

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

Crl. Tr. No. 212/2016
(A/o Aizawl P.S Case No. 33/16 U/S 380 IPC)

State of Mizoram	-----	Complainant
-Versus-		
Moses Malsawmdawnga S/o Lalhmangaiha (L) Hlimen, Dam Veng, Aizawl	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	: 05.04.2016.

ORDER

Dated Aizawl, the 5th April, 2016

Accused Moses Malsawmdawnga is produced before the court from judicial custody. The Id. defence counsel and Id. APP are also present.

The prosecution story of the case in brief is that on dt. 11.10.15, a written FIR is received from Zosangzuala (40) S/o Lalchhuana of Hlimen Dam Veng, Aizawl stating that on dt. 7.10.15, one Malsawmdawnga S/o Lalhmangaiha (L) had stolen away his son's Bi-Cycle (BMX, black and green colour) v/o Rs. 10,000/- which was kept inside their house. Hence, Kulikawn P.S. C/No. 92/2015 dt. 11.10.2015 u/s 380 IPC was registered and duly investigated into.

During the course of investigation, the complainant was carefully examined and recorded his statement. P.O. was visited and rough sketch map was drawn. The accused was taken out from Judicial Custody and remanded into Police custody and he was thoroughly interrogated and recorded his statement. During investigation, the stolen article i.e Bi-Cycle (BMX) was recovered and seized from the possession of receiver of stolen property in the presence of reliable witnesses. Statements of witnesses are also recorded and the seized

article was handed over to the rightful owner in Zammanama vide Zimma No. 41/2015 dt. 15.10.15.

Hence, a prima facie case u/s 380 IPC is found well established against accused and chargesheet was submitted to the Court.

Today is fixed for Charge Consideration.

Heard both parties, perused the case records. Charge is framed u/s 380 IPC, read over and explained to the accused in the language known to him to which he voluntarily pleaded guilty and stating that "Yes, I had actually stolen BMX of our neighbour because I was intoxicating AP and I regretted my guilt very much".

Hence, on his own voluntary plea of guilty the accused person Moses Malsawmdawnga is found guilty of the charges for stealing the BMX cycle of the complainant and I hereby convict him by virtue of sect. 241 Cr.P.C.

However, the offender is sentence to undergo S.I. for a period of 160 days and to pay a fine of Rs.2000/- I.D. S.I. for another 20 days.

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

S.A. released on zimanama vide zimma No.41/15 shall be deemed to returned to the rightful owner.

With this order, this instant CrI.Tr. No. 265/16 is disposed of.

Sd/-T. LALHMACHHUANA

Judicial Magistrate 1st Class -1

Aizawl Judicial District, Aizawl

Memo No.____JMFC-1(A)/2016 : Dated Aizawl, the 5th April, 2016

Copy to:-

- 1) Accused Moses Malsawmdawnga S/o Lalhmangaiha, Hlimen Dam Veng
C/o Spl. Supdt. Central Jail.
- 2) District & Sessions Judge, Aizawl for information.
- 3) Superintendent of Police, Aizawl for information.

- 4) Spl. Superintendent, Central Jail, Aizawl.
- 5) SDPO, Aizawl South for information.
- 6) O/C Kulikawn P.S. for information.
- 7) Mr. R. Lalhmingmawia, Legal Aid Counsel.
- 8) Registration Section.
- 9) Guard File.
- 10) Case Record.

P E S H K A R