

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS - 1
AIZAWL JUDICIAL DISTRICT : AIZAWL**

Crl. Tr. No. 1722/2015
(A/o Sairang P.S Case No. 30/15 U/S 379/34 IPC)

State of Mizoram ----- Complainant

-Versus-

1. Sangmawia
S/o S.Vawmhranga (L)
Mualcheng 'S' Lunglei Dist.
P/A Tourist Lodge, Changsilkai
Sairang, Mizoram.

2. Chronicle Lalhminghlua
S/o Chhuanvawra (L)
Mualcheng 'N', Serchhip Dist.
P/A Thlangtlak, Sairang.

3. Lalzuimawia
S/o Khamliankhuma (L)
Lunglei Electric Veng
P/A Thlangtlak, Sairang

----- Accused

BEFORE

T. Lalhmachhuana, Judicial Magistrate First Class - 1.

For the Prosecution : Ms. Venus H. Zomuankimi, APP
For the accused : Mr. R. Lalhmingmawia, Advocate.
Date of Order : 19.04.2016.

ORDER

Dated Aizawl, the 19th April, 2016

Accused Chronicle Lalhminghlua and Lalzuimawia are produce before the court from Judicial Custody. Another accused Sangmawia on bail is also present.

The prosecution story of the case in brief is that on 24.9.15 a written F.I.R. was submitted by Laldawngkima S/o K.Thlengliana of Sairang Venglai stating that in between 14.9.2015 – 19.8.2015 some unknown person (s) had stolen away about 25 Nos. of Teak Logs from his uncle Saithanga of Dawrpui Vengthar, Aizawl plantation

located at Thlangtlak Ram, Kawnpui Road. Hence, SRG P.S. C/No. 30/15 dt. 24.9.15 u/s 379 IPC was registered and duly investigated into.

During the course of investigation P.O. was visited. The complainant was examined and recorded his statement. The accused persons were arrested and they were thoroughly interrogated and recorded their statement in separate sheet. Prima facie case u/s 379/34 IPC is found well established against the three accused and submitted chargesheet accordingly.

Today is fixed for Consideration of Charge.

Heard both parties. On hearing of both parties with careful perusal of available documents on records this court finds reasonable grounds to presume that he accused actually committed the alleged offence.

Accordingly, charge is framed u/s 379/34 IPC, read over and explained to the accused persons in the language known to them to which they pleaded guilty and stating that " We had stolen Teak logs of Pu Saithanga and after selling 9 logs @ Rs.90/- each, the remaining five logs were returned to the owner".

Hence, on their own voluntary plea of guilty the accused persons are found guilty of the charge for stealing Teak logs of the complainant and I hereby convict them.

On hearing of the quantum of sentence the Id. APP prays to inflict at least six months s.i. with fine while the Id. Defence counsel prays to leniency and to set off detention period already undergone by accused no.2 and 3. Hence, further prays to inflict only fine with respect to accused no.1.

Considering the submissions of both parties with circumstances of the case and detention period already undergone, accused no. 2 and 3 and sentence to undergone s.i. for a period of six months while accused no.1 is sentence to pay a fine of Rs.1,500/- I.D. S.I. for 1 month.

Detention period shall be set off.

S.A. release on zimanama vide zimma no. 10/15 dt.25.09.2015 shall be deemed to return to the rightful owner.

Bail and bond stand cancelled by discharging liabilities of surety.

With this order the instant CrI.Tr.No.1722/15 arising out of Sairang P.S. C/No.30/15 is disposed of.

Sd/-T. LALHMACHHUANA

Judicial Magistrate 1st Class -1
Aizawl Judicial District, Aizawl

Memo No.____JMFC-1(A)/2016 : Dated Aizawl, the 19th April, 2016

Copy to:-

- 1) Accused Sangmawia S/o S.Vawmhranga (L), through Counsel Mr. R. Lalhmingmawia, Advocate.
- 2) Accused Chronicle Lalhminghlua S/o Chhuanvawra (L), through Counsel Mr. R. Lalhmingmawia, Advocate.
- 3) Accused Lalzuimawia S/o Khamlian khuma (L), Aizawl through Counsel Mr. R. Lalhmingmawia, Advocate.
- 4) District & Sessions Judge, Aizawl for information.
- 5) Superintendent of Police, Aizawl for information.
- 6) Spl. Superintendent, Central Jail, Aizawl.
- 7) SDPO, Aizawl North for information.
- 8) Mr. R. Lalhmingmawia, Legal Aid Counsel.
- 9) O/C Sairang P.S. for information.
- 10) Registration Section.
- 11) Guard File.
- 12) Case Record.

P E S H K A R