

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

**Crl. Tr. No. 784 of 2015**

**(A/O Bawngkawn P.S. Case No. 56/2015, dt. 25.3.2015, u/s 380 IPC)**

State of Mizoram	...	Complainant
Vs		
Robert Lalremruata(23), S/o H.Lalneihthanga, R/o Chaltlang Lily Veng.	...	Accused

**B E F O R E**

**Shri T. Lalhmachhuana, Judicial Magistrate First Class-I,  
Aizawl Judicial District, Aizawl.**

**P R E S E N T**

For the Complainant	: Mrs. Lalrinsiami, A.P.P.
For the accused	: Ms. Lalremruati, Advocate.
Date of hearing/order	:13.7.2018.

**JUDGEMENT AND ORDER**

**Dated Aizawl, the 13<sup>th</sup> July, 2018**

1. The prosecution story of the case in brief is that on Dt.25.3.2015, a written FIR was submitted by Jeho-a Hmar S/o Laltuakliana of Chaltlang Lily Veng stating that on the night of 24.3.2015, unknown person had stolen 2 nos. of spring, 2 nos. of Jack and memory card from his vehicle 207 Pickup B/R No. MZ01/J-1693 which was parked at Sairang Road and requested to take necessary action. Hence, Bawngkawn P.S C/No.56/2015 Dt.25.3.2015 U/S 380 IPC was registered and investigated into.
2. During the course of investigation, the P.O was visited, the complainant and available witnesses were examined and recorded their statements. The accused Robert Lalremruata (23) S/o H.Lalneihthanga of Chaltlang Lily Veng was interrogated and from the light of his statement 2 nos. of spring and 1 no of

Jack were recovered and seized in the presence of witnesses. The accused Robert Lalremruata was also formally arrested. Hence, on finding Prima facie case well established against the accused person charge sheet was submitted before the court.

3. On 2.6.2015, copy of documents were furnished to the accused person and he was given legal aid counsel through Legal Services Authority. At the time of Consideration of Charge, Charge was frame U/S 380 IPC which was read over and explained to the accused in his known language to which the accused pleaded not guilty and claimed for trial.
4. During the process of trial PW-1 and 2 were dropped from the prosecution witness after issued of summons for five(5) times and two(2) times Bailable Warrant of Arrest each were not executed. Pw-3 was also dropped after issued of summons for five (5) times and he was not found in his address as listed in the charge sheet. Thereafter, the Case I.O was appeared before the court after issue of summons for four(4) times but could not be examined due to the absence of the accused on bail and she was finally examined as PW-4 after re-issued of summons for six(6) times with bailable warrant of arrest for once against her.

**Therefore, Points for determination in this case should be-**

- (i) Whether the accused person steal the 2 nos. of springs, 2 nos. of Jack and memory card from the vehicle B/R No.MZ01/J-1693 or not?*
- (ii) Whether the accused person is entitled to be acquitted or not?*

**Findings and reason thereof:-**

5. For determination of Point no.1 as to whether the accused person steal the seized articles from the vehicle BR No. MZ01/J-1693 or not, Melody Lalengmawii, the case I.O is examined as the prosecution witness and she had deposed before the court that during investigation she had arrested the accused Robert Lalremruata, interrogated him under calm atmosphere and he admitted his guilt and on his leading she had recovered 2 nos. of spring and 1 no. of Jack in the presence of reliable witnesses. The case I.O exhibited charge sheet as Ext. P-I and her signature on it is Ext. P-I(a), Arrest memo as Ext.P-2 and her signature on it as Ext. P-2(a), Seizure memo as Ext. P-3 and her signature on it as Ext. P-3(a). The original FIR as Ext. P-4 and FIR U/S 154 Cr.P.C as Ext P-5.

Examination-in-chief of the case I.O is not shaken at the time of cross-examination by the Ld. Legal aid counsel.

