

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, AIZAWL DISTRICT, AIZAWL, MIZORAM.**

Criminal Trial No.1952 /2011.

U/s 293/509 IPC.

Ref : Sairang-P/S.

State of Mizoram. Prosecution

-Versus-

Vanlalfawra (19)
S/o Zochama
Tuahzawl. The Accused

PRESENT

LALRAMSANGA, MAGISTRATE FIRST CLASS, AIZAWL DISTRICT.

For the Prosecution : C. Lalremruati APP
For the Accused : Saihmingliana Sailo, Advocate
Date of Judgment : 26th September 2013.

JUDGMENT & ORDER

The case of the prosecution in brief is that the accused Vanlalfawra has been arrested and sent to court to face trial on the allegation that he had exhibited pornography to Vanlalthasangimi who is four years of age and also touched her private part. FIR was submitted and Sairang Police station Case No. 29/2011 was registered and duly investigated into.

During the course of investigation complainant and other witnesses were examined and their statements were recorded. The victim was forwarded to MO Civil Hospital Aizawl for medical examination. The accused was arrested and recorded his statement and his mobile handset by which he exhibited pornography was

seized. On completion of normal investigation charge sheet was filed to the court.

After compliance of Sec. 207 CrPC my Id. predecessor considered the charge. My Id Predecessor invoked Sec. 216 Cr.PC and altered the charge from Sec. 354 IPC to Sec. 293/509 IPC. Then charge U/S 293/209 was framed against the accused Vanlalfawra where he pleaded not guilty and claimed trial.

The prosecution examined three witnesses in order to prove their case but fails to produced PW No 3 despite ample opportunities. After closing P/E the accused was examined under 313 Cr.PC. where he denied all the incriminating question put to him.

Final argument advanced. I also perused case record carefully. To convict the accused Vanlalfawra U/S 293/509 IPC. The prosecution have to prove that that the accused was exhibiting pornography / obscene object to the victim. In the instant case the prosecution examined three witnesses. All the witnesses deposed that the accused had exhibited pornography / obscene object to the victim. But the prosecution did not produced the mobile handset by which the accused was alleged to be exhibited pornography / obscene object . The said mobile handset was already released on Zimmanama on dt 29-11-2011 to the accused. So, the prosecution is not in a position to prove that there was pornography / obscene object in the said mobile handset. Hence the prosecution have no chance to prove its case beyond reasonable doubt. The prosecution fails to prove the case beyond reasonable doubt and the benefit must necessarily go to the accused.

Accordingly the accused Vanlalfawra is hereby acquitted from the charges leveled against him.

Bailbond is cancelled and Surety is discharged.

S/A if any shall be returned to the rightful owner.

Case is disposed of.

Sd/-LALRAMSANGA
Magistrate First Class,
Aizawl District, Aizawl.

Memo No _____ /Magst Ist(A)/201 3: Dated Aizawl the, 26th September , 2013.

Copy to:-

1. Vanlalfawra (19) S/o Zochama of Tuahzawl.
2. Saihmingliana Sailo Adv.
3. APP/GA
4. District & Session Judge, Aizawl District, Aizawl.
5. Deputy Superintendent of Police (Pros).
6. I/O of the case through Officer-in-charge, Sairang P.S.
7. I/C Registration, Judicial Branch.
8. I/C GR Branch.
9. Trial Magistrate, Lalramsanga Magistrate 1st Class.
10. Case Record.

PESHKAR

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, AIZAWL DISTRICT, AIZAWL, MIZORAM.**

Criminal Trial No.2734 /2010.
U/s 457/380 IPC.
Vaivakawn-PS C/No-217/10.

State of Mizoram. Prosecution

-Versus-

Lalremsanga
S/o Lalrinawma (L)
Dinthar The Accused

PRESENT

LALRAMSANGA, MAGISTRATE
FIRST CLASS, AIZAWL DISTRICT.

For the Prosecution : Lalremthangi & C. Lalr emruati APP
For the Accused : Rualkhuma Hmar Adv.
Date of Judgment : 8th August 2013.

JUDGMENT & ORDER

The prosecution story of the case in brief is that on 25/10/2010 Dr. H. Vanlalhluna of Dinthar submitted an FIR to the effect that on the night of 24/10/2010 at around 6:00 PM some unknown person entered into their house and stolen away 5 no's of gas cylinder by breaking the locked of their store room and requested to take necessary action. Hence Vaivakawn PS C/ No. 217/10 Dt. 25/10/2010 U/s 457/380 IPC was registered and duly investigated into.

