Selam kept the said cut trees or timber at Samakzawl on the roadside. What do you say ?

Ans : I do not see timber at Samakzawl as I never pay a visit there.

Q.3. It is from the evidence that Forest Department Officials came to Samakzawl to collect the said timber on 16.5.2014 and to Selam Village, and loaded the timbers on their trucks. What do you say ?

Ans : I do not know whether they loaded the timber.

Q.4. It is from the evidence that when the Forest Department Officials came to Selam Village you N.Lalhmachhuana and M.S.Khuma made announcement through a public mike informing the public to gather and to take back or unloaded the timbers from the Forest department truck. What do you say ?

Ans : I was at the School as I am Headmaster of High School. I do not know any announcement.

Q.5. It is from the evidence that on 16.5.2014 the people of Selam burnt down Forest Department Truck 709 Truck Regn No.MZ01-B-6460 and assaulted Forest Department Officials Shri H.Lalzawmliana and Gilbert Lalhmachhuana. What do you say ?

Ans : I came to know about the burning of Forest Truck after the firing gone down.

Q.6.It is from the evidence that the people of Samakzawl unloaded the timbers from the Forest Department Truck. What do you say ?

Ans : I do not know about the unloading of timber.

Q.7. It is from the evidence that you as a leader of local organization or as a member of village council, are responsible for the cutting of forest trees without permission, for assaulting forest department officials, for burning down forest department truck. What do you say ?

Ans : I do not take responsible for being ex-President of YMA, and Exe Committee member at the relevant time, as the crime was not committed by me.

At the end of the trial, the Addl. Public Prosecutor informed the court that he has no written argument to be submitted to the court, and the Id, counsel for the accused Mr.C.Zoramchhana Advocate submitted his argument in writing that : the brief story of the case as per prosecution story is that the Police personnel at Ngopa Police Station received a written FIR on 19.5.2014 at 1:20pm for Mr.R.Lalruala S/o Saphmuaka (L) Range Officer, Lengteng Wildlife Sanctuary, Mizoram to the effect that on 16.5.2014, 15 members of Forest Protection Division from Aizawl under the leadership of K.Zairema R.O with six numbers of staff from Champhai and seven numbers of Forest staff from Tualcheng arrived at Samakzawl turning point near Selam village to recover and seized illegally sawn timber from Selam Village within Lengteng Wildlife Sanctuary which was prohibited vide Notification No.B.12012/15/94-FST dt.13.5.2001 and is the violation of Wildlife (Protection) Act 1927 Sec 27 & 29 punishable as per section 51 and Sec 4,5 & 24 of Mizoram (Forest) Act 1995 and which also is violation of Supreme Court Order dt.14.2.2000, dt 21.2.2000, dt 12.12.1996 and dt.15.1.1998 and as such due to the above reasons, they seized numbers of timbers lying on the road side and loaded into their vehicles and that some of the

staff under the leadership of K.Zairema with Gypsy and Department bus entered inside Selam Village and stayed at Pu Lalhmachhuana's house and they informed about seizing and loading of the illegal timbers in their vehicle and that suddenly, one unknown person made an announcement through a loudspeaker and informed the villagers to come out and proceed to Samakzawl turning point where timbers were seized and accordingly, a large crowd of people from Selam Village proceeded to Samakzawl junction and assaulted the Forest Department staffs with weapons and as a result of which, Driver Lalzawmliana and Gilbert Lalchuangliana Forest Guard sustained injuries on their body and the crowd also burnt down one vehicle 709 Truck B/Regn. No.MZ-01/B-6460 belonging to Forest Department and obstructed the functioning of duty by officials of the Forest Department and since all these incidents happened due to the incitement of Pu N.Lalhmachhuana, VCP, VC Secretary and other people of Selam Village, an NOP-PS Case No.9/14 dt.19.5.2014 U/S 436/379/186/323/34 IPC r/w 33(f) Indian Forest Act 1927 was registered and after investigation prima facie was found against all the accused persons in the case and hence this case and after the case was charge sheeted against the accused persons, charge under sections 436/379/186/323/34 IPC r/w 33(f) Indian Forest Act 1927 were framed, read over to the accused to which they pleaded not guilty and claimed for trial and accordingly evidences were taken and hence this written argument.

The prosecution examined as many as 11 prosecution witnesses. However, not independent witness was examined and no defense witness were also examined.

The accused persons, therefore, would like to put forward the following inter alia points for favour of the kind consideration of Your Hon'ble court and to honorably acquit them kindly from the charges leveled against them in the instant case after due consideration of the case.

1. That one of the prosecution witnesses could establish the involvement of all the accused persons in the alleged assault of Forest personnel's or burning of the Forest Department vehicle at the incident at

Samakzawl, Selam Village and hence they may kindly be acquitted honourably for the ends of justice.

