

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. 55 of 2014
Crl. Tr. No. 2135 of 2012

State of MizoramComplainant

-Versus-

Shri Lalhmunliana
S/o Ramtharzuala,
R/o Thingsulthliah,
Aizawl District, Mizoram. Accused person

APPEARANCE

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

For the accused : Shri Lalramhluna, Advocate.

Hearing : 30.7.2015

Judgment delivered on : 30.7.2015

J U D G M E N T

The accused has been prosecuted in connection with the offence of rape punishable under Section 376(1)/511/323/506 of IPC.

2. The prosecution case is that on 29.8.2012 the victim who is the mother of the accused lodged a written First Information Report to the Bawngkawn Police Station to the effect that on 29.8.2012 at about 1 AM while sleeping, her son Lalhmunliana with whom she lived under the same roof at Thingsulthliah attempted to commit rape upon her by threatening to kill her using a dao. While snatching to

snatch the dao from the accused she got injury on her finger. However, the accused could not fulfill his desire. The prosecutrix by making some excuse fled to their neighbour's house. She stated, it was his third attempt that the accused had made and requested to take necessary action. Hence, Bawngkawn PS Case No. 412 of 2012 dt.29.8.12 under Sections 376(1)/511/323/506 of IPC was registered. The case was investigated by SI Lalhmachhuani Sailo, CAW Cell.

In the course of investigation, the prosecutrix was forwarded to the Medical Officer, Civil Hospital, Aizawl. In the medical report, the Medical Officer opined that the prosecutrix's hymen was absent, no seminal stain; 1x½ cm incised wound between her right and index finger and soft tissue injury on her both buttock. However, the nature of the injury was simple. The dao, which the accused used to threaten the prosecutrix was seized in the presence of two reliable witnesses. The prosecutrix was examined and her statement was recorded. The P.O. was visited and the sketch map of the PO was drawn. The accused was arrested and forwarded to the Medical Officer, Civil Hospital, Aizawl for medical examination. The statements of witnesses were recorded. The accused was thoroughly interrogated at the P.S. While having interrogation, the accused admitted his guilt before the Police and his statement was recorded. In the statement of the accused, he made an attempt to commit rape upon his mother by threatening her with a dao, which he had taken it from their kitchen and also made such attempt to fulfill his desire, but later felt regretted for his act upon his mother. A prima facie case under Sections 376(1)/511/323/506 of IPC was found against the accused. Hence, the Case I.O. submitted charge sheet to the Chief Judicial Magistrate, Aizawl.

3. Upon committal, my learned predecessor framed charges under Sections 376(1)/511/323/506 of IPC against the accused and the charges were read over and explained in the language known to him, to which he pleaded guilty to the charges framed against him under Sections 376(1)/511/506 of I.P.C. However, the accused did not plead guilty to the charge framed against him under Section 323 of IPC. My learned predecessor in lieu of recording conviction against the accused on his plea of guilt, she proceeded to hold trial against the accused.

4. In the course of trial, the prosecution produced and examined as many as 8 witnesses to prove that the accused had committed offences punishable

under Sections 376(1)/511/323/506 of IPC. After closure of the prosecution evidence, the accused was examined under Section 313 of Cr PC.

5. I heard the learned Shri Joseph Lalfakawma appearing for the State assisted by the learned A.P.P. Smt. Lalremthangi. I also heard the learned Counsel Shri Lalramhluna appearing for the accused.

6. **Points For Determination :**

- a) Whether the accused attempted to commit rape upon his mother on 29.8.2012 at about 1:00 Am in their house at Thingsulthliah?
- b) Whether the accused voluntarily caused hurt to his mother on 29.8.2012 at about 1:00 Am in their house at Thingsulthliah?
- c) Whether the accused committed criminal intimidation by threatening his mother with intent to cause injury to her person in their house at Thingsulthliah?

7. **Prosecution Evidence:**

A) P.W.1 who is the prosecutrix and mother of the accused stated that she had divorced the father of the accused while the latter was a child. The accused used to stay sometime with his father and sometime with her. At the time of the incident, the accused stayed with his mother. Other son and daughter of the prosecutrix had got married and stayed in different places.

