

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. 58 of 2013

State of MizoramComplainant

-Versus-

Shri C. Lalhmangaihsanga (38)
S/o Challiana (L),
R/o Farkawn, Champhai District. Accused person

APPEARANCE

For the State : Smt. Lalremthangi, Addl. P.P.

For the accused : Shri S.L. Thansanga, Advocate.

Hearing : 1.2.2016

Judgment delivered on : 5.2.2016

Sentence Order delivered on : 8.2.2016

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

The accused has been prosecuted in connection with the offences punishable under Sections 307/326 of IPC.

2. The story for prosecution in brief is that on 24.9.2012 at around 2:30 Pm, a written FIR was received from one Ramsangpuui Fanai (27) d/o F. Zirliana r/o Farkawn Vengsang P/a College veng, Aizawl to the effect that on that day at around 12:00 noon her cousin Lalzawmthari d/o HK Mangthawma r/o Farkawn P/a College veng/Zemabawk Bethel veng, Aizawl had been stabbed with a knife by her husband on her left flank and left shoulder at a place near Bawngkawn Brigade Field with

intention to kill her, and the victim was evacuated to Civil Hospital Aizawl for treatment. Hence, Bawngkawn PS Case No. 249 of 2012 dated 24.9.2012 under Sections 307/326 of IPC was registered and duly investigated by SI T. Lalhmingmawia.

In the course of investigation, the accused stated that he had suspected his wife having involvement in extra marital affairs and they used to quarrel on that issue. The accused also admitted that he had stabbed his wife twice on her left shoulder and left flank with intention to kill her.

In the course of investigation, the knife was recovered from the garden of Shri R. Lalramthanga of Bawngkawn Brigade, Aizawl under shrub which was acknowledged by the accused and thereafter it was seized vide MR No-201/12 in the presence of reliable witnesses namely, 1) Shri Lalremsanga (28) s/o Vanlalhruaia of Bawngkawn, Brigade veng and 2) Shri R.Lalramthanga (54) s/o Sapdawla of Bawngkawn, Brigade veng.

In the course of investigation, the victim was examined who stated that they had got married in the later part of 2006. Before marriage, she already had 3(three) children with her former husband. On 15.9.2012, she purchased her children's clothes and sent it to their native home at Sesawng to which the accused retaliated. She also stated that the accused always had made complaint and he was discontented as soon as he came out from jail. On 22.9.2012, the accused assaulted her and she got up early on the next morning and left him for Chhuanpuii's house at Bawngkawn Brigade. On 24.9.2012 while coming out from Chhuanpuii's house she suddenly saw the accused with a knife in his hand, she then ran to save her life as the accused chased her. The accused eventually overtook and stabbed her on the left shoulder, and she fell on the ground. Thereafter, the accused stabbed the victim again on her left flank around the stomach portion and stated that she would eventually die and left her. Then, some people came and carried her to the road and she woke up in the Hospital. The discharge card was seized in the presence of reliable witnesses and the same was given back to her on Zimanama. All medical reports were obtained in which the medical officer opined that the injuries were grievous nature caused by sharp weapon. The available witnesses were also

examined. Hence, prima-facie case under sections 307/326 of IPC was found against the accused and the Case I.O. submitted charge-sheet.

3. Upon committal, my learned predecessor framed charges u/S 307/326 of I.P.C. against the accused and the charges were read over and explained in the language known to him, to which he pleaded not guilty and claimed to be tried.

4. In the course of trial, the prosecution produced and examined as many as 8 out of 9 witnesses to prove that the accused had committed offences punishable under Sections 307/326 of I.P.C. After closure of the prosecution evidence, the accused was examined under Section 313 of Cr PC in which he had stabbed the victim on her left rib and left shoulder without intention to kill her since he had heard that the victim had been living in adultery with other male persons.

5. I heard the learned Addl. P.P. Smt. Lalremthangi appearing for the State. I also heard the learned Legal Aid Counsel Shri S.L. Thansanga appearing for accused C. Lalhmangaihsanga.

6. **Points of determination:**

a) Whether the accused stabbed his ex-wife Smt. Lalzawmthari with a knife on her left flank and left shoulder at Zemabawk Brigade on 24.9.2012 at noon with intention to kill her?

b) Whether the accused voluntarily caused grievous hurt to his ex-wife Smt. Lalzawmthari with a knife which is an instrument for stabbing?

