

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE  
AIZAWL JUDICIAL DISTRICT : AIZAWL.**

**PRESENT**

Smt.Helen Dawngliani  
Addl. District & Sessions Judge

SR No.98/2010  
In GR. No. 156/2009  
U/s 376/325 IPC

Ref :- Khawzawl P.S Case No. 43/2009 dt.6.9.2009 u/s 376/325 IPC

State of Mizoram

Versus

Ngurchhuanmawia                      .....                      Accused

Date of hearing                      .....                      20.03.2014 & 03.04.2014

Date of Judgment                      .....                      10.04.2014

**A P P E A R A N C E**

For the Prosecution	.....	Mrs. Rose Mary, Addl. PP Ms. Rosy Lalnuntluangi, APP
For the Accused	.....	Mr. Lallianzuala Sailo, Advocate

**J U D G M E N T & O R D E R**

1. **BRIEF STORY OF THE PROSECUTION :-**

On 6/9/2009 one Laldinpuia Saiawi R/o Kawlkulh lodged a written FIR at Khawzawl to the effect that on the said date i.e 6.9.2009 @ 3:00am, unknown miscreant assaulted and raped 'X' D/o Laiawrha (L) who was sleeping in her jhum hut. The informant also mentioned that the unknown miscreant(s) is being searched by the public.

On the basis of the said information, Khawzawl P.S Case No.43/2009 dt. 6.9.2009 u/s 376/325 IPC was registered and investigated into. Upon completion of investigation, having found prima facie case against the accused Ngurchhuanmawia Charge sheet was laid against him for the offence punishable u/s 376/325 IPC and committed for trial.

The name of the prosecutrix is withheld in the Judgment and she is referred with the letter 'X'.

2. Copy of the Police Report and all connected documents were delivered to the accused.

3. As the accused did not have the means to engage a counsel on his own, Mr. Lallianzuala Sailo, Advocate was assigned to defend the accused at the State expense u/s 304 Cr.P.C.

4. Charge u/s 3762/325 IPC was framed against the accused. Later on submission of supplementary charge sheet, charge u/s 302 was added. The charges were read over and explained to the accused in the Mizo language which is known to him to which he pleaded not guilty and claims for trial.

5. POINT(S) FOR CONSIDERATION:-

1. Whether the accused had sexual intercourse with X amounting to rape as defined u/s 375 IPC and the accused thereby guilty of the offence punishable u/s 376(1) IPC?

2. Whether the accused voluntarily caused grievous hurt to X within the meaning of sec.322IPC and the accused thereby guilty of the offence punishable u/s 325 IPC?

3. Whether X died on 29. 11.2009?

4. Whether the accused caused the death of X with the intention of causing her death or with the intention of causing such bodily injury as is likely to cause death or with the knowledge that he is likely by such act to cause death and the accused thereby guilty of the offence punishable u/s 302 IPC ?

6. The prosecution examined 21 witnesses. Accused was examined u/s 313 Cr.P.C and two witnesses for the defence were also examined. The Ld. Counsels are heard.

Mrs. Rose Mary, the Ld. Addl.PP submitted that the prosecution has been able to prove by cogent evidence that the accused committed the offence for which he is facing trial. Ld. Addl. PP submitted due to ignorance of the family of 'X' they did not inform the death of 'X' to the Investigating Officer but from the nature of injuries sustained by 'X' it is clear that they were sufficient to cause death. The fresh tear of hymen which is revealed from the medical examination report shows that 'X' was subjected to sexual assault. The Ld. Counsel further argued that the blood stain on the raincoat of accused which matches the blood group of the deceased clearly support the prosecution case and thus pray to convict the accused.

On the other hand, Mr. Lallianzuala Sailo, Ld. State Defence Counsel submitted that the prosecution has failed to prove its case beyond reasonable doubt and prays to acquit the accused accordingly. In support of his submission, the Ld.

Counsel argue that from the evidence it is clear that the alleged incident occurred in the early hour of 6.9.09. It is seen from the evidence that it was still dark. Had the accused committed the offence, there was no reason for him to wake up PW.Lalchhuanmawia, the nephew of 'X' informing him about the incident. According to the Id. Counsel, the conduct of the accused only shows that he was trying to help the victim. The Id. Counsel further argued that there is no evidence to the effect that the death of 'X' was due to injuries sustained by her in the incident. Infact, the Investigating Officer clearly deposed that he did not go to the village of 'X' to ascertain the cause of death. The Id. Counsel argued that the prosecution has failed to form a complete chain in order to link the accused with the crime. The Id. Counsel also raises doubt regarding delay in sending the seized items to the FSL for more than 2 months.

#### 7. DISCUSSION, DECISION AND REASONS THEREOF:-

At the outset, for better appreciation, the evidence adduced by the prosecution may be briefly highlighted:-

PW No.1/Laldinpuia is the informant. He stated that he was the President of YMA at Kawlkulh during the relevant time and was working as a Teacher in Comprehensive School at Kawlkulh. He stated that he received a telephonic information about the incident on the morning of 6.9.2009. He went to the spot and saw the accused with three other persons. Four of them looked for the culprit upto a place called Sazuk Sih Kawr. Not finding any traces, they went back to the house of V.Nghaksana whose house is near the house of the accused. Public announcement was also made to look for the culprit. In the meantime the Police from Khawzawl PS and Champhai PS arrived and being the President of YMA he lodge the FIR which was written by the DSP on the basis of his instruction. He exhibited the FIR as Ext.P-1 and his signature as Ext.P-1(a).

In his cross-examination, he admitted that the distance between the place of occurrence is about 300m from the main road where the house of the accused was located. The said road is main road connecting Aizawl and Champhai and there are many users. He admitted that no one including himself could believe that the accused Ngurchhuanmawia could be the culprit and still hold the same believe though he admitted that he does not know the past history of the accused. The deceased 'X' was a spinster and that she had no fear of darkness and often stay in her jhum hut at night.

PW No.2/Hualhnuna is the cousin brother of X. He was given telephonic information regarding the incident. He went to the house of Chhuanawma where the victim was taken and from there she was taken to Kawlkulh PHC where he

accompanied her. He stated that the victim was unconscious, there was cut injury on her lips and her tooth was broken. The victim was referred to Aizawl for further treatment. In his cross-examination, he stated that the victim must be around 67 years old at the time of her death and that she was a spinster. He has no idea as to who is the culprit.