On that night of incident, the prosecutrix did not have a sound sleep. The prosecutrix saw his son watching her from his mosquito net. When she asked the reason why he was watching her, her son then covered himself with his quilt. She felt a bit scared of her son, but remained calm since he was her son and slept again. After sleeping, her son came to her bed with knife and warned her not to shout, and also warned her if she had shouted he would kill her. Her son undressed her since she did not dare to shout. He attempted to have sexual intercourse with her, but he could not do. When she told that he should not have sex with his mother, her son asked her to understand him. But, the prosecutrix told him that she could not understand him. When she made an excuse saying that she wanted to urinate, her son told that her after

finishing sexual intercourse, they would urinate. But, her son later agreed to accompany her to urinate, clothed her and went. The prosecutrix told her son to switch off their TV since there was sound of thunder, but he told her that he would switch off later. But, the prosecutrix told her to switch off the TV again saying that they would not have TV to watch. Thereafter, when her son entered into their house, the prosecutrix ran towards Shri Nuna's (her neighbor) house and shouted several times. Her neighbor's family warmly received her. Shri Nuna and others went to her house without her since she was scared of her son. She stayed in the house of Shri Nuna, cried and on the following morning her mother came and took her home. On the morning, they reported the matter to Village Council. The Village Council then informed the matter to Bawngkawn Police. The prosecutrix also submitted report to Bawngkawn PS. The police took her statement in her house. The incident took place a year before in 2012, but she did not remember the date and month. She did not know the reason of delay in filing the case to the Court. She is illiterate, but can hardly write her name. She proved the FIR at Ext. P-1 and also proved her signature at Ext.P-1(a). On her cross-examination, she did not remember who had written the FIR, but she had signed the FIR at Bawngkawn Police Station. She informed the VC that she had wanted to report the matter to police. She stated that she had three children; out of them two got married. She did not know whether the accused took other intoxicated things, but she knew that the accused used to take liquor occasionally. On the night of incident, she did know whether the accused had liquor smell. What she knew was that the incident happened when the accused came home. She stated that she had omitted to state in her examination-in-chief that the accused tried to penetrate her vagina and she forced her to be in upper position, and that is the difference in the FIR and in the Examination-in-Chief. She further stated that her son might have been abnormal from his behavior. But, she noticed him normal and the reason was that she had not consulted the medical officer. She deposed that that was the first attempt of her son. She also deposed that her son's act might be due to upcoming of bad effect of modern technology. She got injury in her finger since she had snatched the doa. She thought that the detention was enough for her son thinking that he would reform himself. On re-examination, she denied that her son could not have noticed her relative and had not known the effect.

B. P.W.2 Shri C. Nundanga identified the accused. They lived in the same area. At around 1 AM, they had already slept, but heard shouting. He and his wife got up and opened the door. Near the door the mother of Lalhmunliana was available. They

asked what had happened to her to which she replied that her son had attempted to assault her. At that time, she did not understand whether she had met physical assault or sexual assault when she was using the term 'assault'. But, the prosecutrix later stated that the accused had attempted to sexual assault her. Thereafter, they received her. At that time, she was wearing a gamchha and she was bending to hide the other parts of her body. In his knowledge, the prosecutrix was not wearing a blouse or anything else on top. They told her to go in their bedroom. They told her that his son required admonition and he and his wife went to the house of the prosecutrix to admonish the accused. When they reached the prosecutrix's house, the door was open and the curtains were already lifted. The lights were put off, but they switched on the light when they entered into the house. When they looked around for the accused, they did not find him. Below the bed, they saw a dao suspected to be the weapon but hid it. Then, they left. They thought that the accused had escaped and so he and his wife returned for home. Soon after they reached, Lalngeni, mother of the prosecutrix also reached his house. Both of the prosecutrix and her mother spent the night in their house as requested by them. He did not have further knowledge. On cross examination, the prosecutrix and her son stayed in a rented house and they were his next door neighbor. When Lalsangpuii stood outside the door she was not fully naked, but with gamchha around her waist. He did not know the lascivious character of the prosecutrix, but what he knew the accused was that he was below normal person. He did not notice that the prosecutrix had sustained visible injury when she came to his house on that night. He did not that the accused had violated the society rules. He did not have the direct knowledge of the incident.