7. **Discussion, Decisions and Reasons of Decisions.**

P.W.1 Ramsangpuui Fanai knew the accused. The accused is her cousin sister's husband. At the time of giving her evidence, her cousin sister and the accused were divorced. She came to know about the incident over phone from her relative Lalzamlova who is working in the Police Department informing her to lodge FIR. During that time, she was working at Bawngkawn. She was informed that her cousin sister had already been evacuated to the Hospital. She then went to Bawngkawn Police Station and wrote the FIR in the Police Station. Her hand written FIR was typed out at the Police Station and the content of it was read out to her. She did not remember

whether she had put her signature in the hand written FIR or the typed FIR. In the written FIR she had written her name but she could not recollect whether she had put her signature in the typed FIR. At the time of lodging the FIR, she also saw the accused in the Police Lockup. After lodging the FIR, she went to the Hospital and met the victim. While meeting her, the victim was unable to speak and the injuries were still bleeding below her abdomen. She heard that her sister had been stabbed twice. On the next evening, her cousin sister could speak. To her knowledge her cousin sister had been hospitalized for about a week. At the time of her discharge, the portion of injuries was partially healed. After her discharge she continued to take medical treatment for a long time. They had to feed her and as the victim could not walk, they had to help her even when answering the call of nature and she remained in that condition for about a month after her discharge from the hospital. From that time of the incident, her cousin sister and the accused started living separately and they continued to live separately till the day of giving her evidence. At the time of giving her evidence, her cousin sister was residing at Sesawng village. They felt that it was not safe for her cousin sister to go to Aizawl. Ext. P-1 is the hand written FIR submitted by her and Ext. P-1(a) is her signature. On cross-examination, she came to know the accused from her childhood days since he used to visit them. She did not know the exact year of her cousin sister's marriage with the accused, but she knew that her cousin sister was a divorcee before her marriage with the accused. She admitted that during the marriage, the accused used to stay in Rehabilitation Centre. She did not know whether the incident occurred due to suspicion of the victim living in adultery while he was staying in the Rehabilitation Centre. She also admitted that the content of the FIR was, which she had derived information from others. She did not see the knife used for stabbing the victim. She denied that she had no truthful knowledge. She further denied that the accused had no bad character. She also denied that she had lodged the FIR since she had been instructed by Lalzamlova and the FIR was not written by her.

P.W. 2 Lalzawmthari identified the accused. The incident happened on 24.9.12. She was stabbed by her ex-husband C. Lalhmangaihnga with a knife at a place below Brigade Field. While walking, the accused suddenly appeared, ran after her and stabbed her. Before the incident, she left the accused as he had assaulted her. She got married to the accused in the year of 2006. She has no any issue with him, but she has 3 children from her former husband. Her children did not live with her after her

marriage with the accused. Her husband was in the habit of assaulting her. She left her husband since she was scared of him. Her husband used to indulge in taking liquor and drugs and he had bad character. The accused did not give up his habit of consuming liquor and abusing drugs even during their marriage. She did not know the reason why he had stabbed her, but it was due to having argument with the accused. She left him and did not return even when he called her. Her husband stabbed her from behind which is just below her left shoulder and he gave another stab on the left side of her ribs. The accused stated that she would die of the injuries and left her. However, she could move for a short distance. When the accused left her, the knife was still stuck on her left rib, but she pulled it out and threw it below. When she could not move further, she lied down. Some passersby saw her and carried her to the Hospital. She was conscious when they reached the Hospital but she could not recollect what had happened thereafter. But, she later learned that she had been operated. She was put in the ICU for 2 nights and thereafter she was shifted to the General Ward. At the time of giving evidence, she lived separately from the accused. On cross examination, she admitted she had used to sell drugs. She denied that the accused had started taking drugs after her marriage with him. She further denied that she had caused injury to the accused by hitting him with a hammer with the help of other drug peddlers. The FIR was lodged by her cousin and she did not know when the FIR was lodged. She further admitted that she had not instructed her cousin sister to lodge the FIR. She also denied that she often lived with the accused a month or two months. It was denied by her that the incident had occurred since she left the accused, due to having relationship with other man in her friend's house. She did not see the knife in the Court. When she left the accused, she divorced him by way of 'Sumchhuah' which is one of the customary practices of divorce. Finally, it was also denied by her that she kept in touch with the accused by talking to him till the date of giving evidence. It was also admitted by her that the present mobile phone which she was using, was purchased by the accused for her after the incident. At the time of giving evidence, the accused was inmate of Tawngtai Bethel Camping Centre, Chawnpui. Finally, she denied that the accused had joined the Camping Centre on her advice and assurance to remarry him after his discharge.