During the course of investigation the PO was visited and carefully examined. The complainant and all available witnesses were also carefully and thoroughly examined. The accused Lalremsanga (31) S/o Lalrinawma (L) of Dinthar was arrested and remanded into Police Custody for a period of 48 hours on the prayer granted by the CJM Aizawl. During the remanded period the accused was thoroughly interrogated and he admitted his guilt before the Police stating that he actually stolen away the gas cylinders of the complainant Dr. H. Vanlalhluna of Dinthar. From the light of the interrogation the stolen articles viz. 4 no's of Gas cylinder, one no of gas stove and 50 Kg of rice

was recovered and left on Zimmanama to the rightful owner vide Vaivakawn P/S Z/no 128/10. Then charge sheet was filed to the court.

After compliance of S. 207 CrPC charge U/s 457/380 IPC is framed against the accused Lalremsanga. The accusation was read over explained to him in his known language to which he pleaded not guilty and claimed trial. The matter was then listed for P/E.

PW No. 1 is a complainant and he deposed that on 24-10-10 at around 6:00 Pm some unknown person had entered into his store room by breaking the window and stole 5 nos of Gas Cylinder and he lodges a written FIR to Vaivakawn P/S. He also verified his signature on the FIR. On VC Cross examination he stated that all the stolen Gas cylinders were recovered.

PW. No 2 Malsawmzuala deposed that on the night of 24-10-2010 he and their house maid Ruati found the accused entering the Hostel Kitchen and made him go home. In the morning of 25-10-2010 at around 7 Am his father informed him that about 5 Cylinder of Gas was stolen from the Hostel Kitchen, then they suspect the person which they found in the kitchen at the earlier night and his father lodge the FIR. On cross examination he stated that he did not see the witness was stealing the Gas Cylinder and they also recovered the stolen property. PW No. 7 in the IO of the case. He supported the prosecution case and mentioned the steps taken by him during investigation. He also confirmed his signature in the Case Record. On cross examination he stated that he recovered four Gas Cylinders.

The prosecution fails to prove PW's 3,4,5 & 6 despite ample opportunities. P/E in the matter was then closed and the accused was examined U/s 313 Cr.PC.

Final argument advanced. I also perused records carefully.

To convict the accused the U/s 457/380 IPC the prosecution have to prove beyond reasonable doubt that the accused was breaking the house and thereby committed theft.

Regarding the charge U/s 457 IPC, PW No. 2 deposed that he and their house maid found the accused entering the Hostel Kitchen. He never contradicted his story during the cross examination by the Ld. D/L. Moreover the accused also admitted during hearing that he had entered the Kitchen of the Hostel. Hence I am of the opinion that the prosecution proved the charge U/S 457 IPC against the accused beyond reasonable doubt. Accordingly the accused is convicted U/s 457 IPC.

Regarding the charge U/s 380 IPC, none of the witness saw the accused was stolen away the Gas Cylinder, Though PW No. 2 stated that they found the accused was entering the Hostel Kitchen, on cross examination he stated that he did not see the accused was stealing Gas Cylinder. Besides all of the stolen articles were recovered but the IO did not mention from where it was recovered. There is no evidence which shows that the SA was recovered from the possession of the accused from the above discussion I am of the opinion that the prosecution is miserable failed to prove the charge U/S 380 IPC against the accused. Accordingly, the accused is acquitted from the charge U/S 380 levelled against him.

Hearing on Sentence is conducted. The Ld APP submitted that the guilt of the accused is proved beyond reasonable doubt, so she prays the court to award severe punishment. On the other hand the Ld D/L Submitted that the victim already forgave the accused. He also submitted "In ngaihdamna" duly signed by the victim. So he prays leniency for the accused. After due consideration, I am of the opinion to show leniency. Accordingly, the accused Lalremsanga is hereby sentence to undergo SI for a period of 75 days and to pay a fine of Rs. 600/-in default another SI for 6 day. Detention period shall be set off.

Bail bond cancelled and surety is discharged.

SA if any shall be returned to the rightful owner.

Case is disposed off.

Sd/-LALRAMSANGA
Magistrate First Class,
Aizawl District,Aizawl.

Memo No /Magst Ist(A)/201 3: Dated Aizawl the, 8th August , 2013.

Copy to:-

1. Lalremsanga (31) S/o Lalrinawma (L) of Dinthar Aizawl .
2. Counsel for Accused Pu. Rualkhuma Hmar
3. APP/GA
4. District & Session Judge, Aizawl District, Aizawl.
5. Deputy Superintendent of Police (Pros).
6. I/O of the case through Officer-in-charge, Vaivakawn P.S.
7. I/C Registration, Judicial Branch.
8. I/C GR Branch.
9. Trial Magistrate, Lalramsanga Magistrate 1st Class.
10. Case Record.

