

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. 22 of 2016

In CrI Tr. No. 56 of 2016

Shri R. Laldinsanga
S/o Denghluna
R/o Ramhlun North, Aizawl Petitioner

-Versus-

State of Mizoram Respondent

APPEARANCE

For the petitioner : Shri Roger Lalhmangaiha, Advocate

For the State : Smt. K. Lalremruati, Addl. P.P.

Hearing : 22.7.2016

Order delivered on : 22.7.2016

ORDER

The appeal petition is filed under Section 397 of Cr PC for setting aside and quashing the impugned order dated 23.3.2016 passed by the learned Chief Judicial Magistrate, Kolasib District in CrI. Tr. No. 56 of 2016 arising out of Kawnpui PS Case No. 7 of 2016 U/s 379 of IPC.

2. The prosecution case is that the convict was arrested on 27.2.2016 in connection with commission of offence of theft. Charge U/s 379 of IPC was framed, read over and explained to the convict in the language known to him, to which he pleaded guilty.

3. On the basis of his plea of guilt, the petitioner was convicted under section 376 of IPC and sentenced to undergo Simple Imprisonment for a period of 1 year and to pay a fine of Rs. 1,000/- in default of payment of fine to suffer another Simple Imprisonment for a period of 10 days.

4. Aggrieved by the impugned order, the petitioner preferred revision petition against such conviction and sentence.

5. Learned Counsel Shri Roger Lalmangaiha for the petitioner mainly challenges the sentence portion of order. According to him, the punishment imposed upon the petitioner is severe. Hence, he prays the Court to show leniency to the petitioner.

6. On the other hand, I also hear the learned Addl. PP Smt. K. Lalremruati. She submits that there is no infirmity in the order of the learned Trial Court. Since the petitioner had himself pleaded guilty to the charge brought against him. The learned Court below was justified in convicting the petitioner and sentencing him as indicated above. She, therefore, prays for dismissal of the present revision petition.

7. On hearing the rival parties and after perusing the case record of the learned Lower Court, I find interference of this Court calls for. Justice will be met if section 360 of Cr PC is invoked in his case since no previous conviction is highlighted in the case record. Accordingly, the sentence is modified to the period undergone by the petitioner in judicial custody.

8. The petitioner shall be released forthwith.

9. Send back the LCR.

10. The criminal revision petition is partly allowed.

Order is pronounced in open Court on this 22nd day of July, 2016 under my hand and seal of this Court.

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

Memo No. _____/ASJ(A)/2016 : Dated Aizawl, the 22nd July, 2016

Copy to: -

1. R. Laldinsangathrough Counsel Shri Roger Lalhmangaiha, Advocate.
2. The Sessions Judge, Aizawl Judicial District, Aizawl.
3. The District Magistrate, Kolasib District.
4. The Chief Judicial Magistrate, Kolasib District.
5. The Superintendent of Police, Kolasib District.
6. The Addl. PP, Aizawl.
7. Superintendent, District Jail, Kolasib.
8. Registration Section.
9. Guard File.
10. Case Record.
11. Calendar Judgment.

P E S H K A R