

IN THE COURT OF LALDINPUIA TLAU JUDICIAL MAGISTRATE FIRST CLASS-II, AIZAWL  
JUDICIAL DISTRICT: AIZAWL : MIZORAM

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Crl. Tr. No. 2262/2012

Arising out of Bawngkawn Police Station Case No. 233/12, dt. 14.09.2012,  
U/S 448/354/509 IPC

State of Mizoram : Complainant

Versus

C. Lalrinthanga,  
S/o Saitawia (L),  
R/o Sihphir, Aizawl District. : Accused

Present

*LALDINPUIA TLAU, JUDICIAL MAGISTRATE FIRST CLASS*

For the Prosecution : Mrs. Lalthanmawii, APP  
For the Defence : Mr. J.C. Lalnunsanga, Advocate.  
Judgment delivered on : 21.01.2014

**JUDGMENT AND ORDER**

1. The prosecution story of the case in brief is that on 14.09.2012, a written FIR was lodged by K.K. Chunga of Sihphir Vengthar stating that on 13.09.2012 @ 4:30 p.m., their landlord namely C. Rinthanga caressed the thigh of his wife Ngingngaihdon (27) and enticed her to have sexual intercourse with him by paying a sum of money inside their residence at Sihphir Vengthar while he was out of residence. Hence, BKN-PS C/No. 233/12 dt. 14.09.2012 u/s 448/354/509 IPC was registered and the case was duly investigated into.

During the course of investigation, the complainant, victim and one witness were examined. The P.O was visited. The victim stated that on 13.9.2012 at around 4:30 p.m., their landlord came to her house, offered her Rs. 500/- and teased her for which she was frightened and went to her friend's house. Later, when she went back home, he again came with his trouser zipper and waist opened, he then touched and caressed her thigh. He then told her not to disclose to her husband. Her landlord even offered her a sum of Rs. 1000/- upto 10,000/- for inducement. Again on the same night at around 9:30 p.m., when she was sleeping on the bed with her baby, the landlord entered again,

approached her and caressed her thigh for which she threatened to shout for help and left her. Then, she informed the matter to her husband through mobile phone. The accused was arrested and interrogated, his statement was recorded. Later he was released on bail as the charge section is of bailable. Hence, a prima facie case u/s 448/354/509 IPC is found well established against accused C. Lalrinthanga (52) s/o Saitawia (L) of Sihphir Vengthar.

2. The charge sheet was submitted u/s 448/354/509 IPC. The court received and accepted charge sheet No. 224 of 2012 on 06.11.2012. When this court framed a charge u/s 448/354/509 IPC against the accused, the accused did not plead guilty and claimed for trial.
3. On perusal of case record and submission of parties, the following point is chalked for determination.
  - (i) Whether the accused committed house tress pass into the residence of the complainant/victim on 13.09.2012?
  - (ii) Whether the accused assaulted or used criminal force against the victim intending to outrage her modesty?
  - (iii) Whether the accused intended to insult the modesty of the victim?
4. In the charge-sheet, the informant, the victim, one civilian witness and the case I.O. are cited as prosecution witnesses. However, any of the said witnesses did not turn up to give prosecution evidence during trial even though sufficient chances are given. Therefore, there is no prosecution evidence at all. Since, no circumstances could be appeared in the evidence against the accused, the accused is not examined u/s 313 Cr.P.C. and the accused also does not adduce any evidence.
5. The legal position is that the trial shall be concluded solely on the evidence adduced during the trial and it cannot rely on the investigation or the result thereof. Since, there is no evidence; there is no material evidence for appreciation. Accordingly, the accused is acquitted in the instant case.
6. As such, surety is discharged from his liability.
7. With this, the case is disposed of.

Sd/-LALDINPUIA TLAU  
Judicial Magistrate 1<sup>st</sup> Class,  
Aizawl District, Aizawl.

Memo No.                /JMFC-II(A)/2014        :        Dated Aizawl, the 21<sup>st</sup> January, 2014

Copy to :

1. District & Sessions Judge, Aizawl Judicial District, Aizawl.
2. Trial Judge.
3. Superintendent of Police, Aizawl District, Aizawl.
4. Public Prosecutor/Asst. Public Prosecutor.
5. Dy. Superintendent of Police (Pros.), District Courts, Aizawl.
6. Office-in-Charge, Bawngkawn Police Station, Aizawl.
7. Accused C. Lalrinthanga s/o Saitawia (L) of Sihphir through Mr. J.C. Lalnunsanga, Advocate.
8. Judicial Branch.
9. Guard File.
10. Case record.

P E S H K E R