P.W.3 C. Lalremsanga. On the day of the incident, the Police could not find the knife which was the weapon of assault. On the next day, the Police recovered

the knife from a garden below his house which was the place of incident. On the day when the recovery was made, he was at home. His house is a 3 storied building. His parents occupied the top floor and the police called him to the top floor. The Police stated that they had recovered the knife from a garden below his house suspecting to be the knife used for stabbing the victim Pi Zampuii. The Police told him to put his signature as Seizure Witness as he had actually seen them recovering the said knife. She heard a rumor that Pi Zampuii had been stabbed by her husband, who is the accused. Ext. P-2 is the Seizure Memo and Ext. P-2(a) is his signature. Ext.M-1 is the knife witnessed by him. On cross examination, he had no clear knowledge about the incident. On the day of the incident, he saw the accused, but he did not know the victim. He had no knowledge whether the knife was the instrument to cause injury of the victim and the knife shown by the police was not stained with blood. He saw the knife without cover. On re examination, He stated that the name of the victim is Zampuii since he came to know from the family where she stayed as a guest.

P.W.4. Lalramthanga is a resident of Chaltlang North, Aizawl. The police seized the knife from his garden. On the day of seizure, he was working in the said garden and the police called him to the neighboring house and they told him to witness the seizure. Accordingly, he stood as a seizure witness. He saw the knife in the neighboring house when he was called by the police. The police required him as a witness since they did not have any civilian witness. Ext. P-2 is the Seizure Memo and Ext. P-2(b) is his signature. Ext. M-1 contains a knife appearing to be the same knife which was shown to him but he was not sure of it due to lapse of time. On cross examination, he was called by the Police to the house of Lalremsanga. The knife was not stained with blood when it was shown to him that day. He had no knowledge about the seizure except what he was told by the police. He came to know the accused from the time of housing a pig sty in his garden and that was before the incident. But he does not know the victim Lalzawmthari.

P.W.5 Lalrawngbawla knew the accused. The victim is his wife's cousin sister. He was informed over telephone that the victim had been stabbed by her husband and she was taken to the Hospital. Accordingly, he went to Civil Hospital, Aizawl with his wife. They reached to the Hospital before the victim was brought there. When the victim was brought, they took her to the Casualty Department where she was

admitted. After the victim was discharged from the Hospital, she stayed in the house of K. Lalruatfela, who is her brother-in-law. They went to the said house to visit the victim and while visiting them, some police personnel arrived. The Police seized some documents and he stood as a Seizure Witness. Ext. P-3 is the Seizure Memo in respect of Discharge Card of the victim and Ext. P-3(a) is his signature. On his cross examination, he stated that he had put his signature as a witness on the request of the police. But, he did not know what was seized by the police.

P.W. 6 Dr. Judy S. Sailo was posted at Civil Hospital, Aizawl at the relevant time. On 24.9.2012, the police made a requisition to examine the victim. The victim reported that she had been assaulted with a knife causing stabbed injury on the posterior chest (left) two in number at around 11:30 AM on 24.9.2012. The medical officer found the victim screaming with pain, cold calmly and sweating. Accordingly, she examined the victim in Emergency Room, Civil Hospital, Aizawl and found the victim requiring emergency surgical intervention. The patient was shifted immediately to Surgery OT for Emergency Laporatomy under General Anesthesia. The operation was performed by the surgeon on call and the findings are as follows:

1. Stabbed injury (incised wound) with 3x5 cms. on her chest.
2. Diaphragmatic tear at left dome with 5x4 cms. on her abdomen.
3. Lacerated tear with Haemoperitoneum with 5x4x4 cms. on her abdomen (anterior surface of abdomen).
4. Through and through gastric perforation around 3x2 cm. each at greater curvature near the attachment of omentum and at the anterior surface of the body of stomach.

