

IN THE SPECIAL COURT (ND&PS ACT): AIZAWL

Crl.Tr. No. 803/2015

Ref: Aizawl P.S C/No.295/2015, u/s 21 (b) of ND&PS Act '85

State of Mizoram Complainant.

Vs.

Lalduhawmi (19)

D/o Lalzawna

R/o Tuirial Accused

P R E S E N T

For the Prosecution	C.Lalremruati, Addl.PP Penlui Vanlalchawii, A.P.P.
For the defence	Francis VL.Zuala, Advocate
Date of hearing & Judgment	3.10.2016

B E F O R E***SHRI. LIANSANGZUALA, JUDGE*****JUDGMENT AND ORDER**

Accused Lalduhawmi on bail is present.

The Id.Addl.PP open the case stating that the accused Lalduhawmi was arrested on 25.7.2015 for illegal possession of 5.54

grams of Heroin and she was charged u/s 22(b) of ND & PS Act for violation of 8(c) of the same Act. The Ld. Addl. P.P submitted that the seized article being Heroin should fall u/s 21(b) and not 22 (b) which is for contravention in relation to psychotropic substances and hence prayed for alteration of Section 22(b) to Section 21 (b) of ND&PS Act.

The seized article is Heroin and the charge Section should be 21(b) and not 22(b) of ND&PS Act. In such situation I find it will not prejudice either party to alter charge from 22(b) to 21(b) ND&PS Act. Hence, charge altered u/s 216 Cr.P.C from 22(b) to 21(b) ND&PS Act.

The Id.Addl.PP proposed to prove the case against the accused with the help of the evidence of list of witnesses submitted in the charge sheet and documents submitted in favour of the prosecution which will be taken in evidence in the course of trial.

Upon considering the case record and after hearing the accused and the Id.D/L and the prosecution, I am of the opinion that there is ground for presuming that the accused has committed an offence.

Hence, charge u/s 21(b) of ND & PS Act r/w 8(c) of the same Act is framed read over and explained to the accused person Lalduhawmi in the language known to her to which she pleaded guilty saying, "Heroin 5.54 hi ka hnen atangin min man sak".

On such plea of guilt of the accused Lalduhawmi, I hereby convict her u/s 21(b) ND&PS Act. Upon her conviction u/s 21 (b) ND&PS Act, I hereby sentenced the accused Lalduhawmi to undergo R.I for 100 days and to pay a fine of Rs.2000/-. In default of payment she shall undergo another R.I for 40 days. Detention period in custody is set off.

Case is disposed.

Bail bond is cancelled. Seized article is allowed to be destroyed. The concerned O/C is directed to take necessary action with the Drugs Disposal Committee for disposal of the seized article.

Give copy to all concern.

Sd/- LIANSANGZUALA

Judge,

Special Court, ND&PS Act.

Memo No. _____ND&PS/ : Dated Aizawl, the 3rd October, 2016.

Copy to: -

1. Accused, Lalduhawmi C/o Francis VL.Zuala, Advocate.
2. Addl.PP
3. Dy. S.P. (Pros)
4. O/C, Aizawl P.S.
5. i/c Judicial Section.
6. i/c Malkhana Police.
7. Guard File.
8. C.R

PESHKAR