PW No.3/Lalhmuchhuaka – he stated that on the morning of 6.9.2009 @ 3:00am he was woken up by the cry of a woman in fear. He heard the sound for about 3(three) minutes and to him it appeared to come from the eastern side. He also heard the accused calling his cousin Lalchhuanawma saying that his aunty had been raped by someone. He rushed out to help and when he reached, the accused, Chhuanawma and Rama were already there at the place of occurrence. The victim could not utter any word but he knew that she was still breathing. They carried the victim to the house of C.Kawlbuai (L) her brother and from there she was taken to the hospital. In his cross-examination, he stated that the distance between his house and the jhum hut of the victim must be about 100 metres. He suspected that Rama, originally from Myanmar, who was living in the same neighbourhood to be the culprit since the said Rama left their village before victim was expected to return home from the hospital. He stated that he has known the accused for 10 years and knows that he has good character.

PW No.4/ Vanlalthanga stated that sometime in the month of September, 2009 early in the morning @ 3:00 am he heard the sound of heavy breathing of a woman. He thought the woman was having improper sleep. He also heard the accused calling Chhuanawma stating that his aunty may have been raped. Hearing this he went out to help and on hearing the news his neighbour Lalhmuchhuaka came with him. When they reached the hut of 'X', he saw that her upper lip and head were bleeding. She could not utter a word though she was still breathing. When he and his friends reached the hut of the victim, the accused, Chhuana and Rama (Burmese) were already there. He knows that the victim succumbed to her injuries. In his cross-examination, he stated that the accused is a man of good character. He does not know the culprit, he did not see blood stain on the clothes and body of the accused that night. He only heard the accused calling Chhuanawma that his aunt might have been raped. He also did not see any blood stain on the objects inside the hut.

PW No.5/Ginlamtluanga and PW No.6/ Ningzuanem are the tenants of the accused. They stated that on that particular morning they remained awake till 2:30AM as they were busy distilling liquor. They did not know or hear the accused calling anyone. But they were awoken by the whispering sound that X was murdered on her jhum hut. PW No.5 went out in search of the culprit. They stated

that the accused hunted a wild boar and their family also ate the meat of the wild boar. In his cross-examination, they stated that the accused hunted the wild boar long before the incident. They admitted that they came to learn about the incident as there was commotion outside his house and so they went out to enquire about it.

PW No.7/ Lalchhuanawma stated that on the night of 5/9/09 they went home @10:00pm after watching TV in the house of his father. While they were fast asleep @ 3:00am accused knocked at his door and said that his aunt X have been assaulted by somebody in her jhum hut and then the accused left. He rushed out immediately towards the jhum hut of his aunt X and carried a torchlight with him. When he was near the electric pole he called the accused and the accused shouted back from the hut of X so he went towards the jhum hut. From their noise, Hmuchhuaka, Vanlala and Rama who were their neighbours also reached the jhum hut after him. When he reached the jhum hut the accused was not inside but was standing out near the jhum hut flashing his torch light around the jhum hut and saying that somebody has fled away. He saw his aunt lying naked in her jhum hut, her underwear and petticoat were pulled down to her ankle, her skirt was pulled up to her chest, she was still alive but lost her senses and could not speak properly as she sustained injuries on her forehead, lip and chin. He also stated that there was profuse bleeding from her ears. He asked his aunt who the miscreant was to which she said “Nangmah” meaning ‘you’ but could not utter any words again. When he said that she was mistaken and that he is her nephew she could not utter any word. At that time, Hmuchhuaka, Vanlala, Rama and accused were outside the jhum hut. When he dressed his aunt he called the others from outside to help him carrying his aunt to the village as soon as possible. From their village they took X to the PHC and after initial treatment on advice of the Doctor, they went to Civil Hospital Aizawl on the same day. His aunt was hospitalized for about one month but did not regain senses though she was conscious, she could not recover and ultimately died in the hospital. He stated that on the said night the accused as wearing camouflage shirt, pants and shoes. He also stated that he was informed of the incident by the accused and that the accused was the first person to reach before anyone of them. According to the accused, he heard some person rushing towards the jungle near the jhum and was flashing torch light around the area saying that he was looking for the culprit. In his cross examination, he stated that he has been living in the same neighbourhood with the accused for 2 years and according to him the accused is honest and of good character. He further stated that he has no suspicion to believe that the accused is the culprit. He also stated that one Ngurmuana and Rama were also arrested by the Police but were later released. Rama who is a Myanmarrese absconded after he was released from jail till date they do not know

his whereabouts. He admitted that he did not notice any injury which could have been inflicted by a gunshot. He admitted the suggestion that the accused could not have committed such a heinous crime upon his aunt.

PW No.8/Lallawmsangi is the wife of PW No.7. She stated that one morning before dawn, they were awakened by the call of the accused from the jhum hut. Her husband went out but she did not accompany him. Later they brought the victim to her house and she saw that X was badly assaulted. Her husband asked the accused how many times he called them to which he said thrice. In her cross examination she stated that accused is their neighbour, accused and Rama were arrested and that Rama left their village long time back. She has known the accused since 1994 and does not know about the accused having bad character.

PW No.9/Ramngaihsanga stated that he was working as a teacher in Govt. Primary School-I, Kawlkulh and lived near the house of the accused for more than a year. He also heard the whisper from the road and heard the voice of the accused who informed him of the incident. When he came out, the victim was already kept in the house of Pu. Chhuanawma. Some days later, he received a phone call from the accused asking him to break open the lock of his house and to sent him clothes as he was in judicial custody. So he broke open the lock of the house of the accused and entered with Tluanga, tenant of accused. He collected the clothes of the accused and Tluanga swept the floor. He locked the door with a new lock and kept the key with him. He also stated that if someone want to get inside the house they can enter through the window. On the following week the Police requested him to open the house and he also entered the house with the Police. Inside the house the Police requested him to witness the seizure of a raincoat as they wanted to examine the blood stain on the raincoat. He out his signature, he also saw a dark stain in the raincoat and a cobweb in the raincoat. In his cross-examination he stated that the Police arrested the accused and Rama a Myanmarese. He suspected Rama to be the culprit and heard that earlier the said Ram had carnal intercourse with a buffalo.

PW No.10/Lalrinpuia stated that while he and his friend Sanga were near the house of the accused the Police arrived and requested him to enter the house of the accused with them. He entered the house with the Policemen and saw a raincoat which was seized by the Police. He did not have a clear look at the raincoat and is not certain whether it was stained with blood or not. He subscribed his signature in the seizure memo which he exhibited as Ext.P-2(b) and identified that the material exhibit at Ext.M- raincoat as the one seized in his presence. In his cross examination he said that he heard from people that the accused tried to rescue the

victim. He has no knowledge regarding the involvement of the accused in the instant case.