C) P.W.3 Lalngeni identified the accused. The accused is her grandson and the son of her daughter (prosecutrix). On a late night (or early morning) at around 1 Am, she received a call over phone from her daughter asking to go to her house immediately. When she reached her daughter's house, neither the accused nor the prosecutrix was not available in their house, but the prosecutrix was available in the house of her neighbor and slept therein with her daughter for fear of spending the night in house of the prosecutrix. The matter was reported to the Village Council on the following morning and FIR was immediately lodged. She was asked some questions when the police of Bawngkawn PS came and the accused was arrested. On cross examination, she stated that she had derived the information regarding the incident from the prosecutrix. She also stated that she is ready to forgive the misdeeds of the

accused out of love. According to her, the detention period already undergone by the accused was enough punishment.

D) P.W. 4 Lalrawngbawla stated that the prosecutrix is his neighbor. The prosecutrix woke them telling that her son had attempted to assault her. They then proceeded to her house for search of the accused. But, the door of the prosecutrix was house was open and they had not found anyone in it. The victim stated that the accused might have run away. On the following day, the accused was brought to Thingsultliah Village Council House from Darlawng village by the local boys at the instance of the Thingsultliah Village Council. The accused admitted that he had attempted to sexual assault upon his mother. He also beat the accused. As the victim stated that she was threatened with dao, the accused was sent to his house with the village crier, and he came back with dao. Thereafter, the accused was handed to the police with the dao. He stood as seizure witness. He proved the seized dao, the seizure memo and his signature at Ext. M-1, P-1 and Ext. P-2 (a) respectively. On cross-examination, nothing material was shaken. But, he admitted that he had not gone to the place of recovery and the accused was below normal person. Meanwhile, he denied that the accused had admitted his guilt since he was tortured by them.

E) P.W.5 Lalliantluanga, the Village Council Member of the locality identified the accused. On 30.8.2012, the prosecutrix came to the Village Council's Office and informed them that the accused who is her son had threatened her with dao for attempting to commit rape upon her. After receiving information, they went to the residence of the prosecutrix. But, they came to know that the accused had already fled to Darlawng, Aizawl District. At Darlawng, they found the accused and apprehended him. They brought the accused to the Village Council's House. Thereafter, they informed the Police about the incident and the Police came in. With the Police, they asked the accused where he had kept the dao used for threatening the victim. The accused led the Police to their residence and recovered the dao. The Police seized the dao in their presence at the Village Council's House and he stood as Seizure Witness with Lalrawngbawla. He proved the dao seized by the Police at Ext. M-1. He also proved the Seizure Memo and his signature at Ext. P-2 and Ext. P-2 (b). On cross examination, he could not ascertain whether the accused was mentally abnormal or not. He was not present when the dao was recovered from the residence of the accused and did not see the accused using the dao before the incident. He admitted that there is no specific mark

given in the dao. However, he denied that the dao which he saw in the Court was not the one which had been brought in the VC House. He also denied that the accused had confessed before them due to fear of further torture.

F) P.W.6 Dr. C.Ngurbiakveli identified the prosecutrix. At the relevant time she was posted at Civil Hospital, Aizawl. On the evening of 29.8.2012, she received a requisition from CAW Cell, Aizawl PS and thereafter she examined the prosecutrix at around 4 Pm on the same evening. When she asked the prosecutrix about the incident, she replied her that her son had tried to rape her at around 1 AM on 29.8.2012. When she examined her private part, she did not find seminal stain. But, in her right finger there was a bruise mark. She did not find any influence of alcohol or drugs at the time of examining the prosecutrix. She proved the Medical Examination Report of the victim and her signature at Ext. P-3 and Ext. P-3(a) respectively. On cross examination, she stated that at the time of examination, she had not found the victim accompanied by her relative. She further stated that she had examined the victim since she received a requisition from the Police, but she did not find any paper in the case record. She also stated that she could not remember whether the victim was in the state of fear.

G) P.W. 7 Dr. Lalringmaia stated that on 29.8.2012 @ 4:40 PM, he examined the prosecutrix at Civil Hospital, Aizawl. He found incised wound between right index and middle finger measuring 1 x ½ cms and soft tissue injury on her buttock. In his opinion, the types of injuries are simple in nature. He proved the Injury Report of the prosecutrix and his signature at Ext. P-4 and Ext. P-4(a) respectively. He also stated that he had also examined accused Lalhmunliana in connection with the rape case. He found from the Police Report that the accused had sexually assaulted (attempt to rape) his mother on 28.8.2012 at midnight at Thingsulthliah. He also proved the Medical Examination Report of the accused and his signature at Ext. P-5 is and Ext. P-5(a) respectively. On cross-examination, he stated that he had not examined the genital region of the prosecutrix.

