

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

Crl. Tr. No. 135/2016

(A/o Bawngkawn P.S Case No. 328/15 U/S 380/411 IPC)

State of Mizoram ----- Complainant

-Versus-

1. Lalhmingthanga (26)  
S/o Hmar Lalliana  
Zemabawk North, Aizawl.

2. Lalthlamuana (32)  
S/o Chalhuaia  
Saron Veng, Aizawl

----- Accused

**BEFORE**

**T. Lalmachhuana, Judicial Magistrate First Class - 1.**

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

For the accused : Mr. C.Zoramchhana, Advocate.

Date of Order : 19.04.2016.

**ORDER**

**Dated Aizawl, the 19<sup>th</sup> April, 2016**

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Accused Lalhmingthanga is produced before the court from Judicial Custody. Co-accused Lalthlamuana on bail is also present. The Id. Defence Counsel and Id. APP are also present.

The Brief story of the case for the prosecution in brief is that, on 30.12.15 @ 4:50 PM, a written enquiry report was submitted by ASI Mary Lalthazuali of Bawngkawn Police Station, to the effect that on dt. 29.9.2015 while she was on duty at Bawngkawn Police Station she received a written F.I.R. lodged by Lalrimawia C/o Thanpuii of Bawngkawn North, Aizawl that on the same morning i.e. Dt. 25.9.2015 @ 5:30 AM, unknown person had stolen away his laptop HP 4<sup>th</sup> Generation Core i3 series from his residence at Bawngkawn Hmar Veng. Hence as per endorsement, the matter was kept under enquiry and efforts were given to detect the unknown culprit.

During enquiry hard attempts has been made and one Lalhmingthanga (26) S/o Hmar Lalliana of Zemabawk North was taken under police custody on suspicious ground. During his detention under police custody he was subjected to thorough

interrogation and he disclosed the fact that he stole the said Laptop HP 4<sup>th</sup> Generation core i3 Series from the complainant's residence located at Bawngkawn Hmar Veng and sold it at Rs. 3500/-. The Laptop in question was recovered on being led by the accused and seized properly from the possession of Lalthlamuana (32) S/o Chalhuaia of Saron Veng. Hence, Bawngkawn p.S. C/No. 328/15 Dt. 30.12.2015 u/s 380/411 IPC was registered against the accused namely Lalhmingthanga (26) S/o Vanlalliana Hmar of Zemabawk Field Veng and against Lalthlamuana (32) S/o Chalhuaia of Saron Veng who is the receiver of the stolen property and duly investigated into.

During investigation, the complainant was examined and her statement has been recorded. All available witnesses were also examined. During diligent investigation, one Lalhmingthanga (26) S/o Hmar Lalliana of Zemabawk North, Aizawl who has already been detained in PS Lock-up was arrested in the instant case since he had stolen away one laptop HP 4<sup>th</sup> Generation core i3 series without the consent of the complainant and when he was subjected to intense interrogation, he admitted his guilt stating that, he had stolen the said laptop from the complainant residence in the early morning of Dt. 25.9.2015. He also further stated that on the month of November he had sold the said laptop to one person at Bazar bus stand at the rate of Rs. 3500/-. MCD was received from the previous I/O and during preliminary investigation the P.O. was visited and the complainant and all available witnesses were carefully examined. The stolen laptop in question was recovered on being led by the accused and seized properly from the possession of Lalthlamuana (32) S/o Chalhuaia of Saron Veng, Aizawl and the seized laptop was left on Zimmanama vide Zimma No. 3/16. The accused persons Lalhmingthanga (26) S/o Hmar Lalliana of Zemabawk North as well as Lalthlamuana (32) S/o Chalhuaia of Saron Veng who is the receiver of the stolen property were formally arrested. Prima facie case u/s 380/411 IPC was found well established against the accused persons and submitted chargesheet.

Today is fixed for Consideration of charge.

Heard both parties wherein the Id. Defence counsel submit prayer to discharge co-accused Lalthlamuana from the liabilities of this case on the ground that he does not know the S.A. was a stolen property because Lalhmingthanga claimed that the laptop was belonged to him. The Id. APP does not object the prayer of defence counsel.

Considered the submission and allowed. Accordingly co-accused Lalthlamuana S/o Chalhuaia of Saron Veng is discharged from the liabilities of this instant case.

Accordingly charge is frame u/s 380 IPC against accused Lalhmingthanga, read over and explained in his known language to which he pleaded guilty and stating that "I had stolen one laptop from the residence of my maternal grandmother and sold at the rate of Rs.3,500/-".

Hence, on his own voluntary plea of guilty the accused person Lalhmingthanga is found guilty of the charge for stealing laptop and I hereby convict him and sentence to undergo S.I. for a period of 110 days and to pay a fine of Rs.1,000/- I.D. S.I. for 10 days.

Detention period shall be set off under the provision of sec. 428 Cr.P.C.

S.A. released on zimanama vide zimma no. 3/16 shall be deemed to returned to the rightful owner.

Bail and bond stand cancelled by discharging liabilities of surety.

With this order the instant CrI.Tr.No.135/16 arising out of BKN P.S. C/No.328/15 is disposed of.

**Sd/-T. LALHMACHHUANA**

Judicial Magistrate 1<sup>st</sup> Class -1

Aizawl Judicial District, Aizawl

**Memo No.\_\_\_\_JMFC-1(A)/2016 : Dated Aizawl, the 19<sup>th</sup> April, 2016**

Copy to:-

- 1) Accused Lalhmingthanga S/o Hmar Lalliana, Zemabawk North, Aizawl.
- 2) Accused Lalthlamuana S/o Lalthlamuana, Saron Veng, Aizawl through Counsel Mr. C. Zoramchhana, Advocate.
- 3) District & Sessions Judge, Aizawl for information.
- 4) Superintendent of Police, Aizawl for information.
- 5) Spl. Superintendent, Central Jail, Aizawl.
- 6) SDPO, Aizawl North for information.
- 7) O/C Bawngkawn P.S. for information.
- 8) Registration Section.
- 9) Guard File.
- 10) Case Record.

**P E S H K A R**