PW No.11/C.Laltluanga is the seizure witness of a lady shirt stained with blood belonging to X, small piece of silpoulin stained with blood, Mizo bati and a piece of silpoulin. He exhibited the materials seized as Ext.M-1, his signature as Ext.P-4(a) and the seizure memo as Ext.P-4. In his cross-examination, he stated that the materials produced in the Court were the once seized by the Police wherein he had put his signature.

PW No.12/Zonunthanga is also a seizure witness of a lady shirt stained with blood belonging to X, small piece of silpoulin stained with blood, Mizo bati and a piece of silpoulin. He exhibited the materials seized as Ext.M-1, his signature as Ext.P-4(b) and the seizure memo as Ext.P-4. In his cross examination he stated that he was not in the place of occurrence when seizure of a lady shirt stained with blood belonging to X, small piece of silpoulin stained with blood, Mizo bati and a piece of silpoulin were made by the Police but he had seen the items at the place of occurrence before they were seized. He was called by the Police from the house of X to put his signature as seizure witness. He admitted that he is the younger brother of X.

PW No.13/Dr.Zolankimi Ngente stated that she examined X on 6.9.2009 @ 4:30 am on being brought by relatives and leaders of NGO. On arrival at the PHC Kawlkulh, X was already unconscious. Upon examination she found that there was bleeding from the right ear and swelling over the parietal (above temporal) and frontal bone (forehead). Her skull was found to have fractured, there was laceration on her chin of about 1.5cm and upper lip (penetrating) of 2cmx1cmx1cm. The injuries were grievous in nature and she referred the patient to Civil Hospital Aizawl. From her examination, she formed the opinion that the weapon of assault must be blunt weapon. She exhibited the medical examination report as Ext.P-3 and her signature as Ext.P-3(a). In her cross examination she stated that she did not examine the accused in order to find out whether X was raped or not.

PW No.14/Dr. Lalhmingliana examined X at Civil Hospital, Aizawl on 6.9.09 @ 2:30pm. The witness deposed that at the time of arrival X was semi conscious. His finding is recorded in the Medical examination Report which he exhibited as Ext.P-4. The witness further stated that he took the vaginal swab and sent for laboratory examination. The witness stated that the hymen of X was freshly torn which can happen due to rape or injury by other object. He further stated that examination of injuries on the other parts of the body was done by other medical officer in the emergency department. In his cross-examination, he admitted that the laboratory examination report no spermatozoa was detected from

the underwear of X. He admitted that no vaginal swab/smear was seen at the time of laboratory investigation conducted at Civil Hospital Aizawl on 6.9.09.

PW No.16/V.Lalbiaksanga stated that FIR was received on 6.9.09 at Khawzawl Police Station. During the relevant time as the Officer-in-Charge of Khawzawl PS was out of station, The Superintendent of Police Champhai deputed him to Khawzawl PS and to conduct Preliminary investigation with DSP/ RK Daniel. They arrived @ 10:00pm but by that time X as already evacuated to Civil Hospital, Aizawl. They arrested the accused and Ginlamtluanga and remanded them to judicial custody at Champhai. The Officer-in-charge of Khawzawl PS then joined his duty and took up the case. He exhibited the arrest memo as Ext.P-5 and his signature as Ext.P-5(a). In his cross-examination, he admitted the suggestion that accused and Ginlamtluanga were arrested on mere suspicion since they were the first persons to go to the place of occurrence. He did not make any seizure.

PW No.17/ Lalhmachhuani Sailo stated that after the case was registered at Khawzawl PS the victim was referred to Civil Hospital Aizawl for treatment. During the relevant time, she was posted at CAW Cell Aizawl and so she made requisition to the Civil Hospital Aizawl for examination of X who was raped by unknown miscreant. She also seized the underwear of X at the hospital for laboratory examination. She stated that on 8/9/2009 she made requisition to the medical Officer, Aizawl to have a test on the victim's blood sample for comparison. She further stated that on 25.9.2009 she stood as a witness when the blood sample of X was being drawn by Dr. Michael Zopara. She exhibited the seizure memo of maroon coloured underwear as Ext.P-7 and her signature thereon as Ext.P-7(a), Prayer for taking blood sample as Ext.P-8 and her signature as Ext.P-8(a), forwarding letter of medical examination of X as Ext.P-9 and her signature as Ext.P-9(a) and Ext.P-10 which is a carbon copy of the certificate issued by medical officer of Police Hospital 1<sup>st</sup> Bn. MAP Aizawl. In her cross-examination, she admitted the suggestion that Ext.M-1 produced in the Court does not contain the materials seized by her. She stated that she seized the underwear of X and the same was not produced in the Court. She did not conduct investigation.

PW No.18/CLL Muana is Asst. sub.Inspector of Police. He stated that he was posted in Khawzawl PS as Sherista and on 6.9.2009 @ 5:40am telephonic information was received to the effect that X was found in a nearly dead state in her jhum hut @ 3:00am. So he alongwith party went to the place of occurrence but by that time X was already evacuated to Kawlkulh PHC and from there referred to Civil Hospital Aizawl. He stated that at the place of occurrence they found blood stain on the floor and they also saw a stone. He seized a blood stained lady shirt and a small piece of silpouline stained with blood and Mizo bati. Thereafter, he



examined available witnesses and also seized the shirt of the accused which was stained with blood from this house. He arrested the accused and Inmimthu @ Rama and they were interrogated at Champhai Police Station since he was the only officer on duty at Khawzawl PS during the relevant time. He also arrested Ngurmuana but subsequently Ngurmuana and Inminthe were discharged as no prima facie case was found against them. He stated that he conducted only preliminary enquiry. He further stated that he was not competent in his capacity as ASI to be an Investigating Officer but during the relevant time as there was no other officer, he took up preliminary investigation and gave his report to the Officer-in-charge/ Investigating officer. In his cross-examination, he stated that he did not seize the underwear of X and accused and it was his superior officer who sent the seized articles to the FSL. He stated that he recorded the statement of the accused.

