

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. 24 of 2015

State of MizoramComplainant Petitioner

-Versus-

Shri Lalhlimpaia
S/o Lalrinthanga,
R/o Hebrai Veng, Hmarkhawlien,
Lakhipur, Cachar District, AssamAccused Respondent

APPEARANCE

For the petitioner : Shri Joseph Lalfakawma, Addl. P.P.

For the respondent : Shri S. Pradhan, Advocate.

Hearing : 25.6.2015

Order delivered on : 29.6.2015

O R D E R

The revision petition has been filed under Section 399 of Cr PC for setting aside the impugned order dated 18.5.2015 passed by the learned Judicial Magistrate First Class, Kolasib in CrI. Tr. No. 24 of 2014 arising out of Vairengte Police Station Case No. 40 of 2014.

2. The prosecution case in brief is that one Shri Lalengkima Colney lodged F.I.R. with the Officer-in-Charge, Vairengte P.S. to the effect that on 17.7.2014 at around 2:30 Am, his Bike (Pulsar) bearing Registration No. MZ-05/0020 which was parked in his courtyard at Venglai, Vairengte was stolen away by some unknown culprit. Hence, Vairengte Police Station Case No. 40 of 2014 dated 17.7.2014 under Section 379/34 was registered and duly investigated by S.I. Ramtharngbaka.

In the course of investigation, the petitioner with the co-accused Isak Zote was arrested. Before the police, they stated that they had stolen the Pulsar Bike and another Bike bearing Registration No. MZ-01D/6608 on the same night. The stolen Bikes were recovered and seized on being led by them at Kawngthar veng, Vairengte. A prima facie case under Section 379/34 was found against them.

3. The case of the co-accused was transferred to the Juvenile Justice Board, Kolasib. However, charge was framed against the petitioner under Section 379 of IPC and the accused claimed to be tried. While trying the case, accused Lalhlimpuia was released on bail on 29.8.2014.

4. In the course of trial, the prosecution produced and examined 3 out of 5 witnesses in order to prove guilty of the petitioner. The petitioner was also examined under Section 313 of Cr PC. However, the petitioner declined to produce defence evidence.

5. Ultimately, the Trial Court passed conviction against the petitioner under Section 379 of IPC and sentenced him to undergo for a period of 10 months S.I. and to pay a fine of Rs 2,000/- in default of fine S.I. for another 30 days S.I.

6. I heard the learned Counsel Shri S. Pradhan as well as the learned Addl. P.P. Shri Joseph Lalfakawma.

7. In the course of hearing, the learned Counsel appearing for the petitioner confined his argument on the sentence passed by the learned Trial Court. According to him, the petitioner can be released on probation of good conduct taking into consideration of his age and antecedent. He also submitted that the petitioner had no previous conviction.

8. Per Contra, the learned Addl. P.P. objected the prayer of the learned Counsel. According to him, interference of the sentence passed by the learned Trial does not call for.

9. On hearing the submission of the rival parties, I am of the considered view that the petitioner can be released on probation of good conduct inasmuch as he has no record of previous conviction. Accordingly, the Id. Trial Court is directed to release the petitioner on his entering into a bond with surety for a period of 1(one) year. The bond shall be executed within a period of 1(one) week from the date of receipt of this Order.

10. The criminal revision petition is partly allowed.

11. Send back the Case Record of the Id. Trial Court.

Order is pronounced in open Court on this 29th day of June, 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 29th June, 2015

Copy to: -

1. Lalhlimpuia through Sri S. Pradhan, Advocate.
2. Sessions Judge, Aizawl Judicial District, Aizawl.
3. Judicial Magistrate First Class, Kolasib.
4. Superintendent, District Jail, Kolasib.
5. Officer-in-Charge, Vairengte Police Station.
6. Registration Section.
7. Guard File.
8. Case Record.
9. Calendar Judgment.

P E S H K A R