H) P.W. 8 S.I. Lalhmachhuani Sailo identified the accused. She narrated how the case came to her for investigation. On the materials found by her in the course of her investigation, she found a prima facie case against the accused under Section 376 (1)/511/323/506 of IPC. Hence submitted charge sheet. On cross-examination, she stated that due to non availability of Psychiatrist, the accused could

not be examined. She also supported the Medical Examination Report at Ext. P-5 that there was no influence of alcohol or drugs on the accused.

8. According to the learned Addl. P.P. Shri Joseph Lalfakawma, the prosecution proved the charge framed against the accused under Section 376(1)/511/323/506 of IPC beyond reasonable doubt. He submitted that the deposition of the prosecution witnesses were trust worthy and their statements formed concrete evidence which proved the charges.

9. On the other hand, the learned Counsel Shri Lalramhluna contended that the testimony of the prosecutrix is not trustworthy and cannot be relied upon for recording conviction against the accused under Section 376 (2)(i) of IPC inasmuch as there are discrepancies which lead the case doubtful. He also took the plea of abnormality of the accused.

10. **Discussion, Decision & Reasons Thereof :**

11. The first point of determination is, whether the accused attempted to commit rape upon his mother on 29.8.2012 at about 1:00 Am in their house at Thingsulthliah?

11.A A minute reading of the oral evidence of the prosecutrix shows that the accused attempted to commit rape upon the prosecutrix on 29.8.2012 at about 1:00 Am. It is apparent from the testimony of the prosecutrix that she struggled much when the accused tried to have sexual intercourse with her. The accused could not discredit the testimony of the prosecutrix in cross examination. The accused also did not adduce any evidence when fair chance was given to him. It is important that the accused did not deny the suggestions made in examination of the accused under Section 313 of Cr PC. It is also that the statement of the prosecutrix is corroborated by the statements of the other witnesses though there are minor contradictions or insignificant discrepancies in the statements. But, minor contradictions or insignificant discrepancies should not be a ground for throwing out an otherwise reliable prosecution case. Hence, I do find any reason to doubt the testimony of the prosecutrix; rather I find her testimony trustworthy and inspire confidence.

11.B The Apex Court in the case of **State of Punjab vs. Gurmit Singh and others (1996) 2 SCC 396**, has observed thus:

'8.The testimony of the victim in such cases is vital and unless there are compelling reasons which necessitate looking for corroboration of her statement, the courts should find no difficulty to act on the testimony of a victim of sexual assault alone to convict an accused where her testimony inspires confidence and is found to be reliable. Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. Why should the evidence of a girl or a woman who complains of rape or sexual molestation, be viewed with doubt, disbelief or suspicion? The Court while appreciating the evidence of a prosecutrix may look for some assurance of her statement to satisfy its judicial conscience, since she is a witness who is interested in the outcome of the charge leveled by her, but there is no requirement of law to insist upon corroboration of her statement to base conviction of an accused. The evidence of a victim of sexual assault stands almost at par with the evidence of an injured witness and to an extent is even more reliable. Just as a witness who has sustained some injury in the occurrence which is not found to be self inflicted, is considered to be a good witness in the sense that he is least likely to shield the real culprit, the evidence of a victim of a sexual offence is entitled to great weight, absence of corroboration notwithstanding. Corroborative evidence is not an imperative component of judicial credence in every case of rape. Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances. It must not be over-looked that a woman or a girl subjected to sexual assault is not an accomplice to the crime but is a victim of another person's lust and it is improper and undesirable to test her evidence with a certain amount of suspicion, treating her as if she were an accomplice. Inferences have to be drawn from a given set of facts and circumstances with

realistic diversity and not dead uniformity lest that type of rigidity in the shape of rule of law is introduced through a new form of testimonial tyranny making justice a casualty. Courts cannot cling to a fossil formula and insist upon corroboration even if, taken as a whole, the case spoken of by the victim of sex crime strikes the judicial mind as probable.'