6. As the defence examined none in support of their case, let us re-produce statement of the accused U/S 313 Cr.PC which reads thus-

*Q.1 The evidence against you is that you had stolen motor parts from 207 Pick up at Sairang Road. What do you have to say?*

*Ans: I did not steal the motor parts from 207 pick up at Sairang Road.*

*Q.2 It is also evident that you had stolen 2 nos. of motor spring, 2 nos. of Jack and memory card. Is it correct?*

*Ans: I am confused. So, I did not have the answer to the question asked.*

*Q.3 Another evidence against you is that you had confessed your guilt before the case I.O. Are you really confessed?*

*Ans: No, I did not confess to the case I.O*

*Q.4 Do you have anything else to say?*

*Ans: The allegations made against me is not true.*

7. Considering the available prosecution evidence on records it is the evidence of the case I.O that during interrogation under calm atmosphere. The accused person admitted his guilt and on his leading they had recovered 2 nos. of springs and 1 no. of Jack in the presence of reliable witnesses. But the case I.O neither deposed the where about of the recovered articles nor exhibited before the court to establish her case.
8. In the meantime, the accused person in his statement U/S 313 Cr.PC strongly denied the allegations against him.
9. While considering the rivals submissions this court also taken reliance on the **Hon'ble Guwahati High Court** decision in the case of **Asst Collector of Central Excise Vs Sayed Mohammed as reported in 2008(1) GLT 1079** that- "*The doubt intensified when the prosecution fails to produced the seized articles before the Court during trial. In such a case, the doctrine of benefit of doubt would come to operate and the accused would be entitled to acquitted.*"
10. Therefore, on the basis of the above prosecution evidence with statement of accused with the Hon'ble Gauhati High Court observation as stated above this point is directed in a negative.
11. **For determination of Point No.2 as to whether the accused person is entitled to be acquitted or not.** On the basis of findings and reasons in the

above point no.1 the accused person is entitled to be acquitted on benefit of doubt because the prosecution fails to establish their case beyond all reasonable doubt against the accused person.

**ORDER**

12. On the basis of findings and reasons as stated above the prosecution failed to establish their case beyond all reasonable doubt against the accused Robert Lalremruata (23) S/o H.Lalneihthanga of Chaltlang Lily Veng and I hereby acquitted him from the liability of this instant CrI.Tr.No.784/2015 A/o Bawngkawn P.S C.No.56/2015 U/S 380 IPC on benefit of doubt and he is set at liberty forthwith.
13. Bail and bonds stand cancelled by discharging liabilities of surety.
14. S.A released on Zimmanama vide Zimma No.48/2015 is deemed to returned to the rightful owner.
15. With this order this instant CrI.Tr.No.784/2015 is disposed of.
16. Given under my hand and seal of the Court on this 13<sup>th</sup> July 2018.

(T. LALHMACHHUANA),

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

Aizawl Judicial District, Aizawl.

Memo No. JMFC-1(A)/2018 : Dated Aizawl, the 13<sup>th</sup> July,2018.

Copy to :

1. District & Sessions Judge, Aizawl.
2. Accused Robert Lalremruata(23) S/o H.Lalneihthanga of Chaltlang Lily Veng through legal aid counsel Lalremruati, Advocate.
3. Superintendent of Police, Aizawl.
4. Dy. S.P. (Prosecution).
5. S.D.P.O. Aizawl North.
6. Special Superintendent, Central Jail.
7. O/C Bawngkawn P.S.
8. Lalremruati, Advocate.
9. APP.

10. Registration Section.
11. Guard file.
12. Case record.

P E S H K E R

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**A. List of Exhibits**

**1. For the Prosecution:**

- (a) Ext. P-1 is the Charge sheet.
- (b) Ext. P-I(a) is the signature of PW No.4
- (c) Ext.P-II is Arrest Memo.
- (d) Ext. P-II(a) is signature of PW No.4
- (e) Ext. P-III is Seizure Memo.
- (f) Ext. P-III(a) is signature of PW No. 4
- (g) Ext. P-IV is the FIR.
- (h) Ext. P-V is FIR U/s 154 Cr.PC.

**2. For the Accused : NIL.**

**B. List of Witnesses**

**1. For the Prosecution**

- (a) PW No.4 Melody Lalengmawii, IUCAW.

**2. For the Accused : NIL.**