

IN THE COURT OF ADDITIONAL SESSIONS JUDGE  
AIZAWL JUDICIAL DISTRICT, AIZAWL, MIZORAM.

Present : Shri Vanlalenmawia, MJS  
Additional Sessions Judge,  
Aizawl Judicial District, Aizawl.

Criminal Revision No. 37 of 2015

David Lalremmawia  
S/o C. Lalhmingliana  
R/o Venglai, Bawngkawn ..... Petitioner

-Versus-

State of Mizoram ..... Respondent

APPEARANCE

For the petitioner : Shri J.C. Lalnunsanga, Advocate  
For the respondent : Shri Joseph Lalfakawma, Addl. P.P.

Hearing : 18.8.2015  
Judgment delivered on : 19.8.2015

**ORDER**

The revision petition is filed under Section 397 of Cr PC for setting aside the impugned order passed by the learned Chief Judicial Magistrate in CrI. Tr. No. 699 of 2015 arising out of Banwgkawn Police Station Case No. 67 of 2015 whereby the petitioner was booked under Section 506 of IPC.

2. I heard the learned counsel Shri J.C. Lalnunsanga appearing for the revision petitioner as well as the learned Addl. PP Joseph Lalfakawma.

3. As stated in the non-FIR, 'The prosecution story of the case in brief is that on 16.7.2015 the accused noted in Col. No. 3 is arrested at BKN-PS area. As he is threatening his family members and caused disturbance to his neighbors also.

'I, therefore, pray that the accused person may kindly be prosecuted u/s 506 IPC and witnesses noted in col. No.6 will prove the case.

'SI (C. VANLALNGHAKMAWIA)  
Bawngkawn Police Station.'

4. I agreed with the submission of the learned Counsel for the petitioner that the learned Chief Judicial Magistrate had exceeded her power as provided under Section 262(2) of Cr PC inasmuch as the maximum sentence cannot be passed beyond three months in Summary Trial of the Code.

5. In the case of plea of guilt recorded, petitioner has to challenge his plea of guilt, then, how principle of natural justice is violated leading to his plea of guilt. In the instant case, the petitioner has not challenged the plea of guilt recorded by the learned Lower Court.

6. In summary trial, charge is not required to be framed against accused person. If accused voluntarily pleads guilty, conviction can be recorded against him. In a summary trial, the maximum punishment can be inflicted to offender is upto three months only, though the maximum punishment for the offences prescribed by the IPC in other sections of the law is stringent.

7. I perused the records of the learned Trial Court. I do not find any requirement to interfere in the conviction order passed by the learned CJM. However, the sentence passed by the learned CJM requires interference of this court. Hence, the petitioner is sentenced to the period undergone by him in judicial custody after considering the case.

8. The petitioner shall be released forthwith from the judicial custody.

9. The criminal revision is partly allowed.

10. Send back the learned Lower Court records.

11. The revision petition is disposed off.

Order is pronounced in the open court on this 19<sup>th</sup> day of August, 2015 under my hand and seal.

**Sd/- VANLALENMAWIA**  
Addl. Sessions Judge  
Aizawl Judicial District,  
Aizawl, Mizoram.

**Memo No.\_\_\_\_\_/AD&SJ(A)/2015 : Dated Aizawl, the 19<sup>th</sup> August, 2015**

**Copy to: -**

- 1) David Lalremmawia C/o Sh. J.C. Lalnunsanga, Advocate.
- 2) Sessions Judge, Aizawl Judicial District, Aizawl.
- 3) District Magistrate, Aizawl District, Aizawl.
- 4) Chief Judicial Magistrate, Aizawl District, Aizawl.
- 5) Special Superintendent, Central Jail, Aizawl.
- 6) PP / Addl. PP, Aizawl.
- 7) DSP (Prosecution), District Court, Aizawl.
- 8) i/c G.R. Branch, District Court, Aizawl.
- 9) Registration Section, District Court, Aizawl.
- 10) Guard File.
- 11) Case Record.
- 12) Calendar Judgment.

**P E S H K A R**