PW No.19/SI H.Vanlalthanga is the Investigating Officer. He stated that FIR was lodged on 6.9.09 @5:45 at Khawzawl PS from Laldinpuia Saiawi of Kawlkulh village. He stated that preliminary investigation was done by ASI/CLL Muana from whom he took over on 10.9.2009. On taking up the investigation, he stated that he visited the place of occurrence alongwith leaders of YMA and Village Council of Kawlkulh. He stated that on the basis of suspicion three persons namely, Ngurmuana, Rama (Burmese), and accused were arrested and that he recorded their statements. Finding no prima facie case, he discharged Ngurmuana and Rama. But subsequently he was instructed by his superiors to initiate a case under the Foreigner's Act against Rama. But before he could be arrested, the said Rama absconded. He further stated that he compared the statements of the accused which was recorded during preliminary investigation and the one recorded by him and found discrepancies and contradictions. The discrepancies which he found were that in the preliminary enquiry the accused stated that @3:00am he was awakened by the sound of moaning in pain and that he opened the door and called the name of X for about four times. He stated that he found the statement unbelievable because Ginlanthanga and his wife who were occupying the floor below the accused did not hear the accused calling 'X' whereas at other times they can even hear the footsteps since it was a hut. The witness further stated that the accused further stated that he ran towards the jhum of X and heard the sound of beating and strangling and that he assured X not to worry and that he will shoot the culprit and he also stated that he saw the culprit jumping out as he entered the jhum hut, the accused also stated to him that on that night he was wearing a comouflag pant, a shirt and a hunter boot with shoe lace and carried a bag(ipte pui), a gun, torch light, ammunition (silai mu), a dao, a lighter and cogarrette. The witness stated that he found the statements contradictory (doubtful) because on the same

night the accused wore a track pant when he visited Pi. Zami. The other doubt which the I/O has on the statement was that if the accused heard the sound of pain from X he could have very shot the culprit with the weapon he was carrying or apprehend him. The witness further stated that he doubted the statement of accused to the effect that when he saw the culprit jump out of the jhum hut, the nearby banana tree shook due to the force of jumping. The doubt according to the I/O was because banana tree was not visible from the jhum hut as the same was hidden by the outer wall (thlam namthlak bang) of the jhum hut. The accused retracted his statement and said that the banana tree was in front of the jhum hut but the I/o stated that he found the statement unbelievable because according to the accused he was standing in front of the jhum hut and if the culprit jumped out from the front of the hut against the banana tree he/accused could have caught the culprit. The witness stated that when he confronted the accused with his doubt the accused simply stated "ka ti lo" meaning I did not do it. The witness further stated that on the high of the incident it was raining heavily and there were land slides. The occurrence was in the paddy field and sloping. But when he visited the place of occurrence he did not find any traces of footsteps in the paddy field whereas according to the accused the culprit fled away. The accused also stated to him that when he entered the jhum hut he saw X lying down and her private part was not covered and that he covered her. But Lalchhuanawma who entered the jhum hut after the accused also made the same statement. The witness stated that he conducted search in the house of the accused while he was in judicial custody and found a folded raincoat of green colour. On opening the fold he saw blood stain and seized the same. When he questioned the accused about the bloodstain he stated that he shot an animal but could not give a definite time when he shot the animal. The witness stated that the FSL examination of the blood of X, stain on the dress of X and bloodstain on the raincoat gave a positive result. The circumstance was supported by the FSL report so he laid charge sheet against the accused. He exhibited the charge sheet as Ext.P-4 and his signature as Ext.P-4(a). He identified that the material exhibit i.e raincoat marked as Ext.M-1 is the one seized by ASI/CLL Muana in his presence. In his cross-examination, he stated that there were three Investigating Officers on the instant case and that he is the third one. He admitted that the accused was earlier arrested and released without any personal bond by Champhai PS but he further stated that he re-arrested the accused as he found discrepancies after reading the statement and after visiting the Place of occurrence and denied that he committed illegality by re-arresting the accused. He admitted that one of the suspects Rama absconded. He admitted that the blood-stained raincoat was sent to FSL after 6 months from the time of seizure.

PW No.18(20)/ C.Lalrammawia is the nephew of the deceased. He stated that the jhum hut of his aunt X was about 50 metres from the main road of the village. He also stated that the accused was the first person who heard and saw his aunt. There were other houses near the house of accused but none of them heard any sound from the jhum hut of his aunt. He accompanied his aunt to the hospital at Aizawl. He further stated that his aunt remained in the hospital for about 2 weeks and as there was no improvement, she was discharged. His aunt dies about 2 months after the incident. In his cross-examination, he admitted the suggestion that the accused was not around/near the place even before and after the incident. He stated that he did not hear anything from anyone including medical officer that his aunt was subjected to sexual intercourse. He denied the suggestion that the cause of the death of his aunt was not due to injuries sustained by her in the instant incident.

PW No.19(21)/SI JH Sanghmingthanga stated that due to the death of X, on the basis of prayer made by the previous I/O he conducted further investigation. He seized the death certificate of X and recorded the statements of C.Lalrammawia. He stated that during investigation he learnt that the families of X are uneducated, ignorant and as there is no Police Station in their village they did not inform the death of X to the Police immediately and that they did not inform the I/O till he laid the charge sheet. He exhibited the supplementary charge sheet as Ext.P-11 and his signature as Ext.P-11(a) and the original Death certificate of X as Ext.P-12. In his cross-examination, he stated that he did not know about the death of X until he received an Order from the Court. He further stated tat he did not personally go to Kawlkulh village to confirm the death of Rothangi and that he sent ASI/CLL Muana.

8. Examination of accused u/s 313 Cr.P.C is one of denial.

9. At this stage the evidence adduced by the defence may be briefly highlighted:-

DW No.1/Lalawmpuia stated that accused and one Rama were arrested. However, the said Rama escaped from the village on the pretext of carrying on the business of timber and since then he has not been heard off. He stated that it is the believe of the other villagers that Rama was the culprit and when the accused was in custody the YMA took the initiative to release the accused but it was not possible. He further stated that he was also present when the Police seized the raincoat of the accused. At the time of seizure, the raincoat was not worn for a long time and when they shook there were cockroaches. The Police seized the raincoat because the stain which appeared to him was a black stain appears to the Police as a bloodstain. He stated the like him the accused was in the habit of hunting. He

stated that seeing the raincoat with the stain he does not believe it to be human blood or the blood of the deceased. In his cross examination he stated that he does not know whether Tluanga and Ram left Kawlkulh village due to the action of YMA to clear their village from immigrants not native of Mizoram, he stated that the search conducted by the YMA for the glimpse of the person which the accused claimed to have seen was futile, he further stated that the Police seized the rain coat from the house of the accused which was kept hanging, he entered the house after the Police, he did not touch the rain coat at all.

