

**IN THE COURT OF
DISTRICT & SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT: AIZAWL**

BEFORE

**Mr.R.Thanga
District & Sessions Judge
Aizawl Judicial District, Aizawl**

**SR No.21 of 2013
Criminal Trial No.821/2012
u/s 302 IPC
Ref: Kawnpui PS C/No.33/2012 Dt.22-10-2012
State of Mizoram**

Vrs

Raju Samir Das, S/o Susomoi, Bilaipur, Borthol, Dist.Hailakandi- Accused

PRESENT

For the Prosecution : Mr.H.Lalmuankima & Mrs.K.Lalremruati, Ld. Addl. P.Ps.

For the Accused : Mr.F.Lalengliana, Advocate

Date of Hearing : 26-06-2014

Date of Judgment : 10-07-2014

JUDGMENT & ORDER

1. The story of prosecution in brief is that on 22.10.2012 @ 2:00 PM a written FIR was submitted by Lalthlengliana of Lungdai Sentlang stating that on dt.22.10.2012 between 9:00AM to 10:00 AM his wife Lalawmpuii (36) D/o Tlagntlawma of Lungdai Sentlang was seriously injure by Raju Samir Das of Bilaipur, Dist.Hailakandi, Assam on the back of her head on two places and her left arm at Bawihbo ram, about 250ft from Zaihrikawn, in between Sentlang and Serkhan. His wife Lalawmpuii succumbed to her injury at Sakawrhmutuai on the way to Aizawl Civil Hospital. Hence Kawnpui PS C/No.33/12 dt.22.10.2012 U/s 302 IPC was registered and investigated into. Prima facie case was found and charges u/s 302 IPC was registered against the accused Raju Samir Das of Bilaipur, Dist.Hailakandi, Assam and committed for Trial.
2. Relevant copies of documents were handed over to the accused and Mr. F.Lalewngliana, Ld. Advocate appointed as Defense Counsel. Accordingly, charge u/s 302 IPC was framed against the accused and explained to him in the language known to him, to which he pleaded not guilty and claimed for trial and hence, trial commenced.

3. The prosecution produced and examined 21 Nos. of witnesses in order to prove their case. The accused was also examined by the trial judge u/s 313 Cr.P.C.
4. P.W. No.1, Lalthlengliana had stated that his was smarrried with his beloved wofe Lalawmpuii in the year 1995 and they have 4 issues from the said wedlock. On 22.10.12 at around 8:30 AM his wife went out from the residence towards Bawihboram, Lungdai to collect vegetables from their jhum. Unfortunately, at around 10:00 AM Lalnunpuii informed him that his wife was chopped dead by unknown person. Thereafter, they came to know that his wife was chopped by Raju Samir Das and the accused was fled away from the PO. He immediately proceeded towards the PO. He was not allowed to watch the injuries sustained by his wife and she was brought to the hospital, Aizawl. Unfortunately, she passed away on the way near Sakawrhmutuai. Thereafter he submitted FIR to the Kawnpui PS.

Exbt-P-1 is the FIR and Exbt-P-1(a) is his signature.

5. PW No 2, K.Lalngaihawma had stated that on 22.10.12 at around 5:15 AM he proceeded towards his farm at Bawihboram, Lungdai Sentlang. When he was in his farm he heard a woman screaming towards the village of Lungdai. He did not suspect unusual incident happened. Thereafter, he returned home from his farm, when he reached about half kilometer from his farm he saw a blood on the roadside and on the way he saw Mizo basket, doa and bag and he returned and looked this and he shouted anybody hurt and from below the road the deceased replied him that she was Maawmi but he did not approached her as he have a faint when he saw a human blood. He immediately informed the others and Pu Laltea arrived immediately and he told the matter and Pu Laltea enquired the victim below the road. Then he went to the village for informing the matter. After sometime they returned to the PO and the victim stated that she was assaulted by non-mizo cow herd with his scythe.
6. PW No.3 Lalhruiatluangi had stated that the accused is their cowherd they employed as a cowherd on 10.9.12. The said accused was staying with them for about a month before the incident. On 22.10.12 at around 9:00AM the present accused went to the jungle for collecting fodder and usually he returned at around 11:00 AM but on this day the accused did not return home till date. The

accused collected fodder from the jungle every day. She came to know that Maawmi was assaulted by non-mizo cowherd and she thought that the assailant might be the accused and that was why she went to cowshed immediately and did not find the accused their employee. From the appearance of the person who assaulted Maawmi could be the accused. The accused had bad character as such he stole her husband scooter and met an accident.

7. The PW No.4, R.Ramdinmawia had stated that on 22.10.12 at around 9☺) AM he went to the farm for collecting vegetables at Bawihboram Lungdai. On the way he passed Lalawmpuii the deceased, Pi Khumi and Pi Chhingi. When he reached Bawihboram peng at around 9:20 and he saw the present accused collecting fodder then he proceeded towards their farm when he reached Pu Lalngaihawma's farm he heard a screaming he thought that it was non-mizo children who were in the farm house of Pu Lalduhawma wherein some non-mizos were staying. Lalhruaitluangi the employer of the accused is their neighbor and that was why he knows the accused. When he returned from the farm many people were gathering on the road and he also saw blood on the road and he came to know that Lalawmpuii @ Maawmi was assaulted by one non-mizo and he thought that it was the accused who assaulted Maawmi because there was no other non-mizo except the accused who was around the PO and he also saw the fodder collected by the accused but not see the accused.
8. The PW No.5, Rimawii had stated that on 22.10.12 at around 8:00 AM she along with Pi Thangkungi and Pi Lalawmpuii the victim went towards Bawihboram. When they reached near Senhri Kawn they separate with Pi Lalawmpuii and they also went to towards their farm Bawihboram for collecting orange. Unfortunately, their villager came and told her that Pi Lalawmpuii was killed by one cowherd and they also stated to her that they searched the said cowherd.
9. The PW No.6, Tlangliankhumi had stated that on 22.10.12 at around 9:30 AM she along with Pi Lianchhingi went to the Bawihboram for cutting trees. On the way at Zeihrikawn they saw one non-mizo cowherd collecting fodder (the present accused) so they proceeded towards the forest. After sometime they heard a woman screaming and they thought that sound to be Muanpuii who is mentally retarded at Lungdai village. In the evening they saw their villager and

told her that the victim was chopped dead by the present accused and they stated the matter to the police.

**(R.THANGA)
DISTRICT & SESSIONS JUDGE
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