

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. 85 of 2015

Smt. Lalnunfeli  
D/o K. Thangpuia,  
R/o Mizo Veng, Mamit, Mizoram. ....Petitioner

-Versus-

The State of Mizoram. .... ..Respondent

APPEARANCE

For the petitioner	:	Ms. Lianmawii Hauhnar, Advocate Ms. Cicily Zonunfeli, Advocate
For the O.P.	:	Shri Joseph Lalfakawma, Addl. P.P.
Hearing	:	2.12.2015
Order delivered on	:	3.12.2015

**ORDER**

The revision petition is filed for setting aside the impugned Judgment & Order dated 5.11.2015 passed by the learned Chief Judicial Magistrate, Mamit in CrI. Tr. (Ex.) Case No. 131 of 2015. In the Order, the petitioner was convicted under Section 43 (1) of the MLPC Act, 2014 and sentenced to undergo S.I. for a period of six months and to pay a fine of Rs. 5,000/- i/d S.I. for thirty days.

2. The prosecution case is that on 17.6.2015 @ 5:00 PM, SI C. Lalbiaktluanga arrested the accused and one Abdul Kalam in connection with the seizure of 10 litres of Rakzu kept in a plastic can and 500 grams of yeast. The seizure and arrest was reported to the Officer-in-Charge, Excise Station, Mamit. The Officer-in-Charge, Excise Station, Mamit registered the case as Excise Case No. MENS-114 of 2015 dt.18.6.2015 u/s 43 (1) of MLPC Act, 2014 and endorsed the case to S.I. Joseph Lalmangaihzuola.

In the course of investigation, the Case IO examined the Seizure Witnesses and also interrogated the petitioner and Abdul Kalam. The Case IO also collected seizure memo, arrest memo, report of seizure and arrest. Hence, the Case IO found a prima facie case u/s 43 (1) of MLPC Act, 2014. As the petitioner and Abdul Kalam violated section 42(1)(a) of the Act and submitted complaint to the learned Chief Judicial Magistrate, Mamit.

3. The learned Trial Court took evidence of PW/ SI C. Lalbiaktluanga and PW/ SI C. Lalmangaihzuala. The learned Trial Court examined the petitioner and Abdul Kalam u/s 313 of Cr PC, found a prima facie case against the petitioner and framed charge against the petitioner u/s 43 (1) of MLPC Act, 2014. It is shown from the record that the petitioner pleaded guilty before the learned Trial Court.

4. The learned Counsel Ms. Cicily Zonunfeli assisted by Ms. Lianmawii Hauhnar submitted that the sentence passed against the petitioner is severe. According to the Id. Counsel, the petitioner has no previous conviction and she is entitled to benefit probation of good conduct.

5. I also heard the learned Addl. PP for the State.

6. I have considered both the submission of the rival parties. I have also carefully perused the records of the learned Trial Court. I find that the petitioner is entitled to benefit probation of good conduct since she has no previous conviction. Hence, the sentence passed by the learned Trial Court is modified by invoking section 360 of Cr PC.

7. The petitioner shall be released forthwith.

8. The criminal revision petition is partly allowed.

9. Send back the LCR.

10. Order is pronounced in open Court on this 3<sup>rd</sup> day of December, 2015 under my hand and seal of this Court.

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

**Memo No.\_\_\_\_\_/AD&SJ(A)/2015 : Dated Aizawl, the 3<sup>rd</sup> December, 2015**

**Copy to: -**

1. Lalnunfeli through Counsel Ms. Cicily Zonunfeli, Advocate.
2. Sessions Judge, Aizawl Judicial District, Aizawl.
3. Chief Judicial Magistrate, Mamit District, Mamit.
4. Special Superintendent, Central Jail, Aizawl.
5. Superintendent of Excise, Prosecution Branch.
6. PP / Addl. PP.
7. Registration Section.
8. Guard File.
9. Case Record.
10. Calendar Judgment.

**P E S H K A R**