Based on the findings after operation, her opinion is that type of injuries was grievous. After operation, she was shifted to ICU. Ext. P-4 is the Medical Examination Report of the victim and Ext. P-4(a) is her signature. On cross examination, the witness stated that the injuries appeared to be stabbed with sharp weapon.

P.W. 7 Inspector A. Zatlunga of Lunglei PS. On 24.9.2012, before noon, he received FIR from Ramsangpuii Fanai to the effect that the accused C. Lalhmangaihsanga had stabbed his wife Lalzawmthari. The case was registered as Bawngkawn PS Case No. 249/2012 dated 24.9.2012 u/S 307/326 of IPC and the

same was endorsed to SI T. Lalhmingmawia. Ext. P-1 is the FIR and Ext. P-1(b) is his signature. Ext. P-5 is Form of FIR and Ext. P-5(a) is his signature.

On Cross examination, at the relevant time, he was the OC of Bawngkawn P.S. He received the written FIR, but did not know whether it was written at the P.S. There were 4 male persons and 2 female persons of SIs at Bawngkawn PS. He did not write on the body of the FIR that he had endorsed the case to SI T. Lalhmingmawia. He denied that he had not received the FIR before noon of 24.9.2012.

P.W. 8 Inspector T. Lalhmingmawia. He identified accused C. Lalmangaihsanga. On 24.9.2012 @ 2:30 PM, a written FIR was received from the informant to the effect that on that day at about 12 Noon, her cousin, the victim had been stabbed on her left flank and left shoulder with a knife by her husband with intention to kill her at Bawngkawn Brigade and she was evacuated to Civil Hospital, Aizawl for treatment. Bawngkawn PS Case No. 249/12 dt.24.9.2012 u/s 307/326 IPC was registered and the case was endorsed to him by the OC, Bawngkawn PS.

During investigation, accused C. Lalmangaihsanga was apprehended by ASI R. Lalbiaksanga and the latter produced the accused at Bawngkawn PS. He arrested the accused and his statement was recorded. The accused admitted his guilt by stating that he had suspected his wife Lalzawmthari having involvement in extra marital affairs and they used to quarreled on that issue and he had taken decision to end her life by stabbing the victim twice on her left shoulder and left flank and no other person had involvement in this case. He along with the accused visited the PO and recovered the knife from the garden of Pu R. Lalramthanga of Bawngkawn Brigade. The accused himself identified the said knife. The knife was seized in the presence of reliable witness. He also examined the eye witnesses.

After that, he also examined the victim and recorded her statement. He also seized the Discharge Card in the presence of reliable witnesses, but the Discharge Card was released on Zimanama. Hence, a prima facie case against the accused was found well established and Charge Sheet was submitted accordingly.

Ext. P-1 is the original FIR.

Ext. P-2 is the Seizure Memo of the knife and Ext. P-2(c) is his signature.

Ext. P-3 is the Seizure Memo of Discharge Card and Ext. P-3(b) is his signature.

Ext. P-4 is the Medical Examination Report of the victim.

Ext. P-5 is Form of FIR.

Ext. P-6 is the Arrest Memo and Ext. P-6(a) is his signature.

Ext. P-7 is the Charge Sheet and Ext. P-7(a) is his signature.

Ext. M-1 contains the knife seized by him.

On cross examination, he was an SI of Police on 24.9.2012 and he was Sherista of Bawngkawn PS. He admitted that there was no endorsement on the body of the original FIR by the OC, Bawngkawn PS. He also admitted that he had not put any mark in Ext. M-1. He denied information about the victim given by the accused that the victim had extra marital affairs with another man. He further denied that the accused had informed him that his wife often assaulting him with dangerous weapon like hammer etc. He also denied that the accused had informed him his wife had sent him SMS (messages) that she was having extra marital affairs with another man. It is also denied by him that the knife (Ext. M-1) was not that which he had found it on that day.

8. The learned Addl. P.P. Smt. Lalremthangi submitted that the offence of attempt to murder committed by the accused is proved beyond reasonable doubt.