DW no./2 Lalhmingthanga he stated that on 4<sup>th</sup> Sept. 2009 carried ration supply of rice from Govt.Godown at Kawlkulh to Ngopa with his son Ramfangzauva. He stated that when they reached Ngopa they did not unload the rice as their vehicle was diverted to Khawdungsei on the next day i.e. 5.9.09. He stated that his son and accused arrived back at Kawlkulh on the night of 5.9.2009 and the accused had his evening meal in his house with his son. In the meantime he and his wife left to attend evening church service. According to this witness, there was no reason for the accused to know that X was in her jhum hut on the night of 5.9.09. He stated that he has been an elected representative of the Village Council for a number of years, he has been the President of Village Council of Kawlkulh from 2001 to 2005 and member of the Village Council since the year 1998. He stated that he suspected Rama from Myanmar to be the culprit. He further stated that Rama absconded after he was released by the police. He further stated that he knew that on the night of 5.9.09 the said Rama was brewing liquor in his house which he took on rent from the accused. The witness further deposed that though the family with whom Rama reside expected that he will return, when they checked his luggage they found that he has taken all his clothes and stuffed his luggage with a sack. In his cross examination, he stated that his son Ramfangzauva is a driver by profession, his son used to take other people also to work as helper, they do not maintain a register to record the particular helper engaged for their vehicle on a particular day, he admitted that they do not have written record to support his statement that the accused assisted his son. He denied the suggestion that it was the villagers who forced Rama to leave the village after his release from the Police.

10. Dealing with the offence punishable u/s 325 IPC, grievous hurt is defined u/s 320 IPC. In the case at hand PW No.13/Dr.Zolankimi Ngente stated that she examined X at Kawlkulh PHC on 6.9.09 @ 4:30am. She stated that X was unconscious, there was bleeding from her right ear and swelling above the parietal (above temporal) and frontal bone. The skull was found to have fractured and right

upper incisor has also fractured. The witness further stated that X sustained laceration on her chin about the size of 1.5cm and upper lip(penetrating) about the size of 2cmx1cmx 1cm. The Doctor also stated that the injuries are grievous in nature.

11. Section 320 IPC defines grievous injury. Sec. 320 clause seventhly and eighthly may be reproduced as follows:-

*“seventhly- Fracture or dislocation of a bone or tooth.*

*Eighthly- any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits.*

12. In the case at hand the medical evidence show that X suffered fracture of bone. Further, PW No.7/Lalchhuanawma who is the nephew of X clearly stated that his aunt was hospitalized for more than a month but during this period she could not regain her senses though she was conscious she was out of her senses. She could not recover from her injury and eventually without having proper sense she died in the hospital. Similarly, PW No.18 (20)/ C.Lalrammawia another nephew of X stated that X was referred to Civil Hospital Aizawl and at that time she was unconscious. He further stated that his aunt was admitted in the hospital and remained for about two weeks but as her condition did not improve she was discharged. The witness further stated that X died about 2 months after the incident and in his cross-examination, he stated that his aunt was not able to speak when she was taken home from the hospital.

13. Accordingly from the materials and evidence on record, I find that there is sufficient proof to the effect that the injuries sustained by X were grievous injuries as defined u/s 320 IPC.

14. The evidence of PW No.4/ Vanlalthanga stated that he knew X succumbed to her injuries. PW no.7/Lalchhuanawma who is the nephew of X stated that X could not recover from her injury and eventually died in the hospital without regaining proper senses. PW no.18(20)/C.Lalrammawia, another nephew of X stated that X died about two months after the incident. PW No.19(21)/SI JH Sanghmingthanga exhibited the Death Certificate of X wherein it was mentioned that X died on 29.11.2009.

The oral evidence about the death of X has been supported by documentary evidence though Post Mortem Examination is not available. As such, I do not find that there is any reason to doubt that X died on 29.11.2009.

15. Coming to the offence u/s 376 IPC. The sine quo non for the offence of rape is penetration of the male organ into the vulva of the woman. The explanation to section 375 IPC makes it clear that the extend of such penetration is no material, thereby meaning that legally the offence of rape can be committed even with the slightest penetration or even with the hymen remaining intact.

16. In the case at hand, it is an admitted fact that X was a spinster. PW No.14/Dr.Lalhmingliana examined X at Civil Hospital on 6.9.09 @ 2:30pm. He stated that the hymen was found recently torn. The Medical Examination Report of X which is at Ext.P-4 and duly proved by PW No.14 further shows that X also sustained perineal tear of external genitalia. The medical examination report also shows that marks of violence were found on the body of X such as head injury, injury of the left eye, injury of the jaw and genital. PW no.14 in his cross-examination admitted that no spermatozoa was found on the underwear and vaginal smear.

Apart from the medical evidence, PW No.2/C.Hualhnuna who is the cousin brother of stated that he was present at Kawlkulh PHC at the time of examination of X and that the Doctor called him to help her in examining the genital area. He stated that when her legs were spread he saw blood coming out from her private part.

17. The injuries found on different parts of the body of X coupled with a finding of fresh tear of the hymen support the case of the prosecution that X was subjected to forceful sexual intercourse within the meaning of sec.375 IPC.

18. The question to be determined now is who caused the grievous hurt/ death of X, who committed rape upon X, how was the death caused and does the circumstance fall within the definition of murder u/s 300 IPC and punishable u/s 302 IPC ? In other words, whether the accused was the one who raped and cause the death of X? If so, whether his conduct would fall within section 300 IPC and the accused thereby guilty of murder u/s 302 IPC?

19. In the instant case there is no eye witness to the incident. Accordingly, the finding has to be arrived at from the circumstances on record after examining whether the circumstances form a complete chain against the accused being the only culprit and no other.

20. "Mens rea" is the main crux of the offence punishable u/s322 & 302 IPC. Intention is a state of mind. As such it cannot be seen or touched and more often,

guilty intention, in a criminal case has to be gathered from the surrounding circumstances.

21. PW No.3/Lalhmuchhuaka stated that on 6.9.2009 @ 3:00am he was woken up by the cry of a woman in fear. He heard the sound for about 3(three) minutes and to him it appeared that the sound came from the eastern side. He also heard the accused calling his cousin Lalchhuanawma saying that his aunty had been raped by someone. He rushed out to help and when he reached, the accused, Chhuanawma and Rama were already there at the place of occurrence.