2. That PW No. 1 the complainant Mr.R.Lalruala, RO Lengteng Wildlife Sanctuary stated in his cross-examination that he did not know whether the accused persons were involved in the burning of vehicle and disturbances of public order at Selam Village on 16.5.2014 and that he did not know who had burnt the said vehicle belonging to Forest Department or assaulted Lalzawmliana, Forest Driver and Gilbert Lalchuangliana at Selam Village on 16.5.2014 and also that he did not know any loss of property or theft being committed and most strikingly, he do not know whether his alleged signature appearing at the FIR as exbt P-1(a) was his signature or not and hence the whole prosecution case is irreparably vitiated and hence the accused persons may be honourably acquitted.

3. The PW No.6 Mr.K.Zairema, Team Leader of the Protection Squad also stated in his cross-examination among others that he did not know who torched/put the vehicle on fire during the incident and that he did not know the meaning of alleged announcement made from Pu Chhuana's house and that he did not know who had actually committed the charged offences and that he did not know the involvement of all the accused persons in the incident at Selam village on 16.5.2014 and hence the accused persons may be acquitted forthwith.

4. That PW No5 Mr.H.Lalzawmliana, Driver of Forest Department stated in his deposition that he could not identify any of the accused before the court and that he did not know who had inflicted the injury/hurt sustained by him on 16.5.2014 at Samakzawl near Selam village and that he also did not know the involvement of all the accused persons in the said incident at Selam Village or who burnt down the vehicle of the Forest Department during the said incident and hence the accused persons may be acquitted.

5. That PW No.4 Gilbert Lalchuangliana Forest Guard, stated in his deposition that he did not identify any of the accused before the court and that he did not know who had inflicted the injury/hurt sustained by him on 16.5.2014 at Samakzawl near Selam Village and also that he also did not know the involvement of all the accused persons in the said incident at Selam village or burnt down the vehicle of the Forest Department during the said incident and

that the accused present before the court that day were not involved during the said incident on 16.5.2014 and hence the accused persons may be acquitted instantly.

6. That PW No.28 Inspector R.Lalzarliana, the initial I/O stated in his deposition that the story narrated by him in his examination in chief are based on the story submitted in the FIR and he did not see the accused persons committing the charge offence and that as far as his investigation is concerned he did not find any prima facie case against the accused persons for he was transferred out station before I complete my investigation and that he did not visit the P.O and that none of the accused persons were named by the witnesses as the culprit during the course of his investigation and that he have no document exhibited before the court.

7. That PW No.29 S.I Lucy Zosangzuali Ngopa Police Station stated among others that the prima facie in the present case was base on the investigation taken by her predecessor and her own investigation and that she was not present at the P.O during the incident and as such she personally did not see the responsibility of accused Lalhmachhuana and accused MS Khuma for informing the public to gather and unload the seized timber and the information she received regarding the case was from statement given by witnesses and that she did not visit the P.O during the course of her investigation as the P.O was already visited by the previous I/O and regarding the story of the case she personally did not know the involvement of all the accused persons except what was told to her by the witnesses and that she did not examine the accused persons during her investigation as they were already examined by the previous I/O.

8. That the statements of the rest of the Prosecution witnesses were more or less the same and they did not give any material evidences against all the accused persons and hence not worth mentioning herein. Pertinently, the prosecution story of the case was not corroborated from any independent witnesses as well the witnesses examined were interested witnesses in as much as all of them were either part of the Forest Protection Squad or official

witnesses and hence not reliable without corroboration from an independent source.

9. Hence, all the evidences taken on record are, therefore, pitifully inadequate for conviction of the accused persons under the charge section of law in the instant case particularly when the case I/O based her prima facie on the investigation of previous I/O who himself admittedly did not find any prima facie during his period from his investigation and also when all the prosecution witnesses stated in the court that the accused persons were not involved in the charges leveled against them.

In the premises aforesaid, I humbly submit that since the prosecution has miserably failed to prove their case against the accused persons beyond all reasonable doubts, I humbly pray that the accused persons may kindly be acquitted honorably and that they be set at liberty forthwith and for which act of kindness I pray for the ends of justice.

In this case the prosecution examined 10(ten) witness to prove their case of cutting of timber inside Sanctuary without permission of Government at Samakzawl, turning point near Selam, Village, which the outcome of the operation caused assaulting of Forest Guard/staff, and burning of Department vehicles 709 Truck, Regd. No. MZ-01/B-6460. Ten accused are arrested and face trial and all accused denial of allegation during the framing of charges.

During the trial.

P.W.No.1 R.Lalruata deposed in his examination in chief that he do not know whether accuseds persons one involved in the burning of vehicle and disturbances of Public order at Selam village on 16.5.2014. he also did not know who burnt the Department Vehicles and who assaulted Lalzawmliana Truck driver and Gilbert Lalchuangliana, Forest Guard, and also did not know any loss of properties or theft committed in the incident also who obstructed the Forest official of Forest Department in the discharge of their duty at Selam on 16.5.2014, and also deposed as fact that he did not have any first hand personal knowledge about the present incident except what is told to him by his superior officer. In his cross examination P.W No.1. R.Lalruata submitted that the

accused present before the court today were not involved during the said incident on 16.5.2014.

