

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

Crl. Tr. No. 363/2016

(A/o Bawngkawn P.S Case No. 31/16 U/S 457/380 IPC)

State of Mizoram

Complainant

-Versus-

1. H.Lalawmpuia
S/o H.Vanlalruata
Zemabawk Vengthar
Aizawl, Mizoram.

2. Peter C.Lalhmagaiha
S/o Lalrinawma
Aizawl Venglai
Aizawl, Mizoram.

3. Johny Lalremruata
S/o Lalmalsawma
Zokhawthar, Champhai Dist.

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Accused

BEFORE

T. Lalmachhuana, Judicial Magistrate First Class - 1.

For the Prosecution : Ms. Venus H. Zomuankimi, APP

For the accused : Mr. K. Laldinliana, Legal Aid Counsel.
Mr. Roger C.Lalhmagaiha, Advocate & Ors.
Mr. Lalhmingthanga, Advocate & Ors.

Date of Order : 12.04.2016.

ORDER

Dated Aizawl, the 12th April, 2016

Accused H.Lalawmpuia is produced before the court from J.C. Another accused Peter C.Lalmangaiha and Johny Lalremruata on bail with their Id. Defence Counsels and Id. APP are also present.

The prosecution story of the case is that on the morning of 26.1.2016 @ 4:45 AM, a written FIR was submitted by Zothanpuia S/o Samsula, Ramhlun Venglai, Aizawl to the effect that on the night of 25.1.2016, some unknown

person(s) had burgled their shop 'Emmanuel Electronics' located at Ramhlun North, Aizawl by opening the wooden window locked and stolen away : (1) 1 No. of LED TV 22" (LG) v/o Rs. 13,500/- (2) 1 No. of LED TV 28" Samsung v/o Rs. 26,900/- (3) LED TV 28" Panasonic v/o Rs. 25,500/- (4) 2 Nos. of remote control v/o Rs. 3,200/- (5) 2 Nos. of Sub-woofer v/o Rs. 2,000/- (6) 2 Nos. of TV Cable wire v/o Rs. 1,000/- (7) 1 No. of Power bank v/o Rs. 3,000/- Total v/o Rs. 75,000/-. Hence, Bawngkawn P.S C/No. 31/2016 Dt. 26.1.2016 u/s 457/380 IPC has been registered and duly investigated into.

During the course of investigation, P.O. was visited and the complainant was examined and recorded his statement. The unknown miscreants H. Lalawmpuia S/o H. Vanlalruata, Zemabawk Vengthar, Aizawl and Peter C.Lalmangaiha S/o Lalrinawma, Aizawl Venglai were detected and formally arrested and remanded into Police custody. They were thoroughly interrogated and admitted their guilt. The stolen properties were recovered and seized from the possession of the two accused persons and receivers of the stolen property in the presence of reliable witnesses. The receiver Johny Lalremruata S/o Lalmalsawma of Zokhawthar, Champhai District was also arrested u/s 411 IPC after informing his ground of arrest.

On completion of the investigation, a prima facie case u/s 457/380/411 IPC is found well established against the arrested accused persons and chargesheet was submitted to the Court.

Today is fixed for Consideration of Charge.

Heard both parties. Ld. Counsel for accused Johny Lalremruata submit prayer to discharge the accused Johny Lalremruata from the liabilities of this instant case on the ground that while purchasing the properties the accused does not have any knowledge that it was stolen properties and the same prayer is not objected by the Id. APP.

Considered the prayer and this court also finds it is a fit case to allowed the prayer. Hence, prayer is allowed and Johny Lalremruata is discharged from the liabilities of this instant case.

Accordingly, on the basis of prayer submit by the Id. APP charge is frame u/s 380/34 IPC against the two accused H.Lalawmpuia and Peter

C.Lalmangaiha, read over and explained to the accused in the language known to them to which both the accused persons voluntarily pleaded guilty and stating that, "We had entered into the TV store through the window and taken three nos. of TV and sold only one to Johny Lalremruata @ Rs.5,000/-".

Hence, on their own voluntary plea of guilty both the accused persons H.Lalawmpuia and Peter C.Lalmangaiha are found guilty of the charge u/s 380/34 IPC for stealing 3 Nos. of LED TV from Emmanuel Electronics and I hereby convict them and sentence to undergo S.I. for a period of 60 days and also to pay a fine of Rs. 1000/- each I.D. S.I. for another 10 days.

Detention period already undergone shall be set off under the provision of section 428 Cr.P.C.

Sl. No. 1 to 7 of seized articles released on zimanama vide zimma no. 12/16 shall be deemed to return to the rightful owner. However, Sl. No. 8 i.e. cash Rs.6,900/-(Rupees six thousand nine hundred) only shall also be release to the rightful owner within 30 days of this order.

Bail and bonds stands cancelled by discharging liabilities of surety.

With this order the instant CrI.Tr.No.363/16 arising out of Bawngkawn P/S. C/No.31/16 is disposed of.

Sd/-T. LALHMACHHUANA

Judicial Magistrate 1st Class -1

Aizawl Judicial District, Aizawl

Memo No.____JMFC-1(A)/2016 : Dated Aizawl, the 12th April, 2016

Copy to:-

- 1) Accused H.Lalawmpuia S/o H.Vanlalruata, Zemabawk Vengthar C/o Supdt. District Jail, Aizawl.
- 2) Accused Peter C.Lalmangaiha S/o Lalrinawma, Aizawl Venglai, Aizawl.
- 3) Johny Lalremruata S/o Lalmalsawma, Zokhawthar, Champhai Dist.
- 4) District & Sessions Judge, Aizawl for information.
- 5) Superintendent of Police, Aizawl for information.
- 6) SDPO, Aizawl North for information.

- 7) Superintendent, District Jail, Aizawl.
- 8) O/C Bawngkawn P.S. for information.
- 9) Mr. K. Laldinliana, Legal Aid Counsel.
- 10) Registration Section.
- 11) Guard File.
- 12) Case Record.

P E S H K A R