Similarly, PW No.4/ Vanlalthanga stated that sometime in the month of September, 2009 early in the morning @ 3:00 am he heard the sound of heavy breathing of a woman. He thought the woman was having improper sleep. He stated that his wife also heard the sound and they thought why she was not woken up and then they continued to sleep. He also heard the accused calling Chhuanaawma stating that his aunty may have been raped. Hearing this he went out to help and on hearing the news his neighbour Lalhmuchhuaka came with him.

PW No.7/Lalchhuanawma stated that on the night of 5/9/09 they went home @10:00pm after watching TV in the house of his father. While they were fast asleep @ 3:00am accused knocked at his door and said that his aunt X have been assaulted by somebody in her jhum hut and then the accused left. He rushed out immediately towards the jhum hut of his aunt X and carried a torchlight with him. When he was near the electric pole he called the accused and the accused shouted back from the hut of X so he went towards the jhum hut. From their noise, Hmuchhuaka, Vanlala, and Rama who were their neighbours also reached the jhum hut after him.

22. It therefore appears from the evidence of these witnesses that PW No.3/Lalhmuchhuaka and PW No.4/Vanlalthanga also heard the sound of a woman in pain on the early hour of 6.9.09 when it was still dark. It can also be inferred from the evidence of PW No.3 & 4 that the offence was committed in the early hour of 6.9.09 as they heard the sound of a woman in pain early in the morning when it was still dark.

Though PW No.3 & 4 heard the sound of a woman in pain, before they moved out of their house they also heard the accused calling PW No.7/Lalchhuanawma and telling him that his aunt X may have been assaulted. Accordingly, from the evidence of PW No. 3 & 4 it can be safely inferred that the accused was the first person to reach the place of occurrence on the early morning of 6.9.09 or in other words the prosecution story is that the matter came to light on the same being told by the accused to PW no.7/Lalchhuanawma the nephew of X.

The evidence of these witnesses also shows that apart from the accused, the first persons to reach the jhum hut of X were PW No.3/Lahmuchhuaka, PW No.4/Vanlalthanga, PW No.7/Lalchhuanawma and one Rama.

A reading of the entire evidence would clearly indicate that the said Rama was initially arrested with the accused but was later discharged. It is also seen that the said Rama, a native of Myanmar, who used to reside with the family of Ginlamtluanga who were the tenant of accused and used to occupy the floor below the one occupied by the accused. It is also noticed that the said Rama left the village after his release from the Police custody.

23. FIR was immediately lodged on the morning of 6.9.09 itself by PW No.1/Laldinpuia of Kawlkhulh Village at Khawzawl Police Station. PW No.18/ASI. CLL Muana stated that at the time of receipt of the FIR he alongwith party rushed to the place of occurrence. By the time they arrived, the victim was already evacuated to hospital. He stated that at the place of occurrence there was bloodstain on the floor and stone. He seized blood stained lady shirt, a small piece of silpouline stained with blood, he also seized the shirt of the accused stained with blood from his house. He examined available witnesses and arrested the accused and Inmimthu @ Rama. He stated that the two arrested persons were taken to Champhai PS for interrogation as he was the only officer on duty at Khawzawl PS during the relevant time.

Ext.P-4 which is the seizure memo also shows that the above-mentioned four items were seized from the jhum hut of the victim.

However, PW No.4/Vanlalthanga who was amongst the first persons to reach the place of occurrence stated in his cross examination that he did not see any blood stain on any object inside the hut. He further stated that he did not see the blood stain on the clothes as well as the body of the accused on that night.

24. Another seizure made during investigation of the case is the raincoat from the house of the accused. PW no.19/ SI H. Vanlalthanga stated that he took over the investigation from ASI/CLL Muana on 10.9.2009. At that time the accused was already in judicial custody so his friends opened his house. Inside the house, the said PW stated that he seized a green coloured raincoat with a stain which appeared to be blood stain.

PW No.9/Ramngaihsanga opened the house of the accused for the Police to conduct search. He stated that in his presence the Police seized a raincoat as they wanted to examine the bloodstain. He stated that he also saw the presence of a dark stain on the raincoat and that there were cobweb in the raincoat.



PW No.10/Lalrinpuia stated that he saw the Police seizing raincoat from the house of the accused but he did not have a close look at the raincoat and so he does not know whether there was blood stain or not.

25. PW No.19/SI.H. Vanlalthanga stated that he was the one seizing the raincoat of the accused from his house after the accused was put in judicial custody. However, the Seizure Memo at Ext.P-2 shows that seizure was made by ASI/CLL Muana in the presence of two witnesses namely Ramngaihsanga (PW No.9) and C.Lalrinpuia (PW No.10).

26. From the seized items, lady's shirt with suspected blood stain belonging to X, blood sample of X and rain coat belonging to the accused with suspected stain were sent to FSL, Guwahati for examination. The FSL report given by Director - cum- Chemical Examiner to the Govt.of Assam, Directorate of Forensic Science, Assam can be treated as Expert opinion u/s 293 Cr.P.C. As per the said report the exhibits were sent to them vide letter dt.8.12.2009 and examination report was sent back on 24<sup>th</sup> Feb.2010. As per the Report, it was found that the blood sample of X was of blood group 'AB' and stain found on the lady's blouse/shirt and raincoat were human blood of 'AB' group.

The finding of the FSL naturally raises doubt on the involvement of the accused. But to find a person guilty, there has to be clear and cogent proof.

Ext.P-10 shows that the blood sample of X was drawn on 25.9.09 at Civil Hospital Aizawl. Seizure memo of the raincoat at Ext.P-2 shows that the same was seized on 15.9.09. As stated above, the samples were sent to the FSL on 8.12.2009 which is more than two months from seizure and drawal of blood sample of X. PW no.19/SI. H.Vanlalthanga admitted that the seized items were sent to the FSL after 6 months and he explained by stating that it was due to late drawal of blood of X at Aizawl, secondly, the articles were to be packed in the presence of Judicial Magistrate and it was sent to SP Champhai for examination by FSL but the same took a long time due lack of man power and financial constraint.

