

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. 127 of 2014

State of MizoramComplainant

-Versus-

Shri K. Lalrindika (23)
S/o F. Zonunsangi,
R/o New Serchhip PWD Quarters. Accused person

APPEARANCE

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

For the accused : Shri Lalramhluna, Advocate.

Judgment & Order delivered on : 19.5.2015

J U D G M E N T & O R D E R

The accused has been prosecuted for alleged commission of rape upon the victim. Hence, he has been charged under Section 376 (1) of I.P.C.

2. The story of the prosecution case in brief is that on 6.6.2014 one Lungngailova Colney, Principal, Govt. Higher Secondary School, Serchhip lodged First Information Report (hereinafter stated as the FIR) with the Officer-in-Charge, Serchhip Police Station to the effect that the accused had committed rape upon the victim, aged about 18 years who was his student on the night of 4.6.2014 @ 11 PM – 12 midnight at the residence of Smt. F.Zonunsangi of PWD Quarters, New serchhip. Hence, Serchhip P.S. Case No. 34/2014 dt.6.6.2014 under Section 376(1) IPC was registered and investigated by SI R. Lalnunhluna.

In the course of investigation, the Case I.O. found a prima facie case against the accused under Section 376 (1) of IPC and submitted charge sheet.

3. The accused person was produced before the learned Chief Judicial Magistrate, Aizawl. The case was committed to the learned Sessions Judge being the offence triable exclusively by Court of Session. Thereafter, the case was transferred to my predecessor for trial and disposal. Hence, the case came to me.

4. Charge sheet and its relevant documents were supplied to the accused. Initially, learned Counsel Shri Lalramhluna was appointed to defend the case of the accused at the expense of the State.

5. After hearing the rival parties and on finding a prima facie case against the accused, charge was framed against him under Section 376 (1) of I.P.C. The charge was read over and explained in the language known to him, and to which he pleaded not guilty and claimed to be tried.

6. In order to bring home the charge, the prosecution produced and examined one witness to prove that the accused had committed offence punishable under Section 376 (1) of I.P.C.

7. I heard the learned Addl. Public Prosecutor Shri Joseph Lalfakawma appearing for the State assisted by the learned A.P.P. Smt. K. Lalremthangi. I also heard the learned Counsel Shri Lalramhluna.

Points for Decisions :

8. a) Whether the prosecution proves that the accused committed rape upon the victim?

b) Whether the accused can be convicted under Section 376 (1) of IPC?

9. **Discussion, Decision and Reasons Thereof:**

P.W.1 Shri Lungngailova knew the accused Lalrindika. He is the Principal of Government Higher secondary School, Serchhip. On the morning of 6.6.2014 at about 9:30 Am, the victim who was a student Class XII (Horticulture) of his school came to his office and reported that she had been ravished by the accused. At the relevant time, the victim was staying with the family of the accused. Thereafter, he made a call to the victim's mother over mobile phone informing about the incident. The victim's mother told him that she was not able to come to Serchhip to pursue the matter. He felt duty bound to pursue the matter being the head of the

institution. Hence, he lodged FIR with the Officer-in-Charge, Serchhip Police Station. According to him, the incident was not disclosed to any person by the victim except to him. After two or three days, the mother of the victim arrived at Serchhip and informed him over mobile phone that it was not a rape case. On cross examination, he stated that the victim was 18 years of age. He further stated that he had submitted a letter addressing to the CJM Aizawl to cancel the FIR submitted by him on 10.6.2014. He also stated that the letter of compromise executed by the victim as on 10.6.2014 which was produced before him was correct.

10. In the course of hearing, the learned Counsel Shri Lalramhluna submitted that the prosecution had not proved their case. According to the learned counsel, the complainant had not given incriminating evidence against the accused. On perusing the evidence on record, I agree with the submission of the learned counsel. Hence, the accused is not liable to be convicted under Section 376 (1) of IPC.

11. In the light of the above discussion and reasons thereof, I conclude that the prosecution has not proved the charge against the accused K.Lalrindika under Section 376 (1) of I.P.C. Hence, I do not find guilty against him. Accordingly, the accused is acquitted under the said section of law.

12. The bail bond stands cancelled and the surety is discharged.

Judgment prepared and delivered in the open court on this 19th day of May, 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 19th May, 2015.

Copy to :-

1. Shri K. Lalrindika through Counsel Sh. Lalramhluna, Advocate.
2. District Magistrate, Aizawl.
3. Sessions Judge, Aizawl Judicial District, Aizawl.
4. Addl. PP/APP, Aizawl District, Aizawl.
5. Special Superintendent, Central Jail, Aizawl District, Aizawl.
6. Investigating Officer through O/C, Serchhip PS.
7. DSP (Prosecution), District Court, Aizawl.
8. In-Charge, G.R. Branch.
9. Registration Section.
10. Guard File.
11. Case Record.
12. Calendar Judgment.

P E S H K A R