PESHKAR

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, AIZAWL DISTRICT, AIZAWL, MIZORAM.**

Criminal Trial No.2535 /2012.
U/s 379/34/511 IPC.
Sairang P/S C/No-45/10.

State of Mizoram.

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Prosecution

-Versus-

1.Zohmangaiha
S/o Lalnunmawii
Lengpui Vengthar

....

The Accused

2.Lalchhanhima
S/o Thangvela
Lengpui Vengthar

PRESENT

LALRAMSANGA, MAGISTRATE

FIRST CLASS, AIZAWL DISTRICT.

For the Prosecution : Lalremthangi & C. Lalremruati APP

For the Accused : Saihmingliana Sailo

Date of Judgment : 13th August 2013.

JUDGMENT & ORDER

The prosecution story of the case in brief is that on 18-10-2012 @ 2.00 PM a written FIR received from F. Pahnuna S/o Sawikunga (L) of B-7 Chanmary (Owner of FP Farm Lengpui) stating that on 17-10-2012 two persons Lalchhanhima (22) S/o Pathanga (L) of Lengpui Vengthar and Zohmangaiha (23) S/o Lalnunmawii of Lengpui Vengthar tried to stolen Teak about 15 trees from their plantation of FP Farm Lengpui. Hence, Sairang P/S C/No. 45/12 dt 18-10-2012 U/S 379/34/511 IPC was registered and duly investigated into.

During the courses of investigation the PO was visited the complainant and several witnesses including the eye witness chawkider Laldinthara S/o Hrangzuala (L) of Lengpui Vengthar were examined and

recorded their statement. The eye witness (Chawkider) Laldinthara stating that he had caught redhanded the two persons Lalchhankima S/o Pathanga (L) of Lengpui Vengthar and Zohmangaiha S/o Lalnunmawii of Lengpui Vengthar while they tried to transport the Teak wood log Teak Trees about 15 pieces which they already cut down from their Teak plantation of Lengpui.

During the course of investigation the stolen Teak were seized property from the P.O in the present of reliable witnesses. Hence left on Zimanama Z/ No. 18/12 to the rightful owner and their statement were also recorded the accused person Lalchhanhima (22) S/o Pathanga (L) of Lengpui Vengthar and Zohmangaiha (23) S/o Lalnunmawii arrested on 18/10/2012 and they were thoroughly interrogated and they admitted their guilt and their statement were also recorded and they are forwarded to the court for judicial remand on Dt. 19-10-2012.

Though the case of registered 379/34/511 IPC. The investigation reveal that there was prima -facie case U/s 379/34 IPC was found. Hence, Charge sheet U/S 379/34 IPC against the accuse persons was filed to the court.

After compliance of S. 207 Cr. PC charge U/S 379/34 IPC was framed against the accused persons Zohmangaiha and Lalchhanhima. The accusation was read over and explained to them in their known language. Both the accused persons pleaded not guilty claimed trial. The matter was listed for P/E.

The prosecution did not examined complainant and witness though they were duly summoned several times. Without evidence case cannot be established. Solely on the basis of documentation carried out by the police during investigation, the accused persons cannot be convicted of theft. I have no option but to acquit the accused persons as the prosecution fails to prove its case. Accordingly accused Zohmangaiha and Lalchhanhima are hereby acquitted from the charge levelled against them.

Bail and bailbond stands cancelled. Surety is discharged.

S/A if any, shall be returned to the rightful owner.

Case is disposed of.

Give copy to all concerned.

Sd/-LALRAMSANGA
Magistrate First Class,
Aizawl District, Aizawl.

Memo No /Magst Ist(A)/2013: Dated Aizawl the, 8th August, 2013.

Copy to:-

1. Zohmangaiha S/o Lalnunmawii Lengpui Vengthar.
2. Lalchhanhima S/o Thangvela of Lengpui Vengthar.
3. Counsel for Accused Saihmingliana Sailo Adv
4. APP/GA
5. District & Session Judge, Aizawl District, Aizawl.
6. Deputy Superintendent of Police (Pros).
7. I/O of the case through Officer-in-charge, Sairang P.S.
8. I/C Registration, Judicial Branch.
9. I/C GR Branch.
10. Trial Magistrate, Lalramsanga Magistrate 1st Class.
11. Case Record.

PESHKAR

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, AIZAWL DISTRICT, AIZAWL, MIZORAM.**

Criminal Trial No.428 /2013.
U/s 381/468/471/420 IPC.
Aizawl P/S C/No-84/13.

State of Mizoram. Prosecution

-Versus-

Cindy Lalparmawii
D/o Biakmawii
Zamual Falam Myanma The Accused

PRESENT

LALRAMSANGA, MAGISTRATE
FIRST CLASS, AIZAWL DISTRICT.

