

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

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

Sessions Case No. 21 of 2015
Crl. Tr. No. 289 of 2015

State of Mizoram

.....Complainant

-Versus-

1. Lalfakawma
S/o Lalvulmawia
R/o Khawzawl Vengthar
2. Lalrindika
S/o Ngurthangliana
R/o Khawzawl Vengthar

..... Accused persons

APPEARANCE

For the State : Shri Joseph Lalfakawma, Addl. P.P.
Smt. Lalremthangi, Asst. P.P.

For accused no.1 : Shri Lalramhluna, Advocate.

For accused no.2 : Shri H. Lalrinthanga, Advocate.

Hearing : 18.8.2015

Order delivered on : 24.8.2015

ORDER

Both accused persons Lalfakawma and Lalrindika on bail are present. Ld. Addl. PP, APP and Ld. Defence Counsels are present.

2. SI J.H. Sanghmingthanga was also present on the date of hearing.

3. Today is fixed for Order.

4. In this case, the FIR was submitted on 19.4.2014 at 9:25 PM by one H. Vanlalbiaa S/o H. Manzika (L), Darngawn Veng, Khawzawl to the effect that on the night of 13.4.2014 at 6 PM, his grandson Ronald Lalrinpuia S/o Lalchuaailova, Vengthar, Khawzawl had been found lying dead on his bed in his rented house. According to the informant, there were injury marks on the back portion of the deceased's head and he suspected that some person had caused the death of his grandson. Hence, Khawzawl PS Case No. 29/14 dt.19.4.2014 u/s 302 of IPC was registered and investigated by SI J.H. Sanghmingthanga.

5. In the course of investigation, the Case IO visited the PO and arrested accused Lalfakawma. He interrogated accused Lalfakawma and found that the accused had killed Ronald Lalrinpuia with hammer, and locked the door. Thereafter, the Case IO also arrested accused Lalrindika and interrogated him and also found that the accused had killed Ronald Lalrinpuia with hammer, and locked the door. After observing all the formalities, the Case IO found a prima facie case u/s 302/392/34 of IPC against the two accused persons.

6. I heard the Id. Addl. PP Shri Joseph Lalfakawma assisted by the Id. APP Smt. Lalremthangi. Their prayer is to frame charge u/s 302/392/34 of IPC against the accused persons as according to them, there is a prima facie case against the accused persons.

7. I heard the Id. Counsel Shri Lalramhluna appearing for accused Lalfakawma. In his submission before the Court, the Id. Counsel contended that there was no leading recovery found against accused Lalfakawma and the accused cannot be linked with any evidence collected by the Case IO. Hence, the accused is liable to be discharged under the booked sections of law.

8. I also heard the Id. Counsel Shri H. Lalrinthanga appearing for accused Lalrindika. The Id. Counsel submitted that there was no material to link the accused since the materials sent to FSL also did not show that the accused had involvement in causing the death of Ronald Lalrinpuia. He also submitted that the procedure of the Test Identification Parade in regard to the sale of mobile of the deceased to Zothantluangi had neither been conducted by Judicial Magistrate nor in the presence of reliable witness in view of the principles of natural justice. He also submitted that IO cannot

ascertain who was the person who had caused the death of Ronald Lalrinpuia. Hence, the Id. Counsel Shri H. Lalrinthanga also made a prayer to discharge the accused u/s 302/392/34 of IPC.

9. I also heard the accused persons who stated that they had no involvement in the present crime.

10. I carefully considered the submission of the Id. Counsels. I perused the Case Record as well as the Case Diary. I am convinced by the submission of the Id. Counsels appearing for the accused persons on the ground that the death of Ronald Lalrinpuia could not be caused by two different persons at different times with a single hammer. I also do not find any material to connect the murder of Ronald Lalrinpuia with the available evidence on record collected by the Case IO. Hence, I do not find any ground to proceed with the case.

11. In the facts and circumstances, I am compelled to discharge the accused persons from the liability of the charges u/s 302/392/34 of IPC.

12. The bail and bond executed by the sureties shall stand discharged.

13. Hence, the case is disposed off.

Sd/- VANLALENMAWIA

Addl. Sessions Judge
Aizawl Judicial District,
Aizawl, Mizoram.

Memo No._____/AD&SJ(A)/2015 : Dated Aizawl, the 24th August, 2015

Copy to: -

- 1) Accused Lalfakawma through Counsel Shri Lalramhluna, Advocate.
- 2) Accused Lalrindika through Counsel Shri H. Lalrinthanga, Advocate.
- 3) Sessions Judge, Aizawl Judicial District, Aizawl.
- 4) District Magistrate, Champhai District, Champhai.
- 5) Director General of Police, Mizoram, Aizawl.
- 6) Superintendent of Police, Champhai District, Champhai.
- 7) PP / Addl. PP, Aizawl.
- 8) DSP (Prosecution), District Court, Aizawl.
- 9) Officer-in-Charge, Khawzawl PS.
- 10) i/c G.R. Branch, District Court, Aizawl.
- 11) Registration Section, District Court, Aizawl.
- 12) Guard File.
- 13) Case Record.
- 14) Calendar Judgment.

P E S H K A R