9. Per contra, the learned Defence Counsel Shri SL.Thansanga contended before me that this is not a case of offence of attempt to murder provided by Section 307 of IPC inasmuch as the essential constituents or ingredients of the offence of attempt to murder are conspicuously absent. According to the learned Counsel, there was no intention on the part of the accused that the death of the victim was attempted.

10. **Section 307 of IPC. Attempt to murder**

Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life or to such punishment as is here in before mentioned.

Attempts by life convicts- When any person offending under this Section is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death.

Illustrations

(a) A shoots at Z with intention to kill him, under such circumstances that, if death ensued. A would be guilty of murder. A is liable to punishment under this section.

(b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensure.

(c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section, and if by such firing, he wounds Z, he is liable to the punishment provided by the latter part of the first paragraph of this section.

(d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servant to place it on Z's table. A has committed the offence defined in this section.

Section 326 of IPC. Voluntarily causing grievous hurt by dangerous weapons or means-Whoever, except in the case provided for by section 335, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment for life or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

11. The essential ingredients of the offence under Section 307 of I.P. C are the following:

- a) That the death of human being was attempted;
- b) That such death was attempted to be caused by, or in consequence of, the act of the accused.
- c) That such act was done with the intention of causing death; or that it was done with the intention of causing such bodily injury as-
 - i) the accused knew to be likely to cause death; or
 - ii) was sufficient in the ordinary course of nature to cause death; or that the accused attempted to cause such death by doing an act known to him to be so imminently dangerous that it must in all probability cause (1) death, or (2) such bodily injury as is likely to cause death, the accused having no excuse for incurring the risk of causing such death or injury.

12. The word "intent" is derived from the word archery or aim. The "act" attempted to must be with "intention" of killing a man.

Intention, which is a state of mind, can never be precisely proved by direct evidence as a fact; it can only be deduced or inferred from other facts which are proved. The intention may be proved by res gestae, by acts or events previous

or subsequent to the incident or occurrence, or admission. Intention of a person can't be proved by direct evidence but is to be deduced from the facts and circumstances of a case.

13. There are various relevant circumstances from which the intention can be gathered. Some relevant considerations are the following:

- a. The nature of the weapon used.
- b. The place where the injuries were inflicted.
- c. The nature of the injuries caused.
- d. The opportunity available which the accused gets.

14. In the instant case, apart from the evidence of the victim there was no eye witness' evidence. The victim deposed that the accused had stabbed her with knife two times, below her shoulder and on her left ribs, which led her to have surgery on her injuries in Civil Hospital. The medical officer Dr Judy Saipari Sailo stated in her deposition that the injuries of the victim appeared to be stabbed with sharp weapon on her chest and abdomen. Though there is minor discrepancy in the statements of the victim and the medical officer, but such minor insignificant discrepancy should not be a ground for throwing out an otherwise reliable prosecution case. The injury report exhibited at P-4 shows that the victim was brought to Civil Hospital and she sustained grievous injuries on her body. The accused also admitted that he had stabbed the victim. Hence, it is fully proved that the accused had twice stabbed the victim Lalzawmthari with knife.

15. On perusing the deposition of the victim, there is no evidence of murderous intent which is an essential element to attract the penalty under Section 307 of IPC. It is pertinent to mention here that the accused had sufficient time to kill the victim if he wanted, but he left the victim after stabbing her with knife twice on her body. In my considered view, inference can be drawn against the accused that he voluntarily caused grievous hurt to the victim by knife which is a dangerous weapon likely to cause death. There is also no evidence of the medical officer that the injuries of the victim are sufficient to cause her death. In the examination of the accused under Section 313 of Cr PC, he admitted that he had told to the victim, the

latter would die due to the injuries stabbed by him with knife since he was angry, but he had no intention to kill her.

16. It is found in the deposition of the Case I.O., P.W. 8 Inspector T.Lalhmingmawia that the accused admitted guilt before him by stating that he had suspected his wife having extra marital affairs and they quarreled, thereby taking a decision to end the victim's life by stabbing her twice. While perusing the statement of the accused made before the Case I.O., though the statement made before the police is not admissible in evidence u/s 25 of the Evidence Act, in which the accused admittedly had twice stabbed the victim without intention to kill her. Hence, the statement of the Case I.O. made before the Court that the accused had admitted before him, that he had intention to kill the victim, is based on conjecture and surmises.