No explanation is given and no evidence has been adduced regarding the manner in which the blood sample of X was preserved from the time of drawal to the time it was sent to FSL, who was the custodian of the seized items, how were they maintained/preserved etc. No explanation is also given for the reason why the shirt of the accused which was stained with blood seized by PW No.18/CLL Muana was not sent to the FSL? Though PW No.18 stated that he also seized the shirt of the accused, the said item have not been mentioned in the two seizure memos at Ext.P.2 and 4. This lacunae affects the right of the accused in as much as upon appreciation of the prosecution story, it appears that the blood stain on the

rain coat of the accused matching with the blood group of X and the accused being the first person to reach the Place of occurrence are the two grounds on which the suspicion is founded upon the accused.

27. Going back to the seizure of the raincoat of the accused. PW No.19/SI H.Vanlalthanga stated that he took charge of investigation on 10.9.09. He stated that he conducted search of the house of the accused which was opened by his friends since he was already in judicial custody. He further stated that he saw a green raincoat which was folded in round shape usually used to women while carrying water, while opening the fold he saw a stain which appeared to be blood stain and that he seized the same. At the time of production of the material exhibit the witness stated that the same was seized in his presence by ASI/CLL Muana. Ext.P-2 which is the seizure memo shows that seizure of the raincoat was made on 15.9.09 and two witnesses namely Ramnagihisanga and H.Lalrinpuia subscribed their respective signatures.

PW No.9/Ramngaihsanga stated that he saw the presence of dark stain on the raincoat and that he also saw a cobweb in the said raincoat.

PW No.10/Lalrinpuia stated that he did not have a clear look at the raincoat and so he does not know whether it had a bloodstain or not.

DW No.1/Lalawmpuia stated that he was also present when seizure of raincoat was made from the house of the accused. He did not touch the raincoat but stated that the said raincoat was not worn for a long time and when it was shaken he saw that there were cockroaches in the rain coat. In his cross-examination he stated that the raincoat was kept hanging inside the house of the accused at the time of seizure.

PW No.19/SI H.Vanlalthanga stated that on the night of the incident it was raining and there were land slide.

The incident appeared to have occurred in the wee hour of 6.9.09. Seizure was made on 15.9.2009. PW No.19 clearly stated that the raincoat was folded in round shape as usually used by women while carrying water (on the head). It is also in evidence that during the relevant time the accused was living alone in his house. As per the arrest memo at Ext.P-4 accused was arrested on 9.9.09 @ 5:35 pm. Therefore, the accused occupied his house for about 4 days from the time of the incident to his arrest. As such, if the accused had worn the raincoat on the night of the incident, he had ample opportunity to wipe out any traces of the crime before his arrest. This has not been done by the accused. Further, the incident occurred in the month of September which is not monsoon. The presence of cobweb and cockroaches in the raincoat suggests that the same had not been worn

or touched for a long time. Considering the season of the year in which the offence was committed as well as the time gap between the incident and seizure of the raincoat, ordinarily, it is too early for formation of cobweb. Further, if it was worn on the night of the incident, the rain would have washed away the dirt thereby making it more unlikely for formation of a cobweb.

PW No.19/SI H. Vanlalthanga stated that the raincoat was folded in round shape, usually used by women while carrying water (overhead). On the contrary DW No.1/Lalawmpuia stated in his cross-examination that the said raincoat was kept hanging inside the house of accused at the time of seizure. At the same time, it is noticed that PW No.9/Ramngaihsanga stated that if someone wants to get inside (the house of accused) they can enter through the window.

Accordingly, the contradictions regarding the manner in which the raincoat was found at the time of seizure, the house of the accused being accessible through the window, the accused already being arrested and kept in custody as well as the time gap between the arrest of accused and date of seizure, raises the possibility of the evidence being tampered against the accused.

Presuming that the accused did not wear the raincoat but somehow rubbed the bloodstain, the other material to prove the guilt of the accused is the shirt of accused stained with blood which PW No.18 stated was seized from the house of accused. But the said item have not been sent for examination and there is no record where the seized item is kept and it is not mentioned in the two seizure memos.

27. From the manner seizure of raincoat was made, the condition of the raincoat at the time of seizure, the long period it was kept in the custody of the Police raises doubt. The finding of the FSL no doubt support the prosecution case. But for the reasons aforesaid, it would not be proper to conclude the guilt of the accused only on the basis of the said FSL report.

28. Turning to the injuries sustained by X, PW No.13/Dr.Zolankimi Ngente stated that X there was bleeding from the right ear, swelling over the left parietal and frontal bone, fracture of skull and fracture of upper right incisor. She also stated that there was laceration on the chin and upper lip and according to the medical officer, the weapon used would be a blunt weapon. However, no weapon has been seized.

29. There is no medical evidence on the status of the deceased at the time of her discharge from the hospital. PW No.7/Lalchhuanawma stated that his aunt was hospitalized for about one month but during this period though she was conscious

she did not regain her senses. He further stated that without recovering from her injury and without regaining proper senses his aunt died in the hospital. On the other hand, PW No.18(20)/ C.Lalrammawia stated that his aunt was hospitalized for about 2 weeks. As there was no improvement she was discharged and that she died about 2 months after the incident. It appears that before the first charge sheet was laid, the Investigating Officer and the victim/her family did not meet and there is no material to suggest that attempt to record the statement of X was made. The Death Certificate of X at Ext.P-12 shows that X died on 29.11.2009 and it was issued on 25.6.2013. There is no medical evidence reading the cause of death of X. PW No.19/SI JH Sanghmingthanga who submitted the supplementary charge sheet stated that he did not personally go to Kawlkulh village to confirm the death of X and that he sent ASI/CLL Muana. Upon appreciation of the entire evidence it is clear that the victim has died. But there is no evidence to the cause of her death. With such materials on record, it would be too far fetched to find the accused guilty of culpable homicide amounting to murder punishable u/s 302 IPC.

30. PW No.7/Lalchhuanawma, the nephew of X stated that the accused 'knocked at the door' and shouted "Chhuana, Chhuana, your aunty (ni) X have been assaulted by somebody at her jhum hut" and left the house.

31. As stated above, it is clear that the accused was the first person to reach the place of occurrence. Presuming that the accused committed the offence, as stated above, it was in the early hour of 6.9.09. No one saw the accused going to the jhum hut of the victim, no one was with the victim in the jhum hut and the victim was seriously wounded and lost her senses. Under a given circumstance, the accused who was living alone in his house could have very well gone back home without waking the relative of the victim. From the evidence, including the prosecution evidence it appears that the accused does not have any bad reputation in their village and none of them believe him to be the culprit. Considering the status of accused and his antecedents, it is very unlikely that an offender would act in the manner the accused did.