For the Prosecution : C. Lalremruati APP

For the Accused

Date of Judgment : September 2013.

JUDGMENT & ORDER

2-09.2013 The accused Cindy Lalparmawii is produced from J/C. APP is present.

Today is fixed for consideration of charge.

Heard both sides and perused record available, charges U/S 381/468/471/420 IPC are framed against the accused Cindy Lalparmawii. The accusation is read over and explained to her in her known language to which she pleaded guilty on all charges saying that "Pi Zohmuni hian awmpui atan a min chhawr lain a cheque ru chhuak in a hming ka sign sak a, Rs. 2,00,000 /- ka ruk chhuah sak ani'.

After examining the accused I am satisfied that the accused pleaded guilty on here free will. Accordingly the accused Cindy Lalparmawii is hereby convicted U/s 381/468/471/420 IPC.

Hearing on sentence is conducted. I heard both sides. The Id. APP prays the court to award severe punishment as the accused admitted her guilt. On the other hand the convicted accused submitted that she is the first time offender and prays the court to show leniency.

After due consideration the accused Cindy Lalpawmawii is hereby sentenced to undergo SI for a period of 2 yrs and to pay a fine of Rs. 1000/- in default SI for a period of 10 days for an offence U/S 381 IPC and SI for a period of 2 years and a fine of Rs. 1000/- IDSI for 10 days for an offence U/S 468 IPC and SI for 6 months and a fine of Rs. 500/- IDSI for 5 days for an offence U/S 471 IPC and SI for 2 years and fine of Rs. 1000/- in default SI for 10 days.

Sentence shall run concurrently.

Detention period shall be set off.

Sd/-LALRAMSANGA
Magistrate First Class,
Aizawl District, Aizawl.

Memo No /Magst Ist(A)/2013: Dated Aizawl the, 2nd September, 2013.
Copy to:-

1. Cindy Lalpawmawii D/o Biakmawii of Zamual Falam, P/A Electric veng, Aizawl
2. APP/GA
3. District & Session Judge, Aizawl District, Aizawl.
4. Deputy Superintendent of Police (Pros).
5. I/O of the case through Officer-in-charge, Aizawl P.S.
6. I/C Registration, Judicial Branch.
7. I/C GR Branch.
8. Trial Magistrate, Lalramsanga Magistrate 1st Class.
9. Case Record.

PESHKAR

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST
CLASS, AIZAWL DISTRICT, AIZAWL, MIZORAM.**

Criminal Trial No.1516 /2013.
U/s 379 IPC.
Aizawl P/S C/No-264/13.

State of Mizoram. Prosecution

-Versus-

Zohminsanga
S/o Lalnunzira
Tuikual 'C' Aizawl The Accused

PRESENT

LALRAMSANGA, MAGISTRATE
FIRST CLASS, AIZAWL DISTRICT.

For the Prosecution : C. Lalremruati APP

For the Accused

Date of Judgment : 12th September 2013.

JUDGMENT & ORDER

The accused is produced from J/c.

APP and D/L are present.

Today is fixed for C.C.

After hearing both parties charge U/s 379 IPC is framed against the accused Zohmingsanga . The accusation is read over and explained to him in his known language to which he pleaded 'Guilty' saying ' Min puh ang hian bungrua te hi ka ru ngei e'.

After examing the accused I am satisfied that the accused pleaded guilty on his free will. Accordingly the accused Zohmingsanga is convicted U/S 379 IPC. Hearing on sentence is conducted. The Ld. APP prays the court to award

severe punishment as accused admitted his guilt. On the other hand the Ld. Counsel for the accused submitted that the accused is first time offender and he is now reformed himself. Besides all the stolen properties are recovered. So he prays the court to show leniency upon the accused. After due consideration the accused Zohmingsanga is sentenced to undergo SI for a period of 1 month and to pay a fine of Rs. 1000/- . In default of payment of fine he shall undergo another SI for 10 days. Detention period shall be set off.

S/A if any shall be returned to the rightful owner.

Case is disposed of.

Sd/-LALRAMSANGA
Magistrate First Class,
Aizawl District,Aizawl.

Memo No /Magst Ist(A)/201 3: Dated Aizawl the, 12th September, 2013.

Copy to:-

1. Zohmingsanga (36) S/o Lalnunzira of Tuikual 'C' Aizawl.
2. APP/GA
3. District & Session Judge, Aizawl District, Aizawl.
4. Deputy Superintendent of Police (Pros).
5. I/O of the case through Officer-in-charge, Aizawl P.S.
6. I/C Registration, Judicial Branch.
7. I/C GR Branch.
8. Trial Magistrate, Lalramsanga Magistrate Ist Class.
9. Case Record.

PESHKAR