17. The Apex Court in the case of Harijana Thirupala & Ors v. Public Prosecutor, High Court of A.P., Hyderabad (2002)6 SCC 470 at Paragraph 11,

'11. In our administration of criminal justice an accused is presumed to be innocent unless such a presumption is rebutted by the prosecution by producing the evidence to show him to be guilty of the offence with which he is charged. Further if two views are possible on the evidence produced in the case, one indicating to the guilt of the accused and the other to his innocence, the view favourable to the accused is to be accepted. In cases where the court entertains reasonable doubt regarding the guilt of the accused the benefit of such doubt should go in favour of the accused. At the same time, the court must not reject the evidence of the prosecution taking it as false, untrustworthy or unreliable on fanciful grounds or on the basis of conjectures and surmises. The case of the prosecution must be judged as a whole having regard to the totality of the evidence. In appreciating the evidence the approach of the court must be integrated not truncated or isolated. In other words, the impact of evidence in totality on the prosecution

case or innocence of accused has to be kept in mind in coming the conclusion as to the guilt or otherwise of the accused. In reaching a conclusion about the guilt of the accused, the court has to appreciate, analyse and assess the evidence placed before it by the yardstick of probabilities, its intrinsic value and the animus of witnesses. It must be added that ultimately and finally the decision in every case depends upon the facts of each case.'

18. In the instant case, there was no delay in filing the FIR before the Officer-in-Charge, Bawngkawn Police Station.

19. As already pointed out above, what must be proved is an attempt to cause the death or an intention to kill. It is not clear from the evidence of the victim that the accused twice stabbed her with knife injuries with intention to kill her. Hence, it is not safe to convict the accused under Section 307 of IPC. However, the prosecution has proved beyond reasonable doubt the charge framed against accused C.Lalhmagaihsanga under Section 326 of I.P.C. The accused as well as the learned Defence Counsel Shri S.L. Thansanga also fairly admitted during the course of argument.

20. In the light of the above discussion and reasons thereof, the accused is acquitted under Section 307 of IPC. But, as the prosecution succeeds to prove the charge framed against the accused under Section 326 of IPC, he is convicted accordingly.

21. Seized material, if any, shall be destroyed in due course of law.

Judgment prepared and delivered in open court on this 5th day of February, 2016 under my hand and seal.

Sd/- VANLALENMAWIA

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

SENTENCE

8.2.2016 As hearing on sentence is fixed, I have heard the rival parties.

The learned Addl. PP for the State as well as the learned Counsel for the convict is heard.

I have also heard the convict C. Lalhmangaihsanga.

The learned Addl. PP Smt. Lalremthangi has made a prayer to pass maximum sentence against the convict u/s 326 of IPC. Per Contra, the Learned Defence Counsel Shri S.L. Thansanga has strongly made a prayer to show leniency to the convict by passing 3 years sentence and to pay Rs. 1,000/-.

The submission made by the convict is that his wife had already pardoned him. The convict also submitted that he has been maintaining his old aged mother i.e. more than 60 years. The final submission of the convict is that he suffers from kidney problem.

On hearing the submission made by the learned Counsels as well as the convict, I find justified to sentence the convict to undergo R.I. for 5 years and to pay a fine of Rs. 1,000/- in default of fine S.I. for 10 days.

The leniency of sentence shown to the convict is due to the submission made by the learned Counsel and the convict.

The period of detention spent by the convict is hereby set off.

The case is disposed off.

Sd/- VANLALENMAWIA

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

Memo No. _____/AD & SJ (A) /2016 : Dated Aizawl, the 8th February, 2016

Copy to :-

1. Shri C. Lalhmangaihsanga through Special Superintendent Central Jail, Aizawl.
2. Sessions Judge, Aizawl Judicial District, Aizawl.
3. District Magistrate, Aizawl District.
4. Superintendent of Police, Aizawl District.
5. Addl. PP, Aizawl District, Aizawl.
6. Special Superintendent, Central Jail, Aizawl.
7. DSP (Prosecution), District Court, Aizawl.
8. Officer-in-Charge, Bawngkawn Police Station.
9. i/c G.R. Branch, District Court, Aizawl.
10. Registration Section.
11. Guard File.
12. Case Record.
13. Calendar Judgment.

P E S H K A R