32. DW No.2/Lalhmingthanga stated that the accused was with him son and that they returned to Kawlkulh village on the night of 5.9.09 and had dinner in their house and as such there was no reason for the accused to know that X was in her jhum hut. In this connection, the accused in his statement u/s 161 Cr.P.C made a similar statement. The statement of this witness have not been falsified in cross-examination, and there is no reason not to believe his statement that the accused would not have known that X was spending the night in her jhum hut.

33. PW No.3 and 4 stated that they heard the sound of a woman in pain and that they heard the accused calling Chhuana and telling him that his aunt X have been assaulted in her jhum hut. These evidence suggest that the incident occurred that time and the victim still had the strength to make a sound. The evidence also shows that these persons immediately rushed to the jhum hut of X. The evidence also shows that the victim was bleeding profusely. Accordingly, it is expected that the culprit would also be stained with blood atleast on some part of the clothes or his body. The evidence gives a picture that from the time they heard the sound of pain to the time they reached the place of occurrence was in quick succession. PW No.5 stated that he remained awake till 2:30am brewing liquor. Later hearing some commotion he heard that X was murdered in her jhum hut. Therefore, presuming that the accused was the offender, from the evidence of PW No.5/Ginlamtluanga in means that the accused did not make any sound which was audible to them till 2:30am when they remained awake. In other words it can be safely presumed that the accused did not leave his house till 2:30 am when his tenant were awake. PW No.3 and 4 stated that they heard the sound of a woman in pain @ 3:00am, thereby leaving only half an hour to the accused to commit the offence upon X and then inform the relative of X. Since no seizure was made by the Police of the clothes worn by the accused and items carried by him, it appears that they did not find anything suspicious from the said materials. However, from the manner in which X was found something can be expected to be forthcoming from the wearing apparel of the accused. PW No.2/C.Hualhnuna who is the younger brother of X stated that his sister was 67 years old at the time of her death and that she was a spinster. He also stated that his sister had “*apathy*” towards men. Considering the age of the deceased, her lifestyle and her attitude towards men as stated by her brother and the fact that she and the accused were familiar with each other and living in the same neighbourhood, it is very unlikely that the accused would be in the hut of X from night time.

37. In the instant case, strangely there is no evidence whether the victim was in the jhum hut alone on that night or with somebody. Since there is evidence that the deceased has no fear of darkness and often stay overnight in her jhum hut depending on her work, it has been simply presumed that on the night of the incident she was alone in the hut.

38. In the presence of so many doubts and suspicion, it would not be legally proper to find the accused guilty.

**ORDER**

39. Accordingly, accused Ngurchhuanmawia is acquitted of the offence punishable u/s 325/376/302 IPC by giving him the benefit of doubt.

40. In terms of sec.437-A Cr.PC, the accused shall continue to be on bail for another period of 6 months.

41. Give copy of the Judgment & Order, free of cost to the accused.

42. Pronounced in open court and given under my hand and the seal of this court on this the 10<sup>th</sup> day of April, 2014.

**Sd/- HELEN DAWNGLIANI**  
Addl.District & Sessions Judge  
Aizawl Judicial District : Aizawl

**Memo No:...../AD&SJ(A)/20104:      Dated Aizawl, the 10<sup>th</sup> April, 2014**  
**Copy to: -**

1. Accused Ngurchhuanmawia through Counsel Mr. Lallianzuala Sailo, Advocate.
2. PP/Addl. PP, Aizawl District, Aizawl.
3. District & Sessions Judge, Aizawl.
4. District Magistrate, Aizawl District, Aizawl.
5. DSP (Prosecution), District Court, Aizawl.
6. i/c G.R.Branch.
7. Registration Section.
8. Guard File.
9. Case Record.

**P E S H K A R**

**APPENDIX****(A) PROSECUTION EXHIBITS**

Ext. - P-1    FIR

P-1(a) Signature of PW.No- 1

Ext. - P-2    Seizure Memo

P-2(a) Signature of PW.No-9

P-2(b)Signature of PW No-10

Ext. - P-3    Medical Examination Report of victim

P-3 (a) Signature of PW.No-13

Ext. - P-3    Charge Sheet

P-3(a) Signature of PW.No-

P-3(b)Signature of PW No.-

Ext. - P-4    Seizure Memo

P-4(a) Signature of PW.No-11

P-4(b)Signature of PW. No-12

Ext. - P-4    Medical Examination Report of victim

P-4(a) Signature of PW.No-14

Ext. - P-4    Charge Sheet

P-4(a) Signature of PW.No-19

Ext. - P-5    Arrest Memo

P-5(a) Signature of PW.No-16

Ext. - P-7    Property Seizure Memo of underwear

P-7(a) Signature of PW.No-17

Ext. - P-8    Prayer to test blood sample

P-8(a) Signature of PW.No-17

Ext. - P-9    forwarding medical examination of victim

P-9(a) Signature of PW.No-17

Ext. - P-10   carbon copy Certificate issued by Medical Officer, Police  
Hospital, 1<sup>st</sup> Bn. MAP Aizawl

Ext. - P-11   Supplementary Charge Sheet

P-11(a) Signature of PW.No-19

Ext. - M-1   Seized Article containing Raincoat, Silpouline

**(B) DEFENCE EXHIBITS- None****(C) EXHIBITS PRODUCED BY WITNESSES - None:****(D) COURT EXHIBITS- None****(E) PROSECUTION WITNESSES:**

PW.-1 – Laldinpuia

PW.-2 – C. Hualhnuna

PW.-3 – Lalmuchhuaka

PW.-4 – Vanlalthanga

PW.-5 – Ginlamtuanga

PW.-6 – Ningzuanem

PW.-7 – Lalchhuanawma

PW.-8 – Lallawmsangi

PW.-9 – Ramngaihsanga

PW.-10 – Lalrinpuia

PW.-11 – C. Laltluanga

PW.-12 – Zonunthanga

PW.-13 – Dr. Zolankimi Ngente

PW.-14 – Dr. Lalhmingliana

PW.-16 – V. Lalbiaksanga

PW.-17 – Lalmachhuani Sailo

PW.-18 – C.L.L. Muana

PW.-18 – C. Lalrammawia

PW.-19 – H. Vanlalthanga

PW.-19 – SI J.H. Sanghmingthanga

**(F) DEFENCE WITNESSES - :**

DW 1 – Lalawmpuia

DW 2 – Lalhmingthanga

**(G) COURT WITNESSES- : None**