

**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. 3 of 2017

In G.R. No. 111 of 2016

Thangsianmunga
S/o Gosianpauva
New Champhai

.....Appellants

-Versus-

State of Mizoram

..... Respondent

APPEARANCE

For the appellants	:	Shri Lalramhluna, Advocate
For the State	:	Smt. Lily Parmawii, Addl. P.P.
		Smt. Venus H. Zomuankimi, APP
Hearing	:	6.2.2017
Order delivered on	:	6.2.2017

ORDER

The revision petition filed under Section 397 of Cr PC for setting aside and quashing the impugned order dated 6.12.2016 passed by the learned Judicial Magistrate First Class, Champhai District in CrI. Tr. No. 312 of 2016 arising out of Excise & Narcotic Station Case No. 173 of 2016 U/s 43(1) of MLPC Act, 2014 is received from the Superintendent, District Jail, Champhai.

2. The prosecution case is that the petitioner was arrested in connection with possession of about 15 litres of Rakzu. The Case IO was examined in compliance with Section 244 of Cr PC. The learned Counsel appearing for the petitioner and the learned APP were heard. As the offence punishable U/s 43(1) of MLPC Act was made out against the petitioner, charge U/s 43(1) of MLPC Act was framed, read over and explained to the petitioner, to which the petitioner pleaded

guilty stating, 'Min puhna hi a dik a, zu hi ka ta ngei a ni a, ka in bakah ka zawrh atana ka tih a ni.' The learned Magistrate First Class convicted the petitioner on plea of guilt of the petitioner and sentenced him to undergo SI for a period of 6(six) months and to pay a fine of Rs. 5,000/- (Rupees five thousand) in default of fine SI for 10(ten) days.

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

4. Learned Counsel Shri Lalramhluna is appointed to defend the case of the petitioner. The learned Counsel mainly challenges the sentence portion of the order. According to him, the punishment imposed upon the petitioner is severe. Hence, he prays the Court to show leniency to the petitioner.

5. On the other hand, I also hear the learned Addl. PP Smt. Lily Parmawii. She submits that there is no infirmity in the order passed by the learned Trial Court. Since the petitioner had himself pleaded guilty to the charge brought against him, 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.

6. On hearing the rival parties, I find interference of this Court calls for in respect of Sentence Order. Justice will be met if section 360 of Cr PC is invoked in his case since no previous conviction is highlighted. Accordingly, the petitioner is released on probation of good conduct.

7. The petitioner shall be released forthwith.

8. The criminal revision petition is partly allowed.

Order is pronounced in open Court on this 6th day of February, 2017 under my hand and seal of this Court.

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

Memo No. _____/ASJ(A)-II/2017 : Dated Aizawl, the 6th February, 2017

Copy to: -

1. Thangsianmunga through Counsel Shri Lalramhluna, Advocate.
2. The Sessions Judge, Aizawl Judicial District, Aizawl.
3. The District Magistrate, Champhai District.
4. The Chief Judicial Magistrate, Champhai District.
5. The Superintendent of Excise, Champhai District.
6. The Addl. PP, Aizawl.
7. The Superintendent, District Jail, Champhai.
8. i/c G.R. Branch.
9. Registration Section.
10. Guard File.
11. Case Record.
12. Calendar Judgment.

P E S H K A R