P.W No.5

H.Lalzawmliana, Driver also submitted in his cross examination that he did not know the involvement of all the accused person in the said incident at Selam village.

P.W No.6 K.Zairema, leader of the Protection Squard, also submitted that there was Public Mike inside the house of Pu Chhuana and announcement was made calling all to come out and the people of Selam came out with their dao, and proceed toward where they loaded timber, but he knew that Pu Chhuana(one of accd) did not indulge/committed any offence against them(Forest Department).

On the same day(i.e 16.5.2014) and further submitted that he did not know the involvement of all the accused person at Selam Village on 16.5.2014 in the said incident.

P.W No.7 Lalsanglura Sailo, Forester also submitted in his cross examination that he did not know the involvement of accused persons in the incident that happened on 16.5.2014 at Selam Village, and also did not know who was shouting "Let us burn down Forest vehicles and as such he did not know who actually burnt the said vehicles and inflicted injury on the body of his fellow Forest personnel.

P.W.No.9 P.C Lalchhuanawma Forester, also stated in his cross examination by the defence counsel that he did not know the involvement of accused person in the incident that happened on 16.5.2014 at Selam village, and also did not know who was shouting. "let us burn forest vehicle and as such he did not know who had actually burnt down the said vehicle and assaulted and inflicted injuries on the bodies of his colloques.

P.W.No.10 K.L.Rohlua, Forester also deposed that he did not know the involvement of accused person in the incident that happened on 16.5.2014, and also did not know who was shouting to burn Forest vehicles, and who assaulted his fellow forest staff.

So, the prosecution witness who were examined in the court submitted that the arrested accused who were present in the court are not known their involvement in the incident of 16.5.2014.

In regard to assaulted and inflicted injury to Forest Driver Lalzawmliana, P.W No.27 Dr. Isaac Lalrawngbawla stated in his cross examination that the injury could have been sustained as a result of personal accident and the injury was not grievous/ to cause permanent injury/disability to the victim.

P.W No.28, Inspector R.Lalzarliana first investigation officer of the instance incident submitted in his cross examination that as far as his investigation is concern he did not find any prima facie case against the accused person for he was transferred out station before he complete his investigation. And none of accused person were named by the witnesses as culprit during the course of his investigation.

P.W No.27, S.I Lucy Zosangzuali who is and case I/O submitted that the prima facie in the present case was based on the investigation taken by her predecessor and her investigation, and regarding the story of the case she personally did not know the involvement of all accused person except what was told to her by the witnesses.

So, on perusal of the case record and all material evidence available on record, the court can presumed that some forest tree were cut down for making sawn timber without obtaining prior permission from the competent authority, the Forest protection sward seized those sawn timber. In return the Selam Villager did not allowed and attacked the Forest Department vehicles, and assaulted Driver, in order to safe their made sawn timber, from the forest seized, the forest personnel submitted FIR and arrest was made to the ten accuseds. But the 10(ten) accused did not pleaded guilty and claims for trial.

During the trial, there was no evidence to prove the prosecution case, and there was no witnesses statement to collaborate the FIR.

So, the prosecution fails to establish a prima facie case against the accuseds due to lack of evidence, and the court has nothing more to do except to acquit the accused the accused namely 1.V.T.K.Munga S/o Khupkhanthanga (L) 2. M.C.Ngaihlana S/o Thangkhanpianga (L) 3. M.S.Khuma S/o Vialpauva 4.

Thangngaihliana S/o Thangtinthawnga 5. K.Thangzangura S/o Vialthanga (L) 6. Tualzasiama S/o Thangkhanpianga (L) 7. Enrodinga S/o Thangzangenga 8. N.K.Khaia S/o Nangsialthawna 9. Kamlalkhupa S/o Kamdopauva(L) 10.N.Lalhmachhuana S/o Awnthanga (L) are therefore acquitted from the liabilities of the charges leveled against them u/s 436/379/186/323/321 IPC and set them at liberty the case is dispose off.

Give copy of this order to all concern.

Announce in open court today, on this dated 25th November 2016.

(VANLALMAWIA)
Addl.District & Sessions Judge
Aizawl Judicial District,Aizawl

Memo No 245 AD & SJ-I/2016: Dated Aizawl the, 25th November 2016

Copy to :

1. District & Sessions Judge, Aizawl District, Aizawl.
2. V.T.K.Munga & others
3. C.Zoramchhana Advocate.
4. Addl. PP
5. Deputy Superintendent of Police (Prosecution).
6. Judicial Branch.
7. Case Record.
8. Guard File.

PESHKAR