

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

Crl. Tr. No. 605/2016
(A/o Aizawl P.S Case No. 495/15 U/S 406 IPC)

State of Mizoram ----- Complainant
-Versus-

Zoherliana
S/o Rozamlia
Biate, Champhai Dist. Accused

BEFORE

T. Lalmachhuana, Judicial Magistrate First Class - 1.

For the Prosecution : Ms. Venus H. Zomuankimi, APP
For the accused : Mr. R.Lalhmingmawia, Advocate
Date of Order : 03.05.2016.

ORDER

Dated Aizawl, the 3rd May, 2016

Accused Zoherliana 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. 22.10.15, Joseph Lalnunmawia of Armed Veng, Aizawl lodged an FIR to the effect that on Dt. 16.10.15 @ 8:00 AM, his mother asked Zoherliana, who was living with them- to buy some medicine for her by Scooty BR/No. MZ01 H 9187, but did not returned back and run away with the Scooty, they had searched around and as they did not find him FIR was being submitted. Hence, Aizawl P.S C/No. 495/15 Dt. 24.10.2015 u/s 406 IPC was registered and duly investigated into.

During preliminary investigation, the complainant Joseph Lalnunmawia was examined carefully and recorded his statements. Traffic Police were informed to identify the accused and the said Scooty. Message had been sent to all O.C., PS/OP throughout Mizoram. On dt. 28.10.2015, the accused surrendered himself in Aizawl P.S. as he already knew that the Police were after him. He was thoroughly interrogated and recorded his statements and he was formally arrested.

Hence, a prima facie case u/s 406 IPC is found well established against the accused Zoherliana and therefore submitted chargesheet to the Court.

Today is fixed for Consideration of charge.

On hearing of both parties with careful perusal of available documents on records, charge is framed u/s 406 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 used the Scooty of the complainant and kept for around four days without his permission".

Hence, on his voluntary plea of guilty accused person Zoherliana S/o Zozamlia of Biate is found guilty of the charge for using the Scooty of the complainant without the permission of the owner and I hereby convict him and sentence to undergo S.I. for a period of 5 (five) months and to pay a fine of Rs.1000/- I.D. S.I. for 30 days.

Detention period shall be set off under the provision of Section 428 Cr.PC.

With this order, this instant CrI.Tr. No. 605/16 arising out of Aizawl P.S. C/No. 495/15 is disposed of.

Sd/-T. LALHMACHHUANA

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

Memo No.____JMFC-1(A)/2016 :

Dated Aizawl, the 3rd May, 2016

Copy to:-

- 1) Accused Zoherliana S/o Rozamlia, BiateC/o Spl. Supdt. Central Jail.
- 2) District & Sessions Judge, Aizawl for information.
- 3) Superintendent of Police, Aizawl for information.
- 4) SDPO, Aizawl South for information.
- 5) Spl.Superintendent, Central Jail, Aizawl.
- 6) O/C Aizawl 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