11.C In the case of Narendra Kumar vs. State (NCT of Delhi), reported in (2012) 7 SCC 171, the Apex Court has held as under :-

" 20. It is a settled legal proposition that once the statement of the prosecutrix inspires confidence and is accepted by the court as such, conviction can be based only on the solitary evidence of the prosecutrix and no corroboration would be required unless there are compelling reasons which necessitate the court for corroboration of her statement. Corroboration of testimony of the prosecutrix as a condition for judicial reliance is not a requirement of law but a guidance of prudence under the given facts and circumstances. Minor contradictions or insignificant discrepancies should not be a ground for throwing out an otherwise reliable prosecution case."

11.D According to the learned Amicus Curiae appearing for the accused, there is discrepancy between the FIR at Ext. P-1 and the Examination-in-Chief of the prosecutrix. But, in the cross-examination of the prosecutrix, she deposed that the FIR might be written by Village Council authorities whom she did not know, but she stated that since she omitted to give the entire facts in the Examination-in-Chief, which she had actually informed them the entire facts. Hence, I do not find any material discrepancy which should be a ground to throw out the prosecution case.

11.E The prosecutrix, who is also the mother of the accused stated that the accused knowingly tried to commit rape upon her, but according to the prosecutrix that act might be due to upcoming of modern technology. I am convinced by the deposition of the prosecutrix since she knew the accused well.

11.F It is reflected in the charge sheet that the attempt of committing rape upon the prosecutrix was for the third time, but I do not agree, since the prosecutrix had deposed that was the attempt for the first time by the accused as I peruse her record of cross examination. Even the deposition of the Case I.O. has not stated that the attempt was for the third time.

11.G With reference to the duty of the Court while trying a case of rape, the Apex Court has observed;

In the case of **State of Punjab vs. Gurmit Singh (supra)**, the Apex Court observed thus:

"Of late, crime against women in general and rape in particular is on the increase. It is an irony that while we are celebrating Women's rights in all spheres, we show little or no concern for her honour. It is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. We must remember that a rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. Rape is not merely a physical assault it is often destructive of the whole personality of the victim. A murdered destroys the physical body of the victim, a rapist degrades the very soul of the helpless female. The courts, therefore, shoulder a great responsibility while trying an accd. on charges of rape. They must deal with such cases with utmost sensitivity. The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may

lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the back ground of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestation.”

In the case of **Kundula Bala vs. State : 1993 Cri. L.J. 1635 : (1993) 2 SCC 684**, the Apex Court has observed thus:

“The role of courts under the circumstances assumes greater importance and it is expected that the courts would deal with such cases in a more realistic manner and not allow the criminals to escape on account of procedural technicalities or insignificant lacunas in evidence as otherwise the criminals would receive encouragement and the victims of crimes would be totally discouraged by the crimes going unpunished. The courts are expected to be sensitive in the cases involving crimes against woman.”

In the case of **Bodhisattwa Goutam vs. Subhra Chakraborty** reported in **AIR 1996 SC 922**, the Apex Court has observed thus:

“Rape is not only a crime against the person of a woman (victim). It is a crime against the entire society. It destroys the entire psychology of a woman and pushes her into deep emotional crisis. It is only by her sheer will power that she rehabilitates herself in the society which, on coming to know of the rape, looks down upon her in derision and contempt. Rape is, therefore, a most hated crime. It is a crime against basic human rights and is violative of the victim’s most cherished of the Fundamental Rights, namely, the right to life contained in Article 21.”

In the case of **Bharwada Bhoginbhai Hirjebhai vs. State of Gujarat**, reported in **AIR 1983 SC 753**, the Apex Court has observed thus:

"A girl or a woman in the tradition bound non-permissive society of India would be extremely reluctant even to admit that any incident which is likely to reflect on her chastity had even occurred. She would be conscious of the danger being looked down by the society including by her own family members, relatives, friends and neighbours. She would face the risk of losing the love and respect of her own husband and near relatives, and of her matrimonial home and happiness being shattered. If she is unmarried, she would apprehend that it would be difficult to secure an alliance with a suitable match from a respectable or an acceptable family. In view of these and similar factors the victims and their relatives are not too keen to bring the culprit to book. And when in the face of these factors the crime is brought to light there is a built-in assurance that the charge is genuine rather than fabricated."

In the case of **State of Andhra Pradesh vs. Gangula S. Murthy**, reported in **AIR 1997 SC 1588**, the Apex Court has observed thus:

"Charge of Rape—Duty of court—Court must while trying accd. on charge of rape show great sensitivity—They should examine broader probabilities and not get swayed by minor contradictions or insignificant discrepancies in statement of witnesses which are not of a fatal nature to through out allegation of rape—This is all the more important as of late there is rise in crime against women in general and rape in particular."

12. The second point of determination is, whether the accused voluntarily caused hurt to his mother on 29.8.2012 at about 1:00 Am in their house at Thinsulthliah?

13. I peruse the records of the evidence of the prosecutrix. Therein, it is reflected that she got injury in her finger since snatched dao from the accused.

There is also reflection of soft tissue injury on the buttock of the prosecutrix. Anyhow, I form an opinion that there is no material evidence that the hurt was caused by the accused. The accused also did not plead guilty to the charge framed against him under Section 323 of IPC. Hence, the accused is liable to be acquitted under the charged section of law.

14. However, it is apparent from the records of the prosecution witnesses that the dao was used by the accused for committing the offence of criminal intimidation in order to attempt to commit rape upon his mother. Even the dao at Ext.M-1 and the seizure memo were proved. The accused also pleaded guilty to the charge under Section 506 of IPC. Hence, the accused is liable to be convicted under the section of law.

15. In the light of the above discussion and reasons thereof, I conclude that the prosecution successfully proves the charges against accused Lalhmunliana under Sections 376 (1)/511 and 506 of I.P.C beyond reasonable doubt. Hence, I find guilty against him. Accordingly, the accused is convicted under the said sections of law.

16. Fixed 3.8.2015 for Sentence Hearing.

Judgment prepared and delivered in the open court on this 30th day of July, 2015 under my hand and seal.

Sd/- VANLALENMAWIA

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

ORDER

Dated 4.8.15 Convict Lalhmunliana is produced from judicial custody. Ld. Addl. P.P, APP and Ld. Defense Counsel are present.

I have heard the learned Addl. Public Prosecutor, Shri Joseph Lalfakawma and the learned Defence Counsel, Shri Lalramhluna. Convict Lalhmunliana is also heard.

The submission of the Ld. Addl. Public Prosecutor is that the convict attempted to commit rape upon his mother and also threatened her, the offences of which are serious. Hence, the Ld. Addl. PP prays for passing maximum sentence against convict Lalhmunliana.

On the other hand, the Ld. Defence Counsel Sh. Lalramhluna appearing for the convict submits that the prosecutrix who is also the mother of the accused forgave the offences committed by the accused. The Asst. Jailer, Central Jail, Aizawl vide his letter dt.31.7.2015 wrote a letter regarding the character of the accused in judicial custody. In the letter, the Asst. Jailer stated that the accused had a good character and he did not break law and order of the Central Jail, and he also stated that the accused used to attend Church regularly. In view of the circumstances, the Ld. Defence Counsel makes a prayer to release the accused without further detention.

The convict in person submits that he has repented for the offence committed by him. He also submits that he will never create trouble in future.

The submission of the rival parties is considered.

On considering the factual circumstances submitted by the learned Defence Counsel and the convict Lalhmunliana, I find that a lenient sentence shall be given to the convict. Hence, the **convict Lalhmunliana** is sentenced to undergo **Rigorous Imprisonment** for **2 (two) years and 6 (six) months** and to pay a **fine of Rs. 5,000/- (Rupees five thousand)** only in default of fine, Simple Imprisonment for

another 1 (one) month u/s **376(1)/511 of IPC**. The convict is also sentenced to undergo **Simple Imprisonment** for **1 (one) month** u/s **506 of IPC**.

The sentences passed against the accused shall go concurrently.

The detention period in judicial custody undergone by the convict shall be set off.

This sentence order shall form a part of the Judgment passed on 30.7.2015 and is to be attached accordingly.

Sd/- VANLAENMAWIA

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

Memo No._____/AD&SJ(A)/2015 : Dated Aizawl, the 4th June, 2015

Copy to: -

- 1) Convict Lalhmunliana C/o Special Superintendent, Central Jail, Aizawl.
- 2) Sessions Judge, Aizawl Judicial District, Aizawl.
- 3) District Magistrate, Aizawl District, Aizawl.
- 4) Special Superintendent, Central Jail, Aizawl.
- 5) PP / Addl. PP, Aizawl.
- 6) DSP (Prosecution), District Court, Aizawl.
- 7) Officer-in-